



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

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KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

July 7, 2004

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

RE: **CARVER- BWSC**
RTN: 4-17582
Eagle Gasoline Station
131 Main Street

**IMMEDIATE RESPONSE ACTION PLAN MODIFICATION DENIAL
REQUEST FOR IRA PLAN MODIFICATION WITH AN INTERIM DEADLINE
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").

Through the MCP, the Department is currently regulating a release of oil and/or hazardous materials that has occurred at 131 Main Street, Carver, Massachusetts. The Department was first notified of the release on January 21, 2003.

On June 17, 2004, the Department received an Immediate Response Action (IRA) Plan Modification and IRA Status Report, prepared and submitted by Decoulos & Company, on behalf of Eagle Gas, Inc. The IRA Plan Modification proposed the passive recovery of Light Nonaqueous Phase Liquid (LNAPL) through construction of a LNAPL interceptor trench. Your Licensed Site Professional (LSP) has not, however, provided sufficient technical justification to support the viability or efficacy of the proposed LNAPL recovery system. Further, because conditions of Substantial Release Migration exist at the site, an active LNAPL and groundwater recovery and treatment system is required.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>



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The provisions described in section 310 CMR 40.0420 of the Massachusetts Contingency Plan (MCP) allow the Department to approve, conditionally approve, or deny all written IRA Plans submitted. The Department is hereby denying the IRA Plan Modification as described above for the following reasons:

1. The IRA Plan Modification does not contain sufficient supporting documentation to demonstrate the efficacy of contaminant removal capabilities of the proposed passive recovery system.
2. The extent of LNAPL is not fully delineated and the IRA Plan Modification does not provide sufficient information to demonstrate that the proposed passive collection system with a one-half gallon storage capacity that must be emptied manually provides sufficient LNAPL recovery or storage capacity for the LNAPL present at the site.
3. The proposed gravel interceptor trench does not include an impervious barrier on the downgradient sidewall of the trench to prevent potential LNAPL migration offsite or to the storm water drainage system nor does it include an active recovery/pumping component with a groundwater depression pump to provide hydraulic control and expedite LNAPL recovery. The gravel trench as proposed has the potential to create a preferential migration pathway for contaminant flow off site toward/along the storm water drainage system and may exacerbate existing site conditions.
4. Past history of LNAPL recovery via hand bailing monitoring well BP-5RR, as documented in the IRA Status Report, was not performed on a routine basis and did not control the migration of LNAPL as evidenced by the recent detection of LNAPL at monitoring well DCW-1.
5. The proposed operator of the passive recovery system does not have the appropriate health and safety training.
6. The proposed IRA Plan Modification does not include a monitoring plan to monitor and verify the effectiveness of the LNAPL recovery system in controlling the off-site migration of LNAPL.
7. The IRA Plan Modification does not address the condition of Substantial Release Migration posed by the dissolved groundwater contamination at the Site.
8. An active LNAPL recovery system is necessary to provide hydraulic control to mitigate the condition(s) of Substantial Release Migration at the Site.
9. Installation and operation of an active LNAPL recovery system was proposed in the original IRA Plan dated March 17, 2003 and was required in the Department's field Notice of Responsibility dated May 16, 2003 and has yet to be implemented.

The Department hereby requests submittal of a revised IRA Plan Modification to provide active LNAPL and groundwater recovery and treatment to control and mitigate condition(s) of

Substantial Release Migration at the Site. This modification, which addresses the deficiencies outlined above, shall be submitted to the Department as a revised IRA Plan Modification within **thirty (30) days** of receipt of this Notice. **This deadline constitutes an enforceable Interim Deadline established by the Department pursuant to 310 CMR 40.0167.**

The Department recommends that you contact the other Potentially Responsible Parties listed at the end of this letter. Multiple PRPs are strongly encouraged to work cooperatively when performing response actions at a Site.

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 communications regarding this matter must reference Release Tracking Number 4-17582.

Very truly yours,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

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

H/CB/rr

Eagle Gas Station-Carver\4-17582 IRA Plan Modification Denial

CERTIFIED MAIL # 7099 3220 0002 0275 5124

ec: Town of Carver
Board of Selectmen
Board of Health
Conservation Commission
Fire Department

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

Theodore J. Kaegael, Jr., LSP
kaegael@msn.com

cc: Mr. Richard Nantais
Nantais Realty Trust
Post Office Box 478
Carver, Massachusetts 02330

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