



Executive Office of Environmental Affairs

# Department of Environmental Protection

Metro Boston/Northeast Regional Office

William F. Weld

Governor

Daniel S. Greenbaum

Commissioner

SCANNED

## BUREAU OF WASTE SITE CLEANUP SITE MANAGEMENT BRANCH

### TELEPHONE CONVERSATION NOTES

SITE NAME: FORMER GENERAL ELECTRIC CO.

SITE NUMBER: 3-0518

SITE LOCATION: 50 FORDHAM ROAD, WILMINGTON

DATE: JUNE 30, 1994 TIME: 11:20 AM

FROM: AMY VALJA REPRESENTING: MASS. DEP.

TO: MICHAEL SOMMERVILLE REPRESENTING: CONVERSE, INC.

PEABODY + ARNOLD 951-2100

DISCUSSION: \_\_\_\_\_

- called to see if Converse would like to be involved in the Site & come in under a joint permit (Tier 1A) with the other PRP.

- Mr. Somerville said that Converse would NOT want to be included in this permit. He said that Converse had settled out of court with General Electric for contamination thought to be associated w/ Tank K.

- Mr. Somerville also mentioned that the DEP did not submit a "proof of claim" in association with the Chapter 11 filing in St. Louis by Converse's parent Company.

3-0518  
Wilmington -  
Converse



Commonwealth of Massachusetts  
Executive Office of Environmental Affairs

**Department of  
Environmental Protection**

William F. Weld  
Governor

Daniel S. Greenbaum  
Commissioner

December 18, 1991

Michael F. Sommerville  
Peabody & Arnold  
50 Rowes Wharf  
Boston, MA 02110

Re: GE - Wilmington NEWSC Site No. 3-0518  
Converse, Inc. - Ch. 11 Reorg./Bankr.

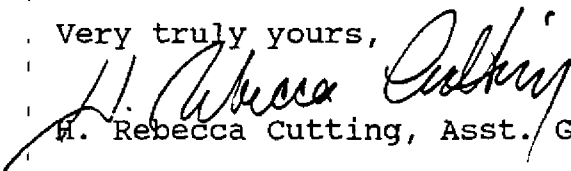
Dear Mr. Sommerville:

As the legal liaison to the Cost Recovery Unit your letter of November 22, 1991, reminding the Unit of your client's Ch. 11 reorganization pursuant to the U.S. Bankruptcy Code was referred to me for response.

First, I thank you for your patience in this matter. We are presently developing procedures for processing such cases in the Unit and I hope you will bear with us as we move toward final resolution. I have asked the Unit to remove Converse, Inc. from our database for future Response Action Cost Demands ("RAC"s) and we will proceed within the limits of the Automatic Stay for our post-petition and future costs.

Should you have any further concerns or questions as to the Bureau of Waste Site Cleanup's response or oversight costs I would appreciate hearing from you directly. Thank you again for your continued assistance.

Very truly yours,

  
H. Rebecca Cutting, Asst. Genl. Counsel

cc: Robert Kalaghan, Chief, Cost Recovery Unit  
Robert Brown, DGC/OGC  
Amy Ferguson, WSC/NERO

*After five days return to:*

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**OFFICE OF GENERAL COUNSEL**  
ONE WINTER STREET  
BOSTON, MASSACHUSETTS 02108

Amy Ferguson  
Nero- Woburn

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE SITE CLEANUP  
POST OFFICE BOX 4062  
BOSTON, MASSACHUSETTS 02106

December 10, 1991

Michael F. Sommerville  
Peabody & Arnold  
50 Rowes Wharf  
Boston, MA 02110

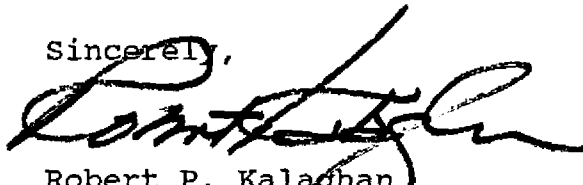
Re: Wilmington - General Electric  
Site Number 3-0518  
Account Number 3-0518/XXXXX-00  
Payment Request No. 91-WSC-100796-A1

Dear Mr. Sommerville:

I am in receipt of your letter dated November 22, 1991, I am sorry, but I am unable to respond at this time because my legal counsel is not presently available. Please be assured that I will follow up with legal counsel within the next two weeks and respond to your letter at that time.

If you have any questions, please feel free to contact Jeanne Iascone on my staff at 617/556-1013, Monday through Friday, between the hours of 8:00 AM and 4:00 PM.

Sincerely,



Robert P. Kalaghan  
Cost Recovery Section Chief  
Bureau of Waste Site Cleanup

cc: R. Brown, OGC  
H. R. Cutting, OGC  
A. Ferguson, NERO

Commonwealth of Massachusetts  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
Bureau of Waste Site Cleanup  
One Winter Street  
Boston, Massachusetts 02108

Amy Ferguson  
NERO

TELEPHONE CONVERSATION NOTES  
MASS DEQE/NERO/DSHM

SITE REFERENCE 6E Wilmington (Converse) DATE 5/13/91

SUBJECT \_\_\_\_\_ TIME 2:15 PM

FROM Amy Ferguson REPRESENTING NEP

TO Michael Somerville REPRESENTING Ryan + Arnold / Converse

DISCUSSION \_\_\_\_\_

- called for update on Converse situation
- M. Somerville received a notice last Friday from Converse's trustee in Bankruptcy in St. Louis. The trustee will not put before the court the request to spend funds on assessment / remediation work. He is charged with "safeguarding" available funds to be given out to creditors so will not put forth a petition to spend more \$. (which is not to say that another party putting forth such a petition would not be heard, according to M. Somerville)
- M. Somerville will send letter to me & to cost recovery in Boston detailing situation

ACTION REQUIRED/REFERRED TO \_\_\_\_\_

TELEPHONE CONVERSATION NOTES  
MAGE DEQE/NERO/DSHV

SITE REFERENCE GE / Converse

DATE 4/3/91

SUBJECT

TIME 10:30 Am

FROM Michael Somerville <sup>calls</sup>

REPRESENTING Pickard + Arnold / Converse

TO Amy Ferguson

REPRESENTING DEP

DISCUSSION

- Michael S. expects trial will be another hearing before the court within the next 30 days. At that time, he expects the request that have submitted for Converse to be allowed to perform assessment / remediation work at 50 Fordham Rd. will be heard.
- ① - Michael S. brought up again the fact that Allied Signal, parent company of Converse Rubber ~~might~~ was responsible for installation of the former gasoline tank. Converse Rubber used the tank for 2 years before Converse Rubber became Converse Inc. Converse Inc. did use the tank for an additional 2 years & did have it removed.
- M. Somerville will let me know as soon as he has any

~~ACTION REQUIRED / REQUIRED TO~~ additional info on case.

Apparently ~~GT~~ is out \$600 for work already done

# PRP Entry/Correction Form

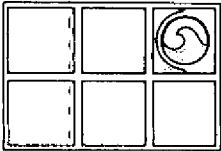
☒ New Entry

☐ Correction

1. Site I.D. 3-0518
2. Site Name GENERAL ELECTRIC
3. Town WILMINGTON
4. Last or Company Name CONVERSE, INC.
5. First Name \_\_\_\_\_
6. Middle Initial \_\_\_\_\_
7. Type of Party (Circle One) CORPORATION INDIVIDUAL PARTNERSHIP TOWN GOVERNMENT  
STATE AGENCY FED. AGENCY REALTY TRUST OTHER UNKNOWN
8. Attention MR. JACK GREEN
9. Title GENERAL COUNSEL FOR CONVERSE, INC.
10. Address Line 1 CONVERSE, INC.
11. Address Line 2 1 FORDHAM ROAD
12. State MA
13. Town ~~WILMINGTON~~ NORTH READING
14. Zip Code 01864
15. Telephone (\_\_\_\_\_) \_\_\_\_\_ Ext. \_\_\_\_\_
16. Relationship..... PRP
17. LTBI NOR Date 1/1
18. Confirmed Disposal Site NOR Date 9/25/90

Signature Amy M. Ferguson Date 2/7/91





# GROUNDWATER TECHNOLOGY, INC.

220 Norwood Park South, Norwood, MA 02062 U.S.A. (617) 769-7600

Telex: 92-8420 Fax: (617) 769-7785

January 11, 1991

Peter Manus, Esquire  
Attorney for Converse, Inc.  
Peabody & Arnold  
50 Rowes Wharf  
Boston, Massachusetts 02110

Subject: Preliminary Investigation of 50 Fordham Road  
Wilmington, Massachusetts

Dear Mr. Manus:

Enclosed are the results of Groundwater Technology Inc.'s preliminary investigation at the above-referenced site. As you may note, the data gathered during this investigation does not confirm General Electric's conclusion that the underground storage tank owned by Converse, Inc. and formerly located at the site ("Tank K") released gasoline to the environment and caused significant damage. Indeed, the results of Groundwater Technology's investigation include the following facts and observations:

- The Wilmington Fire Department informed Groundwater Technology that Tank K appeared sound when excavated and that no contamination was evident in the Tank K excavation. This information is not noted in reports submitted to the Commonwealth of Massachusetts Department of Environmental Protection (DEP) by General Electric's consultants and must be presumed to have been unknown to those consultants. It is highly possible that knowledge of the fire department's position would have caused those consultants to alter their conclusions that Tank K was a potential source of significant purgeable aromatic hydrocarbon contamination at the site.
- Groundwater Technology has been informed by several sources that, in the course of a backhoe operation conducted at the site in the spring of 1990, a quantity of what appeared to be liquid gasoline was observed in the trench being dug.

were field  
sampling  
instruments  
used?

What  
trench?  
between 11/89 +  
11/1/90 Amstar  
had to trench  
in former  
trench and become  
of a problem  
they were having  
with their  
treatment  
plant

This observation is not consistent with the conclusions of General Electric's consultant that Tank K was the probable source of all purgeable aromatic hydrocarbons in the Tank K vicinity. Tank K was removed from the site in 1985 and the appearance of gasoline in a trench at the site indicates that the source or sources responsible for the purgeable aromatic hydrocarbons at the site are still present.

*not necessary*

- In keeping with the possibility that a source or sources other than Tank K are responsible for purgeable aromatic hydrocarbons at the site, we note that the site survey entitled "General Electric Company Et Al. Wilmington, Mass.", which was prepared by G. Hughes of Factory Mutual Engineering Division and is dated December 28, 1971 (copy attached), indicates the presence of a 2,500-gallon tank in the vicinity of the former Tank K location. This tank was overlooked on all figures developed by General Electric's consultants. The fact that this tank has been overlooked indicates that further investigation of the source or sources of purgeable aromatic hydrocarbons at the site is warranted.
- As is underscored by the observations set forth in paragraphs 2 and 3 above, no studies to date have focused on potential sources of purgeable aromatic hydrocarbons at the site other than Tank K. For example, reports reviewed by Groundwater Technology do not document any investigation of storage and use of substances containing purgeable aromatic hydrocarbons at the site by General Electric and Ametek Aerospace Products, Inc. Since both of these entities have used and stored far greater quantities of petroleum products and other hazardous materials at the site than were stored by Converse in Tank K, an investigation of General Electric and Ametek's use and storage of gasoline, or other substances containing purgeable aromatic hydrocarbons, could help in determining whether the purgeable aromatic hydrocarbons in the subsurface are attributable to a source or sources under General Electric or Ametek's control. The site contains drains and pipelines that could serve as preferential pathways for contamination from a source or sources other than Tank K.
- No studies to date have established more than tentatively the direction of groundwater flow in the former location of Tank K, and, therefore, no studies have been able to establish conclusively the probable source(s) and movement of purgeable aromatic hydrocarbons now located at the former location of Tank K and other areas of the site. In addition, in sampling the groundwater assumed to be upgradient of Tank K, no studies to date have utilized EPA-approved test methods. Solid data is necessary before conclusions may be reached regarding the source or sources, and path or paths, of the purgeable aromatic hydrocarbons at the site.



Peter Manus, Esquire  
Peabody & Arnold  
January 11, 1991

3

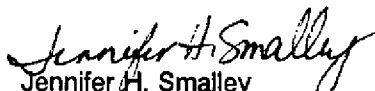
For these reasons, and the others set forth in the attached report, Groundwater Technology recommends further investigation of whether Tank K released gasoline at the site, and of the source or sources of purgeable aromatic hydrocarbons that now exist there. Such investigation would include:


- a study of groundwater flow direction
- the use of EPA-approved test methods to determine whether the hydrocarbons detected in the Tank K area originated in that area
- an investigation of the paths that hydrocarbons could travel both to and from the Tank K area
- an investigation of General Electric and Ametek to determine whether other, more probable sources of purgeable aromatic hydrocarbons exist

Groundwater Technology is prepared to complete a detailed work proposal to conduct the investigation outlined above. Please contact us at your earliest convenience to discuss the enclosed report or this letter. We look forward to receiving your comments.

Sincerely,

GROUNDWATER TECHNOLOGY, INC.

  
Jennifer H. Smalley  
Environmental Scientist

  
Daniel M. Lanier  
Senior Environmental Scientist  
Project Manager

JHS/jhl/dml  
SJ13.47  
Enclosure



GROUNDWATER  
TECHNOLOGY, INC.



PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 855127

TELECOPIER 951-2125

TELEPHONE (617) 951-2100

IN PROVIDENCE

ONE HOSPITAL TRUST PLAZA, SUITE 1900

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 273-8672

January 14, 1991

VIA FEDERAL EXPRESS

Ms. Amy M. Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

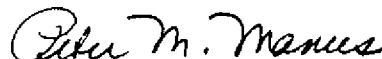
RE: Site Number 3-0518  
Fordham Road, Wilmington, MA

Dear Ms. Ferguson:

Enclosed please find a copy of the report produced by Groundwater Technology that details its investigation of Tank K as a potential source of purgeable aromatic hydrocarbons in the soil and groundwater at the Fordham Road site. I hope to receive Groundwater Technology's detailed proposal for recommended further investigation in the near future, and will contact you when I do.

I look forward to talking with you if you have questions or comments after you have had a chance to review the enclosed.

Sincerely,



Peter M. Manus

Enclosures

cc: Jack Green, Esquire

Michael F. Sommerville, Esquire

PMM/145

~~7/1/91~~  
1/9/91

Bill Sweetland SPARKING SPORTS

Went to by CONVERSE OF N. READING

(518) - 773 - 2255

3-0516 FORDHAM RD

Mr. Sweetland called requesting information on the Converse property on Fordham Road. Sparking is planning to buy the property & Mr. Sweetland is doing some preliminary questioning about the condition of the property. He expects the bank will require some assessment work on property prior to loaning the \$.~~500k~~. He will submit info. to me regardless of results if it goes through.

TELEPHONE CONVERSATION NOTES  
MASS DEQE/NERO/DSHM

SITE REFERENCE 50 Forham Rd DATE 1/2/91  
SUBJECT \_\_\_\_\_ TIME 2:45 PM  
FROM Amy Ferguson REPRESENTING DEP  
TO Peter Mannes REPRESENTING Converse

DISCUSSION

- AF called to find out if GTI had issued the report regarding to former gas UST at 50 Forham Road.
- Draft report was sent to P. Mannes who sent report back with clarifications. Final report is due from GTI to P. Mannes this week. Either he or Converse will submit copy to me. I can expect report within 2 weeks (by 1/16/91)

ACTION REQUIRED/REFERRED TO

PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 855127

TELECOPIER 951-2125

TELEPHONE (617) 951-2100

IN PROVIDENCE

ONE HOSPITAL TRUST PLAZA, SUITE 1900

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 273-8672

November 21, 1990

Ms. Amy M. Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

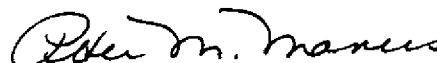
RE: DEP Case No. 3-0518  
Location: 50 Fordham Road, Wilmington, MA

Dear Ms. Ferguson:

This letter responds to your November 20 request for a status report regarding Converse's activities in connection with the above-referenced site. As we discussed, Converse has engaged Groundwater Technology, Inc. ("GTI") to conduct an investigation of the area of the site where a gasoline tank owned by Converse was located from 1975 until 1985. GTI has reviewed state and fire department records and has visited the site and obtained groundwater samples from an existing monitoring well near the former tank location. Depending on laboratory turn-around time, GTI expects to receive laboratory data as early as November 26, and expects to issue a report of its findings by the first week of December. I will inform you when I obtain a copy of the report.

Please let me know if I can provide you with further information pending the issuance of the GTI report. My direct telephone number is (617) 951-2035.

Sincerely,



Peter M. Manus

cc: Jack Green, Esquire  
Laura A. Williams, Esquire  
Michael F. Sommerville, Esquire

PMM/102

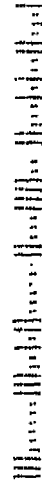


PMM

PEABODY & ARNOLD  
50 ROWES WHARF  
BOSTON, MASSACHUSETTS 02110



Ms. Amy M. Ferguson  
The Commonwealth of  
Massachusetts  
Department of Environmental  
Protection  
5 Commonwealth Avenue  
Woburn, MA 01801



TELEPHONE CONVERSATION NOTES  
MASS DEQE/NERO/DSHW

SITE REFERENCE 50 Forham Rd.

DATE 11/20/90

SUBJECT Converse Ph. I.

TIME 2:00 PM

FROM Amy Ferguson

REPRESENTING

ADP

TO Peter Manos

REPRESENTING

Reardon & Arnold /  
Converse

DISCUSSION

- called to find out status of Ph. I. work by GTI on behalf of Converse at 50 Forham Rd.
- According to Mr. Manos, GTI has done some historical work AND some Ph. I. sampling. They should be sending info to Manos shortly.
- Mr. Manos agreed to get a schedule from them as to when info would be available. He will send this to me within the next few days.

ACTION REQUIRED/REFERRED TO

# PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 855127

TELECOPIER 951-2125

TELEPHONE (617) 951-2100

IN PROVIDENCE

ONE HOSPITAL TRUST PLAZA, SUITE 1900

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 273-8672

October 12, 1990

Ms. Amy M. Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

Re: DEP Case No. 3-0518

Location: 50 Fordham Road, Wilmington, MA

Dear Ms. Ferguson:

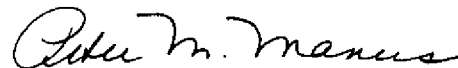
This letter responds to the Department of Environmental Protection ("DEP") Notice of Responsibility ("NOR") dated September 25, 1990 and regarding petroleum hydrocarbon impacted groundwater at 50 Fordham Road, Wilmington, MA (the "Site"). The NOR suggests that Converse, Inc. explore the possibility of working in conjunction with General Electric Company ("GE") to perform activities at the Site deemed necessary by DEP. The NOR also states that additional assessment activities will be necessary to characterize the extent of petroleum hydrocarbons in the area of the former Converse underground gasoline storage tank.

As a preliminary step toward the suggested cooperative effort, and in response to the need for further investigation, Converse has engaged Groundwater Technology, Inc., an environmental consulting firm ("GTI") which specializes in soil and groundwater remediation. Converse has requested that GTI prepare a Phase I Scope of Work that will include assessment activities to characterize the nature and extent of petroleum hydrocarbons in the area of the former underground gasoline storage tank. The need for an Interim Measure to address petroleum hydrocarbons in soil and groundwater at the Site will be determined by performing assessment activities. Converse will notify GE if any proposed Interim Measure developed by GTI could be incorporated into the design of Interim Measures undertaken to remediate oil and groundwater impacted by GE.

PEABODY & ARNOLD  
Ms. Amy M. Ferguson  
October 12, 1990  
Page 2

We will forward a copy of the GTI Phase I Scope of Work to your attention when we receive it from GTI. If you have any questions about the above-stated matters or would like to discuss these issues further, please do not hesitate to contact me or Michael Sommerville of this office. My direct telephone number is (617) 951-2035.

Sincerely,



Peter M. Manus

64/PMM:jhb

cc: Jack Green, Esquire  
Laura Williams, Esquire  
Michael F. Sommerville, Esquire

1066/1960  
 OCT 13 1960  
 BOSTON, MA 02110  
 OCT 11 1960  
 BOSTON, MA 02110  
 1066/1960

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840.

**Peabody & Arnold**

50 Rowes Wharf  
Boston, MA 02210  
(617) 951-2100

## Telecopy Cover Sheet

To: Name: Amy M. Ferguson  
Company: Dept. of Environ. Protection  
Phone #: 935-2160  
Telecopy #: 935-6393

From: Name: Peter Manus ID #: \_\_\_\_\_  
Sender's Phone #: 951-20385  
Phone # for Transmission Problems: (617) 951-2100 ext 5042  
Telecopy #: (617) 951-2125

Number of Pages Sent: 3 (including cover)

Date Sent: 10-12

Time Sent: 4:30

Client/Matter Number: 4114 - 29601

Comments: A hard copy of this letter is being  
sent to Mr. Ferguson simultaneously  
with this telecopy.

**PEABODY & ARNOLD****COUNSELLORS AT LAW****50 ROWES WHARF****BOSTON, MASSACHUSETTS 02110**

TELEX 855127

TELEPHONE (617) 951-2100

IN PROVIDENCE

TELECOPIER 951-2125

ONE HOSPITAL TRUST PLAZA, SUITE 1900

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 873-8878

October 12, 1990

Ms. Amy M. Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

Re: DEP Case No. 3-0518  
Location: 50 Fordham Road, Wilmington, MA

Dear Ms. Ferguson:

This letter responds to the Department of Environmental Protection ("DEP") Notice of Responsibility ("NOR") dated September 25, 1990 and regarding petroleum hydrocarbon impacted groundwater at 50 Fordham Road, Wilmington, MA (the "Site"). The NOR suggests that Converse, Inc. explore the possibility of working in conjunction with General Electric Company ("GE") to perform activities at the Site deemed necessary by DEP. The NOR also states that additional assessment activities will be necessary to characterize the extent of petroleum hydrocarbons in the area of the former Converse underground gasoline storage tank.

As a preliminary step toward the suggested cooperative effort, and in response to the need for further investigation, Converse has engaged Groundwater Technology, Inc., an environmental consulting firm ("GTI") which specializes in soil and groundwater remediation. Converse has requested that GTI prepare a Phase I Scope of Work that will include assessment activities to characterize the nature and extent of petroleum hydrocarbons in the area of the former underground gasoline storage tank. The need for an Interim Measure to address petroleum hydrocarbons in soil and groundwater at the Site will be determined by performing assessment activities. Converse will notify GE if any proposed Interim Measure developed by GTI could be incorporated into the design of Interim Measures undertaken to remediate oil and groundwater impacted by GE.

PEABODY & ARNOLD  
Ms. Amy M. Ferguson  
October 12, 1990  
Page 2

We will forward a copy of the GTI Phase I Scope of Work to your attention when we receive it from GTI. If you have any questions about the above-stated matters or would like to discuss these issues further, please do not hesitate to contact me or Michael Sommerville of this office. My direct telephone number is (617) 951-2035.

Sincerely,



Peter M. Manus

64/PMM:jhb

cc: Jack Green, Esquire  
Laura Williams, Esquire  
Michael F. Sommerville, Esquire



PEABODY & ARNOLD  
COUNSELLORS AT LAW  
50 ROWES WHARF  
BOSTON, MASSACHUSETTS 02110

TELEX 855127  
TELECOMPTER 951-2125

TELEPHONE (617) 951-2100

DIVISION  
MAY - 9 1991  
HAZARDOUS WASTE

DIRECT DIAL NUMBER  
(617) 951-2049

May 8, 1991

Ms. Jeanne Iascone  
Department of Environmental Protection  
Bureau of Waste Site Clean Up  
One Winter Street  
5th Floor Annex  
Boston, MA 02108

Re: Site No.: 3-0518  
General Electric, Fordham Road, Wilmington, MA, 01887

Dear Ms. Iascone:

As we discussed in our telephone conversation on May 3, Peabody & Arnold represents Converse Inc. regarding the above-captioned matter. Converse Inc. denies any responsibility for the contamination at the above-referenced hazardous waste site. More importantly, Converse Inc. filed for Reorganization under the United States Bankruptcy Code on January 25, 1991. Converse Inc.'s reorganization is pending in the United States Bankruptcy Court, Eastern District of Missouri, Eastern Division, St. Louis, Missouri.

Subsequent to the filing for reorganization, an Automatic Stay was issued which stayed, enjoined, and prohibited all persons and governmental units, whether of the United States, any state or locality therein, or any territory or possession thereof, from commencing or continuing any judicial, administrative, or other proceeding against the debtor that was or could have been commenced before the commencement of the debtor's Chapter 11 cases.

You will find enclosed a copy of the Order. You will also find enclosed a copy of the Order for Meeting of Creditors and Equity Security Holders Combined With Notice Thereof and of Automatic Stay.

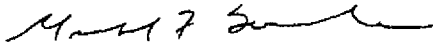
I am sorry you were not previously notified of this; however, Amy Ferguson was advised of this and provided copies of the enclosed documents on February 27, 1991. In light of Converse Inc.'s reorganization and the Stay Order, it is inappropriate for Converse Inc. to consider any settlement of the claim which the Department of Environmental Protection has made against Converse

PEABODY & ARNOLD  
Ms. Jeanne Iascone  
May 8, 1991  
Page 2

Inc. for costs which the Department of Environmental Protection has incurred because of any response actions it has taken. If you wish to pursue this claim, it is appropriate for you to do so in the United States Bankruptcy Court, Eastern District of Missouri, Eastern Division.

If you have any questions regarding this, please do not hesitate to contact me.

Yours very truly,

  
Michael F. Sommerville

MFS/ja:1505  
Enclosures  
cc: Laura Williams, Esq.

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                             |                                 |
|-----------------------------|---------------------------------|
| In Re:                      | In Proceedings Under Chapter 11 |
| INTERCO INCORPORATED,       | Case No. 91-00442-BKC-JJB       |
| INTERCO SUBSIDIARY, INC.    | Case No. 91-00443-BKC-JJB       |
| ABE SCHRADER CORPORATION,   | Case No. 91-00444-BKC-JJB       |
| BOWEN SHOE COMPANY, INC.,   | Case No. 91-00445-BKC-JJB       |
| BROYHILL FURNITURE          | Case No. 91-00446-BKC-JJB       |
| INDUSTRIES, INC.,           |                                 |
| BROYHILL TRANSPORT, INC.    | Case No. 91-00447-BKC-JJB       |
| BROYHILL CONTRACT, INC.,    | Case No. 91-00448-BKC-JJB       |
| HIGHLAND HOUSE, INC.,       | Case No. 91-00449-BKC-JJB       |
| RIDGEWOOD FURNITURE, INC.   | Case No. 91-00450-BKC-JJB       |
| CONVERSE, INC.,             | Case No. 91-00451-BKC-JJB       |
| CONVERSE DE PUERTO RICO,    | Case No. 91-00452-BKC-JJB       |
| INC.,                       |                                 |
| CONVERSE EMEA, LTD.,        | Case No. 91-00453-BKC-JJB       |
| CONVERSE STAR I, INC.,      | Case No. 91-00454-BKC-JJB       |
| CONVERSE STAR II, INC.,     | Case No. 91-00455-BKC-JJB       |
| CONVERSE TRADING COMPANY,   | Case No. 91-00456-BKC-JJB       |
| DELMAR SPORTSWEAR, INC.,    | Case No. 91-00457-BKC-JJB       |
| FACTORY OUTLET COMPANY,     | Case No. 91-00458-BKC-JJB       |
| THE FLORSHEIM SHOE STORE    | Case No. 91-00459-BKC-JJB       |
| COMPANY-MIDWEST,            |                                 |
| THE FLORSHEIM SHOE STORE    | Case No. 91-00460-BKC-JJB       |
| COMPANY-NORTHEAST,          |                                 |
| THE FLORSHEIM SHOE STORE    | Case No. 91-00461-BKC-JJB       |
| COMPANY-SOUTH,              |                                 |
| THE FLORSHEIM SHOE STORE    | Case No. 91-00462-BKC-JJB       |
| COMPANY-WEST,               |                                 |
| HY-TEST, INC.,              | Case No. 91-00463-BKC-JJB       |
| L. J. O'NEILL SHOE COMPANY, | Case No. 91-00464-BKC-JJB       |
| THE LANE COMPANY,           | Case No. 91-00465-BKC-JJB       |
| INCORPORATED                |                                 |
| LANE ADVERTISING, INC.,     | Case No. 91-00466-BKC-JJB       |
| ACTION INDUSTRIES, INC.,    | Case No. 91-00467-BKC-JJB       |
| LEASE MANAGEMENT, INC.,     | Case No. 91-00468-BKC-JJB       |
| ANDES HOLDINGS, INC.,       | Case No. 91-00469-BKC-JJB       |
| (f/k/a PATRIOT INVESTMENT   |                                 |
| COMPANY),                   |                                 |
| SKY CITY STORES, INC.,      | Case No. 91-00470-BKC-JJB       |
| SENACK SHOES, INC.,         | Case No. 91-00471-BKC-JJB       |
| SENACK SHOES OF             | Case No. 91-00472-BKC-JJB       |
| CONNECTICUT, INC.,          |                                 |
| Debtors.                    |                                 |

ORDER AUTHORIZING DEBTORS TO OPERATE  
THEIR BUSINESSES IN THE ORDINARY COURSE AND  
ORDERING IMPLEMENTATION OF THE AUTOMATIC STAY

This matter is before the Court on the Motion for Order Authorizing Debtors to Operate Their Businesses in the Ordinary Course and Ordering Implementation of the Automatic Stay filed by the above-captioned Debtors and Debtors-in-Possession (the "Debtors") on January 23, 1991, requesting that this Court authorize the Debtors to continue operating their businesses in the ordinary course; and Debtors having filed, and this Court having accepted, petitions for reorganization under the United States Bankruptcy Code; and Debtors having continued in possession and operation of their estates as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code; and this Court having exclusive jurisdiction over all property of the Debtors, wherever located, whether in the United States, its possessions and territories or in any foreign country, pursuant to 28 U.S.C §1334, 157 and this Court having the authority to issue, pursuant to Section 105 of the Bankruptcy Code any order, process or judgment as may be necessary or appropriate to carry out the provisions of Chapter 11 of the Bankruptcy Code; and the Debtors being entitled to protection pursuant to Sections 362 and 366 of the Bankruptcy Code; and it appearing that no other notice need be given; sufficient cause appearing therefor, it is

HEREBY ORDERED, ADJUDGED AND DECREED THAT

A. The Debtors be and hereby are authorized, subject to the provisions of the Bankruptcy Code, to operate their

businesses and manage their properties in the ordinary course and maintain all business relationships incident thereto and to enter into all transactions that they could have entered into in the ordinary course of business had there been no bankruptcy filings.

B. All outstanding powers of attorney executed by any Debtor pre-petition remain in full force and effect subject to the terms that governed them prior to the Debtors' bankruptcy filings.

C. All persons (including individuals, partnerships, corporations, other entities and all those acting on their behalf) and governmental units, whether of the United States, any state or locality therein or any territory or possession thereof, or any foreign country (including any division, department, agency, instrumentality or service thereof and all those acting on their behalf), whether or not having received a copy of this Order, be and each of them hereby is stayed, enjoined and prohibited from:

1. Commencing or continuing (including the issuance or employment of process) any judicial, administrative or other proceeding against the Debtors that was or could have been commenced before the commencement of the Debtors' Chapter 11 cases or recovering a claim against the Debtors that arose before the commencement of the Chapter 11 cases;
2. Enforcing, against the Debtors or against property of their estates, a judgment or order obtained before the commencement of the Chapter 11 cases;

3. Taking any act to obtain possession of property of the Debtors' estates or property from the estates or to exercise control over property of the estates or to interfere in any way with the conduct by the Debtors of their businesses;
4. Taking any act to create, perfect or enforce any lien against property of the Debtors' estates;
5. Taking any act to create, perfect or enforce against property of the Debtors, any lien to the extent that such lien secures a claim that arose before the commencement of the Chapter 11 cases;
6. Taking any act to collect, assess or recover a claim against the Debtors that arose before the commencement of the Chapter 11 cases;
7. Offsetting any debt owing to the Debtors that arose before the commencement of the Chapter 11 cases against any claim against Debtors; and
8. Commencing or continuing any proceeding before the United States Tax Court concerning the Debtors, subject to the provisions of §362(b).

D. All governmental or quasi-governmental units

(whether of the United States, any state or locality therein or any territory or possession thereof, or any foreign country), their respective divisions, departments, agencies, instrumentalities and services, and all authorities and all those acting for or on their behalf, including sheriffs, marshalls, constables and other or similar enforcement officers and officials, be and each of them hereby is stayed from in any way seizing, attaching, foreclosing upon, taking possession or custody of, levying against or in any other way interfering with any and all of the property of the Debtors or of the estates wherever located.

E. All entities be and each of them hereby is stayed from terminating, cancelling or modifying any and all executory contracts, including but not limited to insurance policies, surety bonds, custom bonds and licenses, to which any Debtor is a party or signator notwithstanding any provision or provisions in such executory contract that same may be terminated or modified (i) upon the insolvency or financial condition of such Debtor or any other Debtor; (ii) upon the filing by such Debtor of a petition for reorganization under Chapter 11 of the Bankruptcy Code; (iii) upon the cessation of such Debtor's or any other Debtor's operations; or (iv) at will or on the expiration from time to time of any period of time (such as on a month-to-month basis).

F. All entities be and each of them hereby is stayed from terminating any and all leases to which any Debtor is a party or signator notwithstanding any provision or provisions in such leases that same may be terminated or modified (i) upon the insolvency or financial condition of such Debtor or any other Debtor; (ii) upon the filing by such Debtor of a petition for reorganization under Chapter 11 of the Bankruptcy Code; (iii) upon the cessation of such Debtor's or any other Debtor's operations; or (iv) at will or on the expiration from time to time of any period of time (such as on a month-to-month basis).

G. Nothing contained herein contained shall constitute an assumption or adoption by the Debtors of any executory contract or lease.

H. On request of a party-in-interest, and after notice and a hearing, this Court may grant relief from the restraints imposed herein in the event that it is necessary, appropriate and warranted to so terminate, annul, modify or condition the relief granted herein.

Dated: St. Louis, Missouri  
January 25, 1991

  
UNITED STATES BANKRUPTCY JUDGE



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| In Re:                      | ) | In Proceedings Under Chapter 11 |
|                             | ) |                                 |
| INTERCO INCORPORATED,       | ) | Case No. 491-00442-172          |
| INTERCO SUBSIDIARY, INC.    | ) | Case No. 491-00443-172          |
| ABE SCHRADER CORPORATION,   | ) | Case No. 491-00444-172          |
| BOWEN SHOE COMPANY, INC.,   | ) | Case No. 491-00445-172          |
| BROYHILL FURNITURE          | ) | Case No. 491-00446-172          |
| INDUSTRIES, INC.,           | ) |                                 |
| BROYHILL TRANSPORT, INC.    | ) | Case No. 491-00447-172          |
| BROYHILL CONTRACT, INC.,    | ) | Case No. 491-00448-172          |
| HIGHLAND HOUSE, INC.,       | ) | Case No. 491-00449-172          |
| RIDGEWOOD FURNITURE, INC.   | ) | Case No. 491-00450-172          |
| CONVERSE, INC.,             | ) | Case No. 491-00451-172          |
| CONVERSE DE PUERTO RICO,    | ) | Case No. 491-00452-172          |
| INC.,                       | ) |                                 |
| CONVERSE EMEA, LTD.,        | ) | Case No. 491-00453-172          |
| CONVERSE STAR I, INC.,      | ) | Case No. 491-00454-172          |
| CONVERSE STAR II, INC.,     | ) | Case No. 491-00455-172          |
| CONVERSE TRADING COMPANY,   | ) | Case No. 491-00456-172          |
| DELMAR SPORTSWEAR, INC.,    | ) | Case No. 491-00457-172          |
| FACTORY OUTLET COMPANY,     | ) | Case No. 491-00458-172          |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00459-172          |
| COMPANY-MIDWEST,            | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00460-172          |
| COMPANY-NORTHEAST,          | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00461-172          |
| COMPANY-SOUTH,              | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00462-172          |
| COMPANY-WEST,               | ) |                                 |
| HY-TEST, INC.,              | ) | Case No. 491-00463-172          |
| L. J. O'NEILL SHOE COMPANY, | ) | Case No. 491-00464-172          |
| THE LANE COMPANY,           | ) | Case No. 491-00465-172          |
| INCORPORATED                | ) |                                 |
| LANE ADVERTISING, INC.,     | ) | Case No. 491-00466-172          |
| ACTION INDUSTRIES, INC.,    | ) | Case No. 491-00467-172          |
| LEASE MANAGEMENT, INC.,     | ) | Case No. 491-00468-172          |
| ANDES HOLDINGS, INC.,       | ) | Case No. 491-00469-172          |
| (f/k/a PATRIOT INVESTMENT   | ) |                                 |
| COMPANY),                   | ) |                                 |
| SKY CITY STORES, INC.,      | ) | Case No. 491-00470-172          |
| SENACK SHOES, INC.,         | ) | Case No. 491-00471-172          |
| SENACK SHOES OF             | ) | Case No. 491-00472-172          |
| CONNECTICUT, INC.,          | ) |                                 |
|                             | ) | Honorable James J. Barta        |
| Debtors.                    | ) | United States Bankruptcy Judge  |

**ORDER FOR MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS  
COMBINED WITH NOTICE THEREOF AND OF AUTOMATIC STAY**

An order for relief under Chapter 11 of the Bankruptcy Code having been entered on petitions filed by the above named debtors on January 24, 1991, it is ordered, and notice is hereby given, that:

A meeting of creditors and equity security holders pursuant to 11 U.S.C. §341(a) and (b) has been scheduled for the 4th day of March, 1991, at 10:00 o'clock a.m. at The Marriott Pavilion, Hawthorne Rooms 2-4, One Broadway, St. Louis, Missouri 63102. The Debtors' representatives shall appear in person at that time and place for the purpose of being examined. A corporate debtor must appear by its president or other executive officer; a partnership debtor must appear by a general partner.

The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice. Attendance by creditors or equity security holders is welcomed but not required. At the meeting the creditors may examine the debtor, and transact such other business as may properly come before the meeting. As a result of the filing of the petitions, certain acts and proceedings against the debtors and their property are stayed as provided in 11 U.S.C. §362(a). The debtors have filed a list of creditors and equity security holders (except for INTERCO, Incorporated) pursuant to Rule 1007. The equity security holders and the employees shall be notified by publication.

Pending further Order of the Court establishing a procedure for filing of Proofs of Claim, No Proofs of Claim shall be filed with the Court at this time. Creditors will be notified of the last day for filing Proofs of Claim at which time they will be filed with the Clerk of the United States Bankruptcy Court at P.O. Box #1086, St. Louis, Missouri 63188-1086.

For copies of any Court pleadings or documents, contact Legal One, 611 Olive Street, Suite 2179, St. Louis, Missouri 63101, (314)241-6565.

FOR §341 MEETING INFORMATION ONLY, CONTACT NEIL WEINTRAUB, ATTORNEY FOR THE U.S. TRUSTEE, OLD POST OFFICE BUILDING, 815 OLIVE STREET, ST. LOUIS, MISSOURI 63101, (314) 539-2976.

Dated: February 6, 1991

For the Court:

Carol Ann Robinson  
Clerk of the U.S. Bankruptcy Court

Gregory D. Willard, Esq.  
Lloyd A. Palans, Esq.  
John G. Boyle, Esq.  
Carl J. Spector, Esq.  
Bryan, Cave, McPheeters & McRoberts  
Suite 2000-INT  
500 North Broadway  
St. Louis, Missouri 63102

Attorneys for Debtors and  
Debtors-in-Possession

290 093 565

**RECEIPT FOR CERTIFIED MAIL**

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

(See Reverse)

U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

|   |    |
|---|----|
| Sent to <i>Penness, June</i>                                  |    |
| Street and No.  |    |
| P.O., State and ZIP Code                                      |    |
| Postage   | \$ |
| Certified Fee   |    |
| Special Delivery Fee  |    |
| Restricted Delivery Fee                                       |    |
| Return Receipt showing to whom and Date Delivered             |    |
| Return Receipt showing to whom, Date, and Address of Delivery |    |
| TOTAL Postage and Fees  | \$ |
| Postmark or Date  |    |
| <i>3/14 A.F.</i>  |    |



*The Commonwealth of Massachusetts*  
*Department of Environmental Protection*

*Metropolitan Boston - Northeast Region*

*5 Commonwealth Avenue*

*Woburn, Massachusetts 01801*

Daniel S. Greenbaum  
Commissioner

March 14, 1991

Converse, Inc.  
c/o Peabody & Arnold  
50 Rowes Wharf  
Boston, MA 02110

RE: WILMINGTON -  
50 Fordham Road  
DEP Case #3-0518  
Response to  
2/27/91 letter

Attention: Mr. Peter Manus

Dear Mr. Manus:

The Department of Environmental Protection (the Department) is in receipt of your February 27, 1991 letter regarding the removal of former Tank K from the above-referenced site. Former Tank K was an underground storage tank used to store gasoline on the subject property. The tank was installed, used and removed by Converse, Inc. during occupancy of a portion of the 50 Fordham Road site. Gasoline constituents have been detected in soil gas and groundwater samples collected in the immediate vicinity of former Tank K.

The Department has reviewed the affidavits from employees of the Wilmington Fire Department and Suburban Construction Company who were present at the time Tank K was removed. The affidavits indicate that there was no visual or olfactory evidence of contamination in the tank excavation, and that the tank appeared to be sound. However, soil and groundwater from the excavation were apparently not screened on-site for evidence of possible contamination, and no samples were submitted for laboratory analysis.

Despite your request that the Notice of Responsibility to Converse, Inc. be withdrawn as a result of information contained in your February 27, 1991 letter and the attached affidavits, the Department continues to maintain that Converse, Inc. is a Potentially Responsible Party (PRP) for the gasoline contamination in the vicinity of former Tank K for the following reasons:

1. Gasoline contaminated soil and groundwater have been detected where Tank K was formerly located,

2. There is no analytical data to support the visual and olfactory observations of the Wilmington Fire Department and tank removal contractor,
3. Even though the underground tank reportedly appeared sound, underground piping from the tank may have leaked, and
4. Former Tank K and its associated piping are the only currently known potential sources of gasoline contamination near the northeast corner of Building Number 2 on the 50 Fordham Road property.

Since the Department continues to consider Converse, Inc. a PRP for petroleum contamination in the former Tank K area, the "Requisite Site Actions" in the Department's September 25, 1990 Notice of Responsibility (NOR) to Converse, Inc. and the "Required Actions" detailed in the Department's February 8, 1990 letter to Converse, Inc. are still necessary. You have indicated in your letter that delays in submission of requested information are inevitable due to the bankruptcy filing by Converse, Inc.'s parent corporation, Interco, Inc. As a result, please provide to the Department a schedule estimating when the information previously requested can be submitted. If deadlines given in the schedule cannot be met, a written request for an extension must be submitted prior to the deadline. Please provide this schedule to the Department by April 4, 1991.

If you have any questions concerning this letter, please contact Amy Ferguson at the letterhead address or (617) 935-2160.

Very truly yours,

*Amy M. Ferguson*

Amy M. Ferguson  
Environmental Analyst

*Stephen M. Johnson*

Stephen M. Johnson  
Acting Chief  
Site Management Branch

cc: Jim Persky, DWS/NERO  
DEP/WSC, 1 Winter St., Boston, MA 02108  
BOH, 121 Glen Road, Wilmington, MA 01887  
BOH, 16 Lowell Street, Reading, MA 01867  
BOH, Town Hall, Room 6, N. Reading, MA 01864  
DPW, Town Hall, Reading, MA 01867, Attn: Mr. Anthony Fletcher

PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 855127

TELEPHONE (617) 951-2100

TELECOPIER 951-2125

DIRECT DIAL NUMBER

February 27, 1991

Ms. Amy Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

Re: Site Number 3-0518  
Fordham Road, Wilmington, MA

Dear Ms. Ferguson:

On January 14, 1991, I forwarded to your attention a report and letter produced by Groundwater Technology, Inc. ("GTI") detailing GTI's investigation of the above-referenced site to determine the likelihood that an underground storage tank formerly located at the site ("Tank K") had contributed to the present mix of contamination there. As you will recall, GTI concluded that a number of factors indicated that Tank K had not contributed to the site's contamination, including but not limited to the fact that both the Deputy Fire Chief of the Wilmington Fire Department and the contractor who had removed the tank from the ground stated to GTI personnel that the tank had proven to be sound upon its excavation, and that neither soil nor water in the excavation pit had given any indication that Tank K had ever leaked.

Enclosed please find copies of signed affidavits from Daniel Stewart, Deputy Chief of the Wilmington Fire Department, and Steven Decker of Suburban Construction Company. These two individuals were present at the excavation of Tank K as the overseeing representative from the Fire Department and the contractor in charge of removing and arranging for the disposal of the tank. Both gentlemen have provided these affidavits to confirm in writing their stated observations of the state of Tank K and its environment at the time of its removal.

The statements of Messrs. Stewart and Decker provide the only clear, undisputable information concerning the question of

Ms. Amy Ferguson  
February 27, 1991  
Page 2

whether Tank K ever leaked. As GTI concludes from its preliminary study, and as you recognize in your letter of February 8, 1991, a full-scale inquiry would be necessary before it could be determined whether any contamination at the site emanated from the area where Tank K was formerly located. Even then, it would be impossible to determine whether such contamination originated from Tank K or from a number of other potential sources, as the site has been the location of many fuel storage facilities owned and operated by General Electric and others that have been in far more active use than Tank K ever was. Certainly the investigation carried out by General Electric's consultant cannot be relied upon as a thorough analysis. Indeed, had General Electric's consultant simply contacted the persons present at Tank K's excavation, who were both easily located by GTI personnel, General Electric's own consultant may well have concluded that the only solid data available indicated that Tank K did not contribute to the contamination at the site, in which case Converse Inc. may have never received its NOR.

In light of the statements issued by Messrs. Stewart and Decker, and the fact that nothing in data developed by any consultant to date contradicts those statements or otherwise indicates that they are unreliable, Converse Inc. respectfully requests that the Massachusetts Department of Environmental Protection withdraw its Notice of Responsibility at this time. After its analysis, Converse Inc. is convinced that nothing about Tank K's brief history at the site indicates that it is a potential source of the contamination existing there, and that General Electric's activities at the site amply account for the presence of purgeable aromatic hydrocarbons in the site's environment, along with the mix of other contaminants that General Electric has been found to have released there.

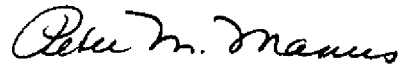
In response to your request that Converse Inc. alert you to causes for delay in its meeting the deadline set forth in your February 8 letter, Converse Inc. alerts you to the fact that Interco, Inc., the parent corporation of which Converse Inc. is the wholly-owned subsidiary, has recently filed a petition in federal bankruptcy court in St. Louis, Missouri under Chapter 11 of the Federal Bankruptcy Act. This filing has forced the immediate cessation of all activities by GTI on behalf of Converse Inc. Any further expenditures by Converse Inc. in connection with the Fordham Road site requires permission from that court. Delays in that process are inevitable.

PEABODY & ARNOLD

Ms. Amy Ferguson  
February 27, 1991  
Page 3

Converse Inc. looks forward to receiving your decision regarding its status in connection with the site.

Sincerely,

A handwritten signature in cursive script, reading "Peter M. Manus".

Peter M. Manus

Enclosures

cc: Jack Green, Esquire  
Michael Sommeville, Esquire

PMM/175



AFFIDAVIT OF DANIEL STEWART

I, Daniel R. Stewart, having an address of 10 ALDRICH RD  
WILMINGTON MASS, make the  
following statements to the best of my belief and knowledge.

1. I serve as Deputy Fire Chief for the Town of  
Wilmington Fire Department, and have served in that position  
since 1984. I have conducted numerous inspections of  
underground storage tanks in connection with the excavation of  
the tanks, and have inspected the pits from which such tanks  
have been excavated.


2. I was present in an official capacity at 55 Fordham  
Road, Wilmington, on May 15, 1985 in order to witness the  
excavation and removal from the ground of a 5,000 gallon  
underground storage tank owned by Converse, Inc.

3. I witnessed the removal by Suburban Construction  
Company of the underground storage tank, observing the tank and  
the excavation pit during and subsequent to the removal of the  
tank from the pit. I observed water at the bottom of the pit  
after the tank was excavated.


4. My visual inspection of the tank and the tank pit led  
me to conclude that that tank was sound, and that gasoline had  
not been leaked, spilled, or otherwise released to the surface  
or underground soil or to groundwater from the tank or in the  
vicinity of the tank. I observed no sheen or other sign of  
gasoline or any other contaminant in the water at the bottom of  
the tank pit. I noted no odor of gasoline from the excavation  
pit. I concluded that the tank had not leaked, and that the  
tank environment was free of gasoline contamination.

5. The practice of the Wilmington Fire Department in  
connection with the removal of underground storage tanks in  
1985, as today, was to report to the Massachusetts Department  
of Environmental Protection or its predecessor, the  
Massachusetts Department of Environmental Quality Engineering  
("DEQE"), any visible sign or odor indicating that a release of  
gasoline or other stored substance had occurred. Based on my  
inspection of the 55 Fordham Road tank removal, I did not  
report to DEQE.

This affidavit is executed under the pains and penalties of  
perjury this 1st day of ~~January~~, 1991.

*February*  
  
Daniel R. Stewart  
Deputy Fire Chief

Sworn to and subscribed before me on this 1st day of  
~~January~~, 1991.

*February*  
  
Kathleen M. Scanlon  
Notary Public  
My Commission Expires KATHLEEN M. SCANLON  
My Commission Expires Oct. 23, 1992

AFFIDAVIT OF STEVEN DECKER

I, Steven Decker, having an address of 32 Westland Avenue,  
Chelmsford, Massachusetts 01824, make the  
following statements to the best of my belief and knowledge.

1. I have been employed by Suburban Construction Company, 80 R. Cambridge Street, Burlington, Massachusetts since see below. During my employment, I have taken a number of underground storage tanks out of service and removed those tanks from the ground. Employment Dates: September, 1977 thru April, 1986;  
Rehire: November 29, 1989

2. I was present as an employee of Suburban Construction Co. at 55 Fordham Road, Wilmington, Massachusetts, on May 15, 1985 in order to take out of service and remove from the ground a 5,000 gallon underground storage tank owned by Converse, Inc. I participated in flushing the tank and pumping it dry of all gasoline, excavating earth from around the tank, and removing the tank from the ground. I also participated in backfilling the tank excavation pit to grade and loaming and seeding the surface area that had been disturbed. Finally, I participated in removing the tank pump and vent from the site.

3. I examined the tank after it was removed from the ground. Prior to backfilling the excavation pit, I also examined the excavation pit and the soil that had been removed from the excavation pit. The tank appeared sound, and I observed no visual sign of gasoline or other contamination in the soil that had been removed from the excavation pit, or in the excavation pit itself. Water in the bottom of the excavation pit did not appear to be contaminated. In addition, I did not smell gasoline coming from the pit or the excavated soil. \*A representative of the Wilmington Fire Department was also present at the site during the tank removal, and independently examined the tank, the excavation pit, and the excavated soil before permitting the soil to be backfilled into the pit.

4. The practice of Suburban Construction Co. in 1985 was to backfill soil into a tank excavation pit only if Suburban Construction Co. personnel present at the excavation received no indication, either independently or from fire department personnel, that contamination existed in the excavation pit or the excavated soil. When Suburban Construction Co. observed that contaminated soil was present in a tank excavation pit or excavated soil, Suburban Construction Co. personnel would offer

\* DEPUTY CHIEF

the additional professional service of arranging for the disposal of the contaminated soil.

This affidavit is executed under the pains and penalties of perjury this 29 day of January, 1991.

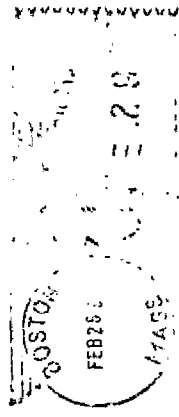
Steven Decker  
Steven Decker

Sworn to and subscribed before me on this 29 day of January, 1991.

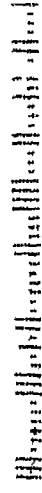
Roger C. Hume  
Notary Public  
My Commission Expires: Aug 22 1991

PMM/147

PEABODY & ARNOLD  
50 ROWES WHARF  
BOSTON, MASSACHUSETTS 02110



Ms. Amy Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801



PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 835127

TELECOPIER 951-2125

TELEPHONE (617) 951-2100

DIRECT DIAL NUMBER  
(617) 951-2049

February 14, 1991

Ms. Amy Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

Re: Site No.: 3-0518  
Fordham Road, Wilmington, Massachusetts

Dear Ms. Ferguson:

Please be advised that on January 25, 1991, Converse Inc. filed for protection under Chapter 11 of the United States Bankruptcy Code, in the United States Bankruptcy Court, Eastern District of Missouri, Eastern Division. Please find enclosed a copy of the Order Authorizing Debtors To Operate Their Business In The Ordinary Course And Ordering Implementation Of The Automatic Stay. You will also find enclosed a copy of the Order For Meeting Of Creditors And Equity Security Holders Combined With Notice Thereof And Automatic Stay. This information is being provided to you so that the DEP can protect its interests in any way it deems advisable.

Yours very truly,



Michael F. Sommerville

MFS/ja:1366

Enclosures

cc: Jack A. Green, Esq.

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

| In Re:                      | ) | In Proceedings Under Chapter 11 |
|-----------------------------|---|---------------------------------|
| INTERCO INCORPORATED,       | ) | Case No. 91-00442-BKC-JJB       |
| INTERCO SUBSIDIARY, INC.    | ) | Case No. 91-00443-BKC-JJB       |
| ABE SCHRADER CORPORATION,   | ) | Case No. 91-00444-BKC-JJB       |
| BOWEN SHOE COMPANY, INC.,   | ) | Case No. 91-00445-BKC-JJB       |
| BROYHILL FURNITURE          | ) | Case No. 91-00446-BKC-JJB       |
| INDUSTRIES, INC.,           | ) |                                 |
| BROYHILL TRANSPORT, INC.    | ) | Case No. 91-00447-BKC-JJB       |
| BROYHILL CONTRACT, INC.,    | ) | Case No. 91-00448-BKC-JJB       |
| HIGHLAND HOUSE, INC.,       | ) | Case No. 91-00449-BKC-JJB       |
| RIDGEWOOD FURNITURE, INC.   | ) | Case No. 91-00450-BKC-JJB       |
| CONVERSE, INC.,             | ) | Case No. 91-00451-BKC-JJB       |
| CONVERSE DE PUERTO RICO,    | ) | Case No. 91-00452-BKC-JJB       |
| INC.,                       | ) |                                 |
| CONVERSE EMEA, LTD.,        | ) | Case No. 91-00453-BKC-JJB       |
| CONVERSE STAR I, INC.,      | ) | Case No. 91-00454-BKC-JJB       |
| CONVERSE STAR II, INC.,     | ) | Case No. 91-00455-BKC-JJB       |
| CONVERSE TRADING COMPANY,   | ) | Case No. 91-00456-BKC-JJB       |
| DELMAR SPORTSWEAR, INC.,    | ) | Case No. 91-00457-BKC-JJB       |
| FACTORY OUTLET COMPANY,     | ) | Case No. 91-00458-BKC-JJB       |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 91-00459-BKC-JJB       |
| COMPANY-MIDWEST,            | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 91-00460-BKC-JJB       |
| COMPANY-NORTHEAST,          | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 91-00461-BKC-JJB       |
| COMPANY-SOUTH,              | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 91-00462-BKC-JJB       |
| COMPANY-WEST,               | ) |                                 |
| HY-TEST, INC.,              | ) | Case No. 91-00463-BKC-JJB       |
| L. J. O'NEILL SHOE COMPANY, | ) | Case No. 91-00464-BKC-JJB       |
| THE LANE COMPANY,           | ) | Case No. 91-00465-BKC-JJB       |
| INCORPORATED                | ) |                                 |
| LANE ADVERTISING, INC.,     | ) | Case No. 91-00466-BKC-JJB       |
| ACTION INDUSTRIES, INC.,    | ) | Case No. 91-00467-BKC-JJB       |
| LEASE MANAGEMENT, INC.,     | ) | Case No. 91-00468-BKC-JJB       |
| ANDES HOLDINGS, INC.,       | ) | Case No. 91-00469-BKC-JJB       |
| (f/k/a PATRIOT INVESTMENT   | ) |                                 |
| COMPANY),                   | ) |                                 |
| SKY CITY STORES, INC.,      | ) | Case No. 91-00470-BKC-JJB       |
| SENACK SHOES, INC.,         | ) | Case No. 91-00471-BKC-JJB       |
| SENACK SHOES OF             | ) | Case No. 91-00472-BKC-JJB       |
| CONNECTICUT, INC.,          | ) |                                 |
|                             | ) |                                 |
| Debtors.                    | ) |                                 |

**ORDER AUTHORIZING DEBTORS TO OPERATE  
THEIR BUSINESSES IN THE ORDINARY COURSE AND  
ORDERING IMPLEMENTATION OF THE AUTOMATIC STAY**

This matter is before the Court on the Motion for Order Authorizing Debtors to Operate Their Businesses in the Ordinary Course and Ordering Implementation of the Automatic Stay filed by the above-captioned Debtors and Debtors-in-Possession (the "Debtors") on January 25, 1991, requesting that this Court authorize the Debtors to continue operating their businesses in the ordinary course; and Debtors having filed, and this Court having accepted, petitions for reorganization under the United States Bankruptcy Code; and Debtors having continued in possession and operation of their estates as debtors-in-possession pursuant to Sections 1107 and 1108 of the Bankruptcy Code; and this Court having exclusive jurisdiction over all property of the Debtors, wherever located, whether in the United States, its possessions and territories or in any foreign country, pursuant to 28 U.S.C §1334, 157 and this Court having the authority to issue, pursuant to Section 105 of the Bankruptcy Code any order, process or judgment as may be necessary or appropriate to carry out the provisions of Chapter 11 of the Bankruptcy Code; and the Debtors being entitled to protection pursuant to Sections 362 and 366 of the Bankruptcy Code; and it appearing that no other notice need be given; sufficient cause appearing therefor, it is

HEREBY ORDERED, ADJUDGED AND DECREED THAT

A. The Debtors be and hereby are authorized, subject to the provisions of the Bankruptcy Code, to operate their

businesses and manage their properties in the ordinary course and maintain all business relationships incident thereto and to enter into all transactions that they could have entered into in the ordinary course of business had there been no bankruptcy filings.

B. All outstanding powers of attorney executed by any Debtor pre-petition remain in full force and effect subject to the terms that governed them prior to the Debtors' bankruptcy filings.

C. All persons (including individuals, partnerships, corporations, other entities and all those acting on their behalf) and governmental units, whether of the United States, any state or locality therein or any territory or possession thereof, or any foreign country (including any division, department, agency, instrumentality or service thereof and all those acting on their behalf), whether or not having received a copy of this Order, be and each of them hereby is stayed, enjoined and prohibited from:

1. Commencing or continuing (including the issuance or employment of process) any judicial, administrative or other proceeding against the Debtors that was or could have been commenced before the commencement of the Debtors' Chapter 11 cases or recovering a claim against the Debtors that arose before the commencement of the Chapter 11 cases;
2. Enforcing, against the Debtors or against property of their estates, a judgment or order obtained before the commencement of the Chapter 11 cases;



3. Taking any act to obtain possession of property of the Debtors' estates or property from the estates or to exercise control over property of the estates or to interfere in any way with the conduct by the Debtors of their businesses;
4. Taking any act to create, perfect or enforce any lien against property of the Debtors' estates;
5. Taking any act to create, perfect or enforce against property of the Debtors, any lien to the extent that such lien secures a claim that arose before the commencement of the Chapter 11 cases;
6. Taking any act to collect, assess or recover a claim against the Debtors that arose before the commencement of the Chapter 11 cases;
7. Offsetting any debt owing to the Debtors that arose before the commencement of the Chapter 11 cases against any claim against Debtors; and
8. Commencing or continuing any proceeding before the United States Tax Court concerning the Debtors, subject to the provisions of §362(b).

D. All governmental or quasi-governmental units (whether of the United States, any state or locality therein or any territory or possession thereof, or any foreign country), their respective divisions, departments, agencies, instrumentalities and services, and all authorities and all those acting for or on their behalf, including sheriffs, marshalls, constables and other or similar enforcement officers and officials, be and each of them hereby is stayed from in any way seizing, attaching, foreclosing upon, taking possession or custody of, levying against or in any other way interfering with any and all of the property of the Debtors or of the estates wherever located.

E. All entities be and each of them hereby is stayed from terminating, cancelling or modifying any and all executory contracts, including but not limited to insurance policies, surety bonds, custom bonds and licenses, to which any Debtor is a party or signator notwithstanding any provision or provisions in such executory contract that same may be terminated or modified (i) upon the insolvency or financial condition of such Debtor or any other Debtor; (ii) upon the filing by such Debtor of a petition for reorganization under Chapter 11 of the Bankruptcy Code; (iii) upon the cessation of such Debtor's or any other Debtor's operations; or (iv) at will or on the expiration from time to time of any period of time (such as on a month-to-month basis).

F. All entities be and each of them hereby is stayed from terminating any and all leases to which any Debtor is a party or signator notwithstanding any provision or provisions in such leases that same may be terminated or modified (i) upon the insolvency or financial condition of such Debtor or any other Debtor; (ii) upon the filing by such Debtor of a petition for reorganization under Chapter 11 of the Bankruptcy Code; (iii) upon the cessation of such Debtor's or any other Debtor's operations; or (iv) at will or on the expiration from time to time of any period of time (such as on a month-to-month basis).

G. Nothing contained herein contained shall constitute an assumption or adoption by the Debtors of any executory contract or lease.

H. On request of a party-in-interest, and after notice and a hearing, this Court may grant relief from the restraints imposed herein in the event that it is necessary, appropriate and warranted to so terminate, annul, modify or condition the relief granted herein.

Dated: St. Louis, Missouri  
January 25, 1991

  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                             |   |                                 |
|-----------------------------|---|---------------------------------|
| In Re:                      | ) | In Proceedings Under Chapter 11 |
|                             | ) |                                 |
| INTERCO INCORPORATED,       | ) | Case No. 491-00442-172          |
| INTERCO SUBSIDIARY, INC.,   | ) | Case No. 491-00443-172          |
| ABE SCHRADER CORPORATION,   | ) | Case No. 491-00444-172          |
| BOWEN SHOE COMPANY, INC.,   | ) | Case No. 491-00445-172          |
| BROYHILL FURNITURE          | ) | Case No. 491-00446-172          |
| INDUSTRIES, INC.,           | ) |                                 |
| BROYHILL TRANSPORT, INC.,   | ) | Case No. 491-00447-172          |
| BROYHILL CONTRACT, INC.,    | ) | Case No. 491-00448-172          |
| HIGHLAND HOUSE, INC.,       | ) | Case No. 491-00449-172          |
| RIDGEWOOD FURNITURE, INC.,  | ) | Case No. 491-00450-172          |
| CONVERSE, INC.,             | ) | Case No. 491-00451-172          |
| CONVERSE DE PUERTO RICO,    | ) | Case No. 491-00452-172          |
| INC.,                       | ) |                                 |
| CONVERSE EMEA, LTD.,        | ) | Case No. 491-00453-172          |
| CONVERSE STAR I, INC.,      | ) | Case No. 491-00454-172          |
| CONVERSE STAR II, INC.,     | ) | Case No. 491-00455-172          |
| CONVERSE TRADING COMPANY,   | ) | Case No. 491-00456-172          |
| DELMAR SPORTSWEAR, INC.,    | ) | Case No. 491-00457-172          |
| FACTORY OUTLET COMPANY,     | ) | Case No. 491-00458-172          |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00459-172          |
| COMPANY-MIDWEST,            | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00460-172          |
| COMPANY-NORTHEAST,          | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00461-172          |
| COMPANY-SOUTH,              | ) |                                 |
| THE FLORSHEIM SHOE STORE    | ) | Case No. 491-00462-172          |
| COMPANY-WEST,               | ) |                                 |
| HY-TEST, INC.,              | ) | Case No. 491-00463-172          |
| L. J. O'NEILL SHOE COMPANY, | ) | Case No. 491-00464-172          |
| THE LANE COMPANY,           | ) | Case No. 491-00465-172          |
| INCORPORATED                | ) |                                 |
| LANE ADVERTISING, INC.,     | ) | Case No. 491-00466-172          |
| ACTION INDUSTRIES, INC.,    | ) | Case No. 491-00467-172          |
| LEASE MANAGEMENT, INC.,     | ) | Case No. 491-00468-172          |
| ANDES HOLDINGS, INC.,       | ) | Case No. 491-00469-172          |
| (f/k/a PATRIOT INVESTMENT   | ) |                                 |
| COMPANY),                   | ) |                                 |
| SKY CITY STORES, INC.,      | ) | Case No. 491-00470-172          |
| SENACK SHOES, INC.,         | ) | Case No. 491-00471-172          |
| SENACK SHOES OF             | ) | Case No. 491-00472-172          |
| CONNECTICUT, INC.,          | ) |                                 |
|                             | ) | Honorable James J. Barta        |
| Debtors.                    | ) | United States Bankruptcy Judge  |

ORDER FOR MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS  
COMBINED WITH NOTICE THEREOF AND OF AUTOMATIC STAY

An order for relief under Chapter 11 of the Bankruptcy Code having been entered on petitions filed by the above named debtors on January 24, 1991, it is ordered, and notice is hereby given, that:

A meeting of creditors and equity security holders pursuant to 11 U.S.C. §341(a) and (b) has been scheduled for the 4th day of March, 1991, at 10:00 o'clock a.m. at The Marriott Pavilion, Hawthorne Rooms 2-4, One Broadway, St. Louis, Missouri 63102. The Debtors' representatives shall appear in person at that time and place for the purpose of being examined. A corporate debtor must appear by its president or other executive officer; a partnership debtor must appear by a general partner.

The meeting may be continued or adjourned from time to time by notice at the meeting, without further written notice. Attendance by creditors or equity security holders is welcomed but not required. At the meeting the creditors may examine the debtor, and transact such other business as may properly come before the meeting. As a result of the filing of the petitions, certain acts and proceedings against the debtors and their property are stayed as provided in 11 U.S.C. §362(a). The debtors have filed a list of creditors and equity security holders (except for INTERCO, Incorporated) pursuant to Rule 1007. The equity security holders and the employees shall be notified by publication.

Pending further Order of the Court establishing a procedure for filing of Proofs of Claim, No Proofs of Claim shall be filed with the Court at this time. Creditors will be notified of the last day for filing Proofs of Claim at which time they will be filed with the Clerk of the United States Bankruptcy Court at P.O. Box #1086, St. Louis, Missouri 63188-1086.

For copies of any Court pleadings or documents, contact Legal One, 611 Olive Street, Suite 2179, St. Louis, Missouri 63101, (314)241-6565.

FOR §341 MEETING INFORMATION ONLY, CONTACT NEIL WEINTRAUB, ATTORNEY FOR THE U.S. TRUSTEE, OLD POST OFFICE BUILDING, 815 OLIVE STREET, ST. LOUIS, MISSOURI 63101, (314) 539-2976.

Dated: February 6, 1991

For the Court:

Carol Ann Robinson  
Clerk of the U.S. Bankruptcy Court

Gregory D. Willard, Esq.  
Lloyd A. Palans, Esq.  
John G. Boyle, Esq.  
Carl J. Spector, Esq.  
Bryan, Cave, McPheeters & McRoberts  
Suite 2000-INT  
500 North Broadway  
St. Louis, Missouri 63102

Attorneys for Debtors and  
Debtors-in-Possession



P 290 093 194

## RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

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(See Reverse)

\* U S G P O 1989-234 555

PS Form 3800, June 1985

|  |    |
|--|----|
| Sent to <i>Converse, Iowa</i>                                    |    |
| Street and No.   |    |
| P.O., State and ZIP Code   |    |
| Postage  | \$ |
| Certified Fee  |    |
| Special Delivery Fee   |    |
| Restricted Delivery Fee  |    |
| Return Receipt showing<br>to whom and Date Delivered             |    |
| Return Receipt showing to whom,<br>Date, and Address of Delivery |    |
| TOTAL Postage and Fees   | \$ |
| Postmark or Date<br><i>2/8/91 A.F.</i>                           |    |



*The Commonwealth of Massachusetts*  
*Department of Environmental Protection*

*Metropolitan Boston - Northeast Region*

*5 Commonwealth Avenue*

*Woburn, Massachusetts 01801*

Daniel S. Greenbaum

Commissioner

(617) 935-2160

February 8, 1991

Converse, Inc.  
c/o Peabody and Arnold  
50 Rowes Wharf  
Boston, MA 02110

RE: WILMINGTON -  
50 Fordham Road  
DEP Case #3-0518  
Preliminary Investigation

Attention: Mr. Peter Manus, Attorney for Converse, Inc.

Dear Mr. Manus:

The Department of Environmental Protection (the Department) is in receipt of a document entitled "Preliminary Investigation, Converse, Inc., 50 Fordham Road, Wilmington, MA." This report, dated January 11, 1991, was prepared for you by Groundwater Technology, Inc. (GTI). This document was submitted in response to the Department's 9/25/90 Notice of Responsibility (NOR) to Converse, Inc. (Converse). The NOR was sent to Converse as a result of petroleum contamination found on the 50 Fordham Road property in the area of former Tank K. Former Tank K was an underground gasoline storage tank which was installed, used and removed by Converse during occupancy of part of the 50 Fordham Road property.

Report Summary

GTI reviewed existing reports concerning contamination on the 50 Fordham Road site, as well as both Converse and Wilmington Fire Department records pertaining to former Tank K. In addition, groundwater samples were collected from the piezometer cluster located in proximity to the former tank and were analyzed for various petroleum constituents. Results of these analyses indicate that total BTEX concentrations of 6950 ug/l are present in PZ-7s (shallow piezometer). Significantly lower total BTEX concentrations were found in PZ-7d (deep) and PZ-7r (rock).

Based on the research performed, GTI recommends "further investigation of whether Tank K released gasoline at the site, and of the source or sources of purgeable aromatic hydrocarbons that now exist there," as stated in their 1/11/91 letter to you. Additional investigation activities are briefly outlined in the 1/11/91 report.



Miscellaneous Comments

1. Page 4 of the GTI 1/11/91 report states that "DP-7 and DP-8 are seemingly upgradient from Tank K..." According to data contained in the Goldberg, Zoino & Associates, Inc. (GZA) April 1990 Phase II report for the subject site, this statement does not appear to be true. Groundwater elevation data collected from DP-7, DP-8 and PZ-7s (the shallow piezometer located in the former tank K area) on 8/15/89, 10/20/89, 10/30/89 and 3/13/90 indicates that the groundwater elevation at PZ-7s is consistently higher than that at either DP-7 or DP-8. This would suggest that the Tank K area is upgradient of DP-7 and DP-8.
2. An October 12, 1990 letter from you to the Department indicates that Converse asked GTI to prepare a Phase I Scope of Work for characterization of the petroleum contamination. Please note that the 50 Fordham Road site is currently in Phase II. As such, any assessment activities performed on the site are considered to be Phase II activities and must be approved by the Department prior to implementation.
3. Page 3 of the 1/11/91 GTI report refers to statements contained in the GZA April 1990 Phase II human health and environmental risk evaluation for the site. Please note that this risk evaluation has not been approved by the Department.

Required Actions

The Department's 9/25/90 NOR requested that a Scope of Work for the additional assessment activities necessary to adequately characterize the petroleum hydrocarbon contamination be prepared and submitted to the Department. The January 11, 1991 GTI submittal does not include this Scope of Work. According to a January 14, 1991 letter from you to the Department, GTI is currently preparing a detailed proposal for recommended further investigation. In addition to assessment activities necessary to characterize site conditions with respect to the petroleum contamination, this proposal should also include plans to evaluate possible Interim Measures which could be taken to prevent any further migration of the petroleum.

The Scope of Work, or proposal, should be submitted to the Department by March 20, 1991. If delays are encountered which will prevent submission of the Scope of Work by this deadline, the Department should be notified at once.

Converse, Inc.  
Page 3

If you have any questions regarding this letter, please contact Amy Ferguson at the letterhead address or (617) 935-2160.

Very truly yours,

*Amy M. Ferguson*

Amy M. Ferguson  
Environmental Analyst

*Stephen M. Johnson*

Stephen M. Johnson  
Acting Chief  
Site Management Branch

cc: Jim Persky, DWS/NERO  
DEP/WSC, 1 Winter Street, Boston, MA 02108  
BOH, 121 Glen Road, Wilmington, MA 01887  
BOH, 52 Sanborn St., Reading, MA 01867  
BOH, Town Hall, Room 6, North Reading, MA 01864  
DPW, Town Hall, Reading, MA 01867, Attn: Mr. Anthony Fletcher

PEABODY & ARNOLD

COUNSELLORS AT LAW

50 ROWES WHARF

BOSTON, MASSACHUSETTS 02110

TELEX 855127

TELECOPIER 951-2125

TELEPHONE (617) 951-2100

IN PROVIDENCE

ONE HOSPITAL TRUST PLAZA, SUITE 1900

PROVIDENCE, RHODE ISLAND 02903

TELEPHONE (401) 273-8672

October 4, 1990

Ms. Amy M. Ferguson  
The Commonwealth of Massachusetts  
Department of Environmental Protection  
5 Commonwealth Avenue  
Woburn, MA 01801

Re: DEP Case No. 3-0518  
Location: 50 Fordham Road, Wilmington, Massachusetts

Dear Ms. Ferguson:

In follow-up to our conversation, please be advised that I have been retained by Converse Inc. to represent it in the above-referenced matter. Your letter, dated September 25, requires Converse Inc. to respond to the Department of Environmental Protection within 10 days of its receipt of your letter or by October 6. Following our conversation, you have agreed to extend the period of time within which Converse must respond until Friday, October 12, 1990, because due to a prior scheduling conflict, I will not be able to meet with my client until before October 9.

If I have misunderstood our agreement, please contact me immediately.

Yours very truly,

*Michael F. Sommerville/jc*  
Michael F. Sommerville

MFS/ja:1219

cc: Jack Green, Esq.  
Laura Williams, Esq.

MFS

PEABODY & ARNOLD  
50 ROWES WHARF  
BOSTON, MASSACHUSETTS 02110

MS AMY M FERGUSON  
THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
5 COMMONWEALTH AVENUE  
WOBURN MA 01801

|||||



P 524 828 540

**RECEIPT FOR CERTIFIED MAIL**NO INSURANCE COVERAGE PROVIDED  
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(See Reverse)

☆ U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

|  |    |
|--|----|
| Sent to <i>Connise Stone.</i>                                    |    |
| Street and No.   |    |
| P.O., State and ZIP Code   |    |
| Postage  | \$ |
| Certified Fee  |    |
| Special Delivery Fee   |    |
| Restricted Delivery Fee  |    |
| Return Receipt showing<br>to whom and Date Delivered             |    |
| Return Receipt showing to whom,<br>Date, and Address of Delivery |    |
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*The Commonwealth of Massachusetts*  
*Department of Environmental Protection*

*Metropolitan Boston - Northeast Region*

*5 Commonwealth Avenue*

*Woburn, Massachusetts 01801*

Daniel S. Greenbaum  
Commissioner

(617) 935-2160

September 25, 1990

Converse, Inc.  
1 Fordham Road  
North Reading, MA 01864

RE: WILMINGTON -  
50 Fordham Road  
NOTICE OF RESPONSIBILITY  
PURSUANT TO M.G.L. C. 21E  
DEP Case #3-0518

Attention: Mr. Jack Green, General Counsel

Dear Mr. Green:

For several years the Department of Environmental Protection (the Department) has been investigating the possible sources of contamination of the Stickney Well located in North Reading. As a result of this investigation, the Department identified the 50 Fordham Road property as a location requiring further investigation. The General Electric Company (GE), past operator of the property, has performed a Phase II Comprehensive Site Assessment in accordance with the requirements of the Massachusetts Contingency Plan (310 CMR 40.545).

The Department understands that Converse subleased the western two-thirds of building two on the 50 Fordham Road property from 1979 to late 1986. During this period, a gasoline tank and fuel pump for the Converse fleet of trucks were installed on the east side of building two. This tank was apparently removed by Converse in 1984 before the lease contract ended in 1986.

A soil gas survey conducted by Goldberg-Zoino & Associates, Inc. (GZA) for GE in July 1988 verified the presence of benzene, toluene and xylene adjacent to the former gasoline tank location. Soil gas samples collected in August 1988 approximately 80 feet east of the former gasoline tank location confirmed the presence of aromatic compounds. Later groundwater sampling in August and November of 1989 verified the presence of benzene, toluene, ethylbenzene and xylene, constituents of gasoline, in groundwater adjacent to the former tank area.

The situation described above constitutes a release and a continuing threat of release of oil or hazardous materials at and from the site. The prevention and mitigation of such release and threat of release is governed by M.G.L. Chapter 21E, the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (hereinafter M.G.L. c.21E). In addition, current contaminant conditions at this location render the site a "Confirmed Disposal Site" pursuant to the Massachusetts Contingency Plan (MCP) (310 CMR 40.520(1)).

M.G.L. c.21E identifies as responsible parties the current owner or operator of a site at which there has been a release or threat of release of oil or a hazardous material; the past owner or operator of a site where a release of hazardous material has occurred; any person who directly or indirectly arranged for the transport, disposal, storage or treatment of hazardous materials to or at such a site; and any person who caused or is legally responsible for a release or threat of release of oil or a hazardous material at such a site. Such parties are liable without regard to fault; the nature of this liability is joint and several (M.G.L. c.21E, Section 5a).

This letter is to inform you in writing that:

- (1) The Department has determined that a release of oil or hazardous material has occurred at the subject site.
- (2) Information available to the Department indicates that Converse, as operator of the property during the time that the gasoline tank was installed, used and removed, is a liable and "responsible" party pursuant to Section 5(a) of M.G.L. c.21E.
- (3) Should you fail to implement those actions deemed necessary by this Office, the Department may, pursuant to M.G.L. c.21E, take or arrange for any and all necessary actions at the site. If public funds are expended under such conditions, M.G.L. c.21E, Section 11 stipulates that the Attorney General of the Commonwealth of Massachusetts may initiate legal action against the responsible party(s) to recover all costs incurred by the Department in the assessment, containment, and removal of any release or threat of release of oil or hazardous materials.

The liability of responsible parties includes up to three times the costs of (1) all response costs incurred by the Department due to the release/threat of release, including all contract, administrative, and personnel costs; and (2) all damages for and injury to, destruction, or loss of natural resources due to the release/threat of release.

This liability constitutes a debt to the Commonwealth. The debt, together with interest, would constitute a lien on all your property in the Commonwealth. In addition to the foreclosure remedy provided by the lien, the Attorney General of the Commonwealth may recover that debt or any part of it in an action against you. You may also be liable as well for additional penalties or damages pursuant to other statutes or common law.

Regardless of who performs the necessary work at the site, you may be liable for all the Department's response action costs. Response action costs include the cost of direct hours for work performed by Department employees in overseeing or arranging for response actions, any expenses incurred by the Department in support of those direct hours, as well as payments to the Department's contractors (for more detail see the costs recovery regulations at 310 CMR 40.600 et seq.).

#### Requisite Site Actions

The General Electric Company has performed some assessment activities at the site as discussed above. However, the April 1990 Phase II Report, 50 Fordham Road Property, Wilmington/North Reading, Massachusetts, prepared for GE by GZA states that: "Sufficient data on the nature and extent of petroleum hydrocarbon contamination beneath the eastern property parking lot and in the drainage ditch/adjacent wetland area does not yet exist. Collection of this data is planned and an evaluation of potential environmental and public health risks will subsequently be performed."

The following activities are deemed necessary by the Department:

- 1) A professional environmental consulting firm must be retained to prepare and submit to the Department a proposed scope of work for the additional assessment activities necessary to adequately characterize the petroleum hydrocarbon contamination in the area of the former underground gasoline storage tank, and in areas where petroleum hydrocarbon contamination has migrated.
- 2) Contaminated media must be remediated in accordance with the MCP following completion of approved site assessment and risk assessment activities.



Converse  
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A written response indicating your intentions to comply with the provisions detailed above is required within ten days of your receipt of this letter. GE is currently proposing Interim Measure (IM) activities on the 50 Fordham Road property which include both vapor and groundwater extraction and treatment. These activities are being proposed in accordance with the attached IM Policy. The Department suggests that Converse explore the possibility of working in conjunction with GE to perform the necessary activities at the site. If Converse intends to work with GE in addressing site contamination, this intention should be stated in your response.

If you have any further questions regarding this matter, please contact Amy Ferguson at the letterhead address or (617) 935-2160. All further communications regarding this site must reference the DEP case number designated in the subject heading.

Very truly yours,

*Amy M. Ferguson*

Amy M. Ferguson  
Environmental Analyst

*R. J. Chalpin*

Richard J. Chalpin  
Regional Engineer

*SG*

cc: DEP, WSC, 1 Winter St., Boston, MA 02108  
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