

State of Vermont
Department of Environmental Conservation
Waste Management Division
103 South Main Street/West Building
Waterbury, VT 05671-0404
(802) 241-3883
FAX (802) 241-3296
lynda.provencher@state.vt.us

August 29, 2008

OHI (Connecticut), Inc.
9690 Deereco Road
Timonium, MD 21093-6969

RE: Site Management Activity Completed (SMAC) designation for the Haven Health Care Center in Rutland, Vermont (Site #2002-2961)

To Whom It May Concern:

The Sites Management Section (SMS) has received the Notice to the City of Rutland, Vermont Land Records, dated February 24, 2004 for the above referenced property. The SMS has determined the site to be eligible for a Site Management Activity Completed (SMAC) designation.

This determination was based on the following:

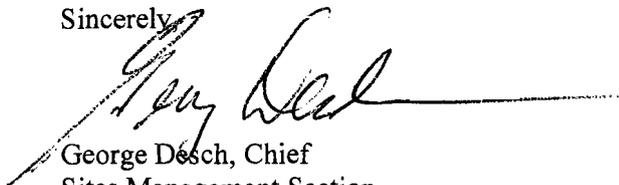
- The likely source of subsurface contamination was either the 8,000 gallon #2 fuel oil underground storage tank which was removed on December 20, 2001, or the abandoned #6 fuel oil tank which was removed on July 8, 2002.
- The 42 yd³ of contaminated soil removed during the December 20th UST removal and the 50 yd³ removed during the July 8th UST removal was properly disposed of at the ESMI thermal destruction facility in Loudon, NH on July 8 and 10, 2002.
- Four groundwater monitoring wells were installed at the site following the UST removals. Laboratory results did not show any evidence of petroleum contamination in excess of method detection limits.
- Due to the lack of overburden groundwater contamination, it was not necessary to sample neighboring drinking water supplies.
- Since all the contaminated soil was not able to be removed due to the presence of a brick chimney, a notice was placed on the land record on February 24, 2004 which documents the presence of petroleum contamination in that area.

Based on the results of the investigation, the site has been assigned a Site Management Activity Completed (SMAC) designation. Sites which the Waste Management Division (WMD) have determined require no further management are given a SMAC designation. The designation does not release OHI (Connecticut), Inc. from any past or future liability which may arise from the petroleum contamination which originated from the former USTs at the 456 Nichols Street property in Rutland, Vermont. The SMAC designation does mean that the SMS is not requiring any additional work be performed at this site in response to the initial contamination.



Please feel free to call either me or Chuck Schwer if you have any questions regarding the above.

Sincerely,

A handwritten signature in black ink, appearing to read "George Desch", with a long horizontal line extending to the right.

George Desch, Chief
Sites Management Section

c: DEC Regional Office
Rutland Selectboard
Elaine Rush, Williams Mullen
Mark Derwent, Doran Derwent, Pllc.

Site Management Activity Completed (SMAC) Checklist

Site Number: 20022961

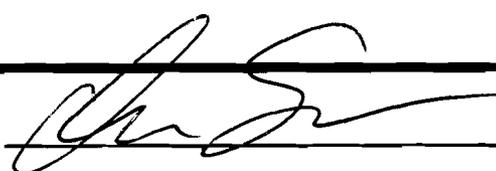
Site Name: Haven Health Care Center in Rutland

Criteria	Yes	No	N/A
1. The source(s), nature and extent has been adequately defined.	X		
2. Source(s) has been removed, remediated or adequately contained.	X		
3. Levels of contaminants shall be stable, falling, or non-detectable as measured over a reasonable period of time.	X		
4. a. Groundwater enforcement standards are met at entire property.			X
b. Groundwater enforcement standards are met at compliance point(s).			X
1. Identify compliance point(s):			X
2. Land record notice for residual contamination?			X
5. a. Soil compliance/exposure points are met...		X	
if not,			
b. engineering or institutional controls are in place.			X
c. Land record notice for residual contamination?	X		
6. No unacceptable threat to human health or the environment exists onsite.	X		
7. Monitoring wells have been properly closed...	X		
Operation/maintenance plan in place?			X
8. Site meets RCRA requirements.			X
9. Site meets CERCLA requirements.			X
10. Outstanding balances paid to satisfaction of WMD?			X

Comments:

No contamination in groundwater; residual soil contamination present so notice was placed on land recorded

Signature: _____



Date: _____

9/3/08

Peter A. Cady, Atty.

8027789898

07/15/08 05:13pm P. 008

Exc. # 2

481530

Notice to the City of Rutland, Vermont Land Records

This is to serve notice to the City of Rutland, Vermont, that at the property known as Haven Health Center located at 46 Nichols Street, localized soil/groundwater in the subsurface is impacted by petroleum (fuel oil) released from an abandoned underground storage tank. This property is identified in city records as Account #18-8511. Further information regarding the property is filed in the Vermont Agency of Natural Resources, Waste Management Division (VTANR, WMD) records as the Haven Health Center property, SMS Site #2002-2961.

On site soil contamination was identified in December 2001 resulting from an abandoned underground storage tank located on the east side of the property near the large brick chimney on site. Laboratory analysis performed on soil samples collected from the vicinity indicated soil contaminant concentrations up to 9,260 parts per million in a soil horizon approximately three to twelve feet below grade. A July 2002 soil removal and disposal effort is believed to have removed the majority of contaminated soil. Subsequent groundwater quality data from this area revealed no measurable impact to the groundwater, however limited soil contamination likely remains in the soil below the brick chimney. Details of the site investigation and soil removal performed on site are outlined in reports that are available at the VTANR, WMD offices in Waterbury, Vermont.

Prior to performing any subsurface work in the vicinity of the brick chimney, the Sites Management Section of the VTANR, WMD must be notified. The land record and status of this site may only be removed, updated, or altered by the VTANR, WMD. For further information contact:

Vermont Agency of Natural Resources
Department of Environmental Conservation
Waste Management Division
Sites Management Section
103 South Main Street / West Building
Waterbury, VT 05671-0404
Tel: (802) 241-3888

Dated this 24th day of February, 2008

Rutland Equitas, LLC
Haven Health Center of Rutland, LLC

By [Signature]
Authorized Representative for Haven HealthCare Management
Raymond S. Termini

CITY OF RUTLAND, RECEIVED FOR RECORD
DATE 2/16/08 TIME 2:10PM
BOOK 481 PAGE 530
[Signature] Notary
pd Haven Health
46 Nichols St

Provencher, Lynda

From: Provencher, Lynda
Sent: Thursday, June 26, 2008 8:08 AM
To: 'mderwent@doranderwent.com'
Subject: RE: notice

Attachments: 1022.Provencher.Scierka.SI.report.review.let.pdf



1022.Provencher.S
cierka.SI.rep...

That is correct. I am also attaching a copy of my October 22, 2003 letter to Anthony Scierka, which outlines what is necessary for achieving a Site Management Activity Completed (SMAC) designation for the site. Please let me know if you have any questions.

Lynda Provencher
Vermont Department of Environmental Conservation Waste Management Division Sites Management Section
(802)241-3883

-----Original Message-----

From: Mark Derwent [mailto:mderwent@doranderwent.com]
Sent: Wednesday, June 25, 2008 1:57 PM
To: Provencher, Lynda
Cc: mderwent@doranderwent.com; 'Booth, Dan': tpickett@omegahealthcare.com; 'Leighton Aiken'
Subject: RE: notice

Linda -

Thank you for the notice. It is very helpful.

As I understand our conversation, if we provide a copy of the recorded notice, then the state can issue a site closure letter. Please let me know if there is anything else that is needed to receive the site closure letter.

Thank you.

Mark Derwent
DORAN DERWENT, PLLC
125 Ottawa Ave., N.W., Suite 420
Grand Rapids, Michigan 49503
DD: (616) 233-9720
Tel: (616) 451-8690
Fax: (616) 451-8697
E-mail: mderwent@doranderwent.com
www.doranderwent.com

----- Original Message -----

From: Provencher, Lynda [mailto:Lynda.Provencher@state.vt.us]
To: mark@derwent.us

Sent: Wed, 25 Jun 2008 12:16:54 -0400
Subject: notice

I managed to quickly scan the memo and notice before I left. Let me know if you need anything else.

Lynda Provencher

Vermont Department of Environmental Conservation

Waste Management Division

Sites Management Section

(802)241-3883

Palmer, Sarah A

From: Palmer, Sarah A
Sent: Monday, November 19, 2007 12:41 PM
To: BRYAN SCHULTZ
Subject: Haven Health Care (SMS Site #2002-2961)

Hi Bryan -

As usual, I am following up on an old(er) unclosed site file; in this instance, the Haven Health Care facility in Rutland. You did some work for them back in 2001-2004. Going through our site file, it appears the only thing keeping it from a SMAC designation is the fact that we never received a signed and dated copy of the Notice to the Land Records that was filed for the property. Is there any chance you have one? I would like to move forward with site closure if at all possible.

Thanks!

~Sarah

Sarah Palmer
VT Dept. of Environmental Conservation
Waste Management Division
103 South Main St., West Building
Waterbury, VT 05671-0404

Phone: (802) 241-3489
Fax: (802) 241-3296

11/19/2007



PHONE LOG

**Lynda Provencher
Sites Management Section
Waste Management Division**

Date: 01/13/04

With: K-D Associates

Phone #: (802)862-7490

RE: notice to land record; Haven Health Care Center, Rutland

Site #: 20022961

I called Bryan Schultz and left a message saying that I needed the signed and dated copy of the notice to the City of Rutland Land Records for the site in order to SMAC it.

