



The Commonwealth of Massachusetts
Department of Environmental Protection

BWSC-016

NOTICE OF RESPONSIBILITY
(pursuant to M.G.L. Chapter 21E)

Release Tracking Number:
4-17025

EAGLE GAS INC.
131 - MAIN ST.
CARVER, MA 02330

BH

On 5/16/03 at 1230 (p.m./a.m.) the Department of Environmental Protection (the "Department") responded to a release/threat of release of oil and/or hazardous material at 131 MAIN ST. CARVER, MA in MASSACHUSETTS (the "site"). The Department has determined that there has been a release/threat of release at the site for which an Immediate Response Action ("IRA") is required by the Massachusetts Contingency Plan, 310 CMR 40.0000 (the "MCP").

Preliminary indications are that, pursuant to M.G.L. c. 21E, § 5, EAGLE GAS INC. is/are a potentially responsible party ("PRP") for assessment, containment and removal actions necessitated by this release/threat of release. Liability under M.G.L. c. 21E, § 5, is strict, meaning it is not based on fault. It is also joint and several, meaning that you may be liable for all response action costs incurred at the site, regardless of the existence of other liable parties.

By taking the actions checked below in compliance with the MCP, you may avoid liability for response action costs incurred by Department contractors in performing these actions and any sanctions which may be imposed under M.G.L. c. 21E, M.G.L. c. 21A, § 16, or other laws for noncompliance with the MCP:

- ☒ Hire a spill cleanup contractor having experience, equipment and ability acceptable to the Department to immediately assess and eliminate, abate, or mitigate the release, threat of release and/or site conditions as required by the Department. **Note:** Depending on the outcome of these actions, the Department may require additional response actions for which a Licensed Site Professional is required. For this reason you may want to hire a spill cleanup contractor with whom a Licensed Site Professional is affiliated.
- ☒ Submit a completed Release Notification Form to the Department in accordance with 310 CMR 40.0300 (i.e., within 60 days of the date of release/threat of release notification).
- ☒ Engage or employ a Licensed Site Professional to perform services required by 310 CMR 40.0000. Required services must ultimately result in a Response Action Outcome Statement (310 CMR 40.1000).
- ☒ Submit an IRA Plan (310 CMR 40.0420), an IRA Completion Statement (310 CMR 40.0427) or a Response Action Outcome Statement (310 CMR 40.1000) to the Department within 60 days of the date of release notification or the date of service of this notice, whichever comes first.
- ☒ Within 60 days of completion of the Immediate Response Actions as required by the Department, submit a report providing an accurate description of the release/threat of release, response actions taken relative thereto and conditions at the site.
- ☒ Dispose of any Remediation Waste as defined by the MCP, including, without limitation, contaminated soil and/or debris, generated at the location in accordance with 310 CMR 40.0030. Any Bill of Lading accompanying such waste must bear the seal and signature of a Licensed Site Professional. **LEAKING**

Other: ELIMINATE SOURCE FROM DIESEL FUEL USE SPILL BUCKET D.P.P.N.G
INITIATE ACTIVE COLLECTION OF NAPE FROM IMPACTED MW
CONSTRUCT REMEDIAL SYSTEM AS NECESSARY TO STOP THE DIESEL FUEL
DISCHARGE TO STORM DRAIN

TODAY

You should notify the Department on or before TODAY if you intend to perform the above checked actions. Depending on the outcome of the above checked actions, the Department may require additional response actions.

The MCP requires responsible parties to take the necessary response actions at property where there is or has been a release/threat of release of oil and/or hazardous material. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, the Department is authorized by M.G.L. c. 21E to perform the work. By taking such actions, you can avoid liability for response action costs incurred by the Department and its contractors in performing these actions and any penalties or other sanctions which may be imposed for noncompliance with the MCP.

You may be liable for up to three (3) times all response action costs incurred by the Department. Response action costs include the cost of direct hours spent by Department employees arranging for response actions or overseeing work performed by PRPs or their contractors, expenses incurred by the Department in support of those direct hours, and payments to the Department's contractors. (For more detail on cost liability, see 310 CMR 40.1200: Cost Recovery.)

The Department may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all response action costs incurred by the Department, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Additional liability may also be imposed under M.G.L. c. 21E, § 11, and other laws for each violation of M.G.L. c. 21E or other laws, or under M.G.L. c. 21A, § 16 for violations of M.G.L. c. 21E, the Massachusetts Contingency Plan, and other statutes, regulations, orders or approvals.

Please direct all communications regarding this matter to the Emergency Response/Notification Section at the SE Regional Office, 20 RIVERSTIDE DR. LAKEVILLE, Massachusetts, telephone # 508-946-2500.

Very truly yours,

Mark Jablonski

Name and Title of DEP Official

On 5/16/03 at approximately 4 PM MARK JABLONSKI of the above DEP Office served upon NAJIB BADARU personally by certified mail a copy of the above of Responsibility. Person on-scene agrees does not agree to take the response actions deemed necessary Department.