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EPA reaches \$2.9 million settlement covering Morses Pond cleanup

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By Matt Rocheleau, Globe Correspondent

The Environmental Protection Agency has reached an agreement to collect nearly \$3-million to pay for the clean up near Morses Pond in Wellesley.

The agreement with American Premier Underwriters, Inc. (APU) to pay \$2.9 million plus interest to the U.S. government ends several years of litigation, according statement released today.

In 2005, the U.S. Environmental Protection Agency (EPA) filed suit against APU, which is described as "the successor in interest" to the Boston & Albany Railroad as a result of a series of corporate mergers. The suit alleged that the Boston & Albany Railroad owned the site, which passes over a culvert connecting Morses Pond to Paintshop Pond, at the time of the disposal of the chromium-contaminated material, the statement said.

Between October 2000 and August 2002, EPA removed over 3,000 tons of chromium-contaminated soil and sediment and disposed of the material at a permitted facility. Soil that could not be excavated due to structural concerns around the culvert and railroad embankment was treated in place and covered with a low-permeability cap to reduce the chromium's toxicity and limit its movement off-site and into the groundwater.

The site includes a steeply sloped 35-foot high, earthen railroad embankment which passes over the culvert and sediments within a 0.2 acre cove of the pond at the mouth of the culvert.

In 2005, the federal government reached a settlement with the Massachusetts Bay Transportation Authority (MBTA), the current owner of a portion of the site property. The MBTA also owns the railroad line that passes through the site and operates commuter trains along that line.

"This matter relates to a predecessor corporate entity and activities undertaken by others that occurred in the late 1800s or early 1900s on land then owned by our predecessor, all long before we owned the company," APU said in a statement. "EPA sued APU because CERCLA imposes liability on persons and entities that owned or operated a site when the contaminants were placed there. We are pleased to have this matter behind us and believe this is a fair and reasonable settlement under CERCLA."

The agreement with APU is subject to a 30-day public comment period, which will begin on the date notice of the proposed settlement is published in the Federal Register, said the statement.

For more information on how to review or comment on the agreement, visit, www.usdoj.gov/enrd/open.html.

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