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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

COPY

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Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

April 5, 2004

Mr. Najib Badaoui, President
Eagle Gas, Inc.
131 Main Street
Carver, Massachusetts 02330

RE: CARVER--BWSC
RTN: 4-17825
Eagle Gasoline Station
131 Main Street
REQUEST FOR IRA PLAN MODIFICATION

REQUEST FOR IMMEDIATE RESPONSE ACTION PLAN MODIFICATION
M.G.L. c.21E AND 310 CMR 40.0000

Dear Mr. Badaoui:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (the "Department"), is tasked with ensuring the permanent cleanup of oil and hazardous material releases pursuant to Massachusetts General Law Chapter 21E ("Chapter 21E"). The law is implemented through regulations known as the Massachusetts Contingency Plan, 310 CMR 40.0000 et seq. (the "MCP").

On May 16, 2003 at 12:30 p.m., the Department received oral notification of a release at the above referenced property (the "Site"), which requires one or more response actions. At the time of notification, an oil sheen was observed on the surface water of South Meadow Brook. A site inspection by a Department representative determined that oil was emanating from a storm drainage system that discharges to South Meadow Brook. The storm drainage system was found to be connected to subsurface catch basins located within Main Street. Inspection of the manholes determined that an oil sheen was present on the storm water flowing within the culvert. Air sampling conducted within the manholes determined that vapor concentrations were within the range of diesel fuel. Observations and air sampling of the manholes upgradient and downgradient of the gas station determined that an ongoing release of diesel fuel was occurring at 131 Main Street.

At the time of oral notification to the Department, the following actions were approved as an Immediate Response Action (IRA):

- Assessment activities
- Deployment and maintenance of absorbent and containment boom/materials
- Temporary onsite storage of remediation waste in accordance with 310 CMR 40.0030

The field Notice of Responsibility (NOR) issued to you on May 16, 2003, identified you (as used in this Notice, "you" collectively refers to Mr. Najib Badaoui/Eagle Gas, Inc.) as a Potentially Responsible Party ("PRP") for this release and required you to submit a Release Notification Form and a written IRA Plan to this office including:

- Elimination of source of contamination from leaking diesel fuel UST spill bucket/piping
- Initiation of active collection of NAPL from impacted monitoring well
- Construction of remedial system as necessary to eliminate diesel fuel discharge to storm drainage system

On June 13, 2003, the Department issued a NOR to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. This Notice reiterated the requirement for you to submit a Release Notification Form and a written IRA Plan that addressed the remedial actions to be taken at this location within sixty (60) days from receipt of the Notice.

On November 26, 2003, you were issued a Notice of Noncompliance for failure to submit a Release Notification Form and failure to submit a written IRA Plan.

On January 28, 2004, the Department received an IRA Plan prepared by Decoulos & Company, dated January 21, 2004, which described the proposed actions to be taken to implement storm water control on site to reduce the discharge of oil at the storm water outfall into South Meadow Brook. The items proposed include:

- Reconstruction of the concrete pad over the USTs
- Installation of overhead canopy
- Installation of on-site oil/water separator
- Investigation of methods to clean the impacted storm water collection system

On March 11, 2004 Department personnel performed a site inspection with Mr. James Decoulos, Licensed Site Professional of record for this release. Heavy oil staining was observed within the storm drainage system piping. Oil was witnessed emanating from the storm water drainage system outfall. Significant oil sheen and separate-phase oil, including oil/water emulsions, were observed on the water surface of South Meadow Brook. Significant oil staining was clearly visible on the banks of South Meadow Brook in the vicinity of the outfall location and in adjacent wetland areas.

Based upon review of the IRA Plan and the subsequent site inspection, the Department has determined that the above-described actions outlined in the IRA Plan dated January 21, 2004 are not sufficient to prevent additional impact to South Meadow Brook. The IRA Plan does not adequately address the condition(s) of Substantial Release Migration that exist at the Site and does not provide sufficient information to support the assertion that the impact to the surface water body was caused solely by surface water runoff from the gasoline station and not contributed to by an ongoing subsurface release at the Site.

IMMEDIATE RESPONSE ACTION PLAN MODIFICATION

The Department has reason to believe that additional immediate or accelerated response actions are necessary to prevent, eliminate or minimize damage to health, safety, the environment, and/or public welfare. The Department also has reason to believe that conditions of Substantial Release Migration exist at the site. A condition of a Substantial Release Migration exists when any of the following conditions are met at a site: a release has resulted in the discharge of separate-phase oil and/or hazardous material to surface waters, subsurface structures, or underground utilities or conduits; a release to the ground surface or to the vadose zone that, if not promptly removed or contained, is likely to significantly impact the underlying groundwater, or significantly exacerbate the existing condition of groundwater pollution; a release to the groundwater that has migrated or is expected to migrate more than 200 feet per year; a release to the groundwater that has been or is within one year likely to be detected in a public or private water supply well; a release to the groundwater that has been or is within one year likely to be detected in a surface water body, wetland, or public water supply reservoir; or a release to the groundwater that has resulted or is within one year likely to result in the discharge of vapors into school buildings or occupied residential dwellings.

Because one or more of the conditions of Substantial Release Migration exist at the Site, an Immediate Response Action (IRA) is required to be conducted at the Site in accordance with 310 CMR 40.0410. An IRA Plan Modification, in accordance with 310 CMR 40.0424(2), shall be submitted to the Department by the deadlines specified below. The IRA Plan Modification shall include an Imminent Hazard Evaluation, an evaluation of Critical Exposure Pathways, and prevention/mitigation of the conditions of Substantial Release Migration that exist at the site.

NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES

The Department requires you to submit the following information within fifteen (15) days from receipt of this Notice.

1. Submit a plan and schedule to mitigate the condition of Substantial Release Migration, in accordance with 310 CMR 40.0412(3), that exists at the site impacting the surface water of South Meadow Brook. The plan should address monitoring the impacts from the storm water drainage system outfall to South Meadow Brook, including routine inspection of the existing booms and other absorbent/containment materials placed in South Meadow Brook and deployment of absorbent materials into impacted storm drain catch basins. The plan should specify maintenance requirements, including periodic change out/deployment of additional absorbent materials to contain and capture any breakout from within the storm water drainage system into South Meadow Brook; proper storage and disposal of spent absorbent materials; and provisions for documentation of conditions found during inspections and response actions taken. Additional or alternate response actions designed to meet Response Action Performance Standards may also be proposed to address the condition of Substantial Release Migration.

2. Submit plan(s) and a schedule to perform an Imminent Hazard Evaluation in accordance with 310 CMR 40.0426; to evaluate conditions of Substantial Release Migration in accordance with 310 CMR 40.0412(3); and to eliminate and/or mitigate Critical Exposure Pathways at the Site in accordance with 310 CMR 40.0414(3). The plan(s) should consider the location and nature of the oil and/or hazardous material released, site complexity and the sensitivity of site and surrounding human and environmental receptors that may be exposed, and include, but not be limited to:
 - a. Private water supply well sampling and analysis at on-site and downgradient residences.
 - b. Indoor air sampling and analysis at the residences located at or near the Site, if necessary.
 - c. Surface water and sediment sampling and analysis in the area of the storm water drainage system outfall and soil sampling and analysis in adjacent wetlands. The proposed sampling and analysis plan should be conducted in accordance with Section 9.4.3.1 of the Department's *Guidance for Disposal Site Risk Characterization*, dated April 1996 (Interim Final Policy BWSC/ORS-95-141).

The Department requires you to submit the following information within **thirty (30) days** from receipt of this Notice.

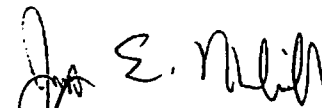
1. Submit a plan and schedule to conduct sufficient assessment to determine all sources of oil contamination impacting the catch basins and storm water drainage system (e.g., through groundwater infiltration, surface water runoff, and/or other routes). The plan should include completion of additional test pits, soil borings and groundwater monitoring wells as necessary to assess subsurface conditions to identify all continuing sources of contamination, which are contributing to the condition(s) of Substantial Release Migration, and determine how these sources are entering the storm drainage system.
2. Submit a plan and schedule for assessment and conceptual remediation for the entire storm water drainage system from the impacted catch basins on Main Street to the outfall location at South Meadow Brook. The storm drainage system is acting as a continuing source of oil contamination and contributing to the condition of Substantial Release Migration impacting South Meadow Brook. Feasibility of removal of the heavily oil-impacted storm water pipeline extension from Main Street to the outfall location at South Meadow Brook should be investigated. The plan should include the removal and proper disposal of any oil contaminated soils and sediments and any Non Aqueous Phase Liquid (NAPL) encountered during remediation/removal activities.

The deadlines established in this Notice constitute enforceable Interim Deadlines established pursuant to M.G.L. c.21E, section 3A (j) and 310 CMR 40.0167. Failure to meet these deadlines may result in enforcement actions by the Department.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP.

If you have any questions regarding this matter, or if you would like to discuss compliance with this Notice, please contact Cynthia Baran, at the letterhead address or by telephone at (508) 946-2887. All future communication regarding this matter must reference Release Tracking Number 4-17825.

Very truly yours,



Jonathan E. Hobill, Regional Engineer
Bureau of Waste Site Cleanup

H/CB/π

Eagle Gas Station-Carver\4-17825 Request for IRA Plan Modification

CERTIFIED MAIL # 7003 3110 0001 4360 6346

fc: Town of Carver
Board of Selectmen FAX: 508.866.4213
Board of Health FAX: 508.866.4213
Fire Department FAX: 508.866.4408

cc: DEP-SERO
Attn: Data Entry
Attn: Regional Enforcement Office (2 Copies)

ec: James J. Decoulos, PE, LSP
jamesj@decoulos.com