



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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Governor

KERRY HEALEY  
Lieutenant Governor

ELLEN ROY HERZFELDER  
Secretary

ROBERT W. GOLLEDGE, Jr.  
Commissioner

November 26, 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 November 8, 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 passive recovery of Light Nonaqueous Phase Liquid (LNAPL), installation of a groundwater recovery and treatment system and injection of remedial additives (hydrogen peroxide or persulfate) through an infiltration trench. Your Licensed Site Professional (LSP) has not, however, provided sufficient technical justification to support the viability or efficacy of any above the proposed remedial actions. Further, the new IRA Plan Modification does not address the nine requirements outlined in the Department's IRA Plan Modification Denial and Request for IRA Plan Modification with

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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Interim Deadline letter to you, dated July 7, 2004 (attached). As noted in that letter, because conditions of Substantial Release Migration exist at the site, an active LNAPL and groundwater recovery and treatment system is required.

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 is not sufficiently developed and documented to support proper design of a NAPL and groundwater recovery and treatment system. The IRA Modification does not provide sufficient technical information to demonstrate that the proposed passive collection system is properly located or has capacity to contain and remove the LNAPL present at the site. Geologic and stratigraphic conditions have not been adequately characterized and the extent of LNAPL has not been fully delineated. Additional information is necessary to demonstrate that either of the proposed recovery well locations for the groundwater recovery and treatment system will provide sufficient hydraulic control to mitigate the condition(s) of Substantial Release Migration at the Site.
2. The IRA Plan Modification does not contain sufficient supporting documentation to demonstrate the efficacy of contaminant removal capabilities of the proposed passive LNAPL recovery/groundwater recovery and treatment system.
3. The IRA Plan Modification does not include a specific environmental monitoring plan to monitor and verify the effectiveness of the LNAPL and groundwater recovery and treatment system in controlling off-site migration or to routinely evaluate Critical Exposure Pathways and Conditions of SRM.
4. The IRA Plan Modification does not follow Health and Safety Procedures required in 310 CMR 40.0018. The stated operator of the LNAPL recovery system does not have the appropriate health and safety training.
5. The IRA Modification Plan does not address management of remediation waste. Management protocols should address the collection, storage and disposal of wastes generated from passive LNAPL recovery, installation of additional monitoring wells, installation of the groundwater recovery and treatment system, sorbent pad and boom change outs at the storm water drainage system outfall at South Meadow Brook, and for any other waste generating response actions.
6. The IRA Modification Plan does not provide Imminent Hazard/Substantial Release Migration Evaluation.
7. The IRA Modification Plan does not provide a detailed schedule to implement the IRA.

8. The IRA Plan Modification does not address evaluation/mitigation of the impacts to the surface waters and sediments of South Meadow Brook and adjacent wetlands.
9. The IRA Plan Modification proposes injection of either hydrogen peroxide or persulfate into an infiltration trench on a residential property served by a private well. The proposed injection location is within the Interim Wellhead Protection Area for the Carver Square Public Water Supply Well. 310 CMR 40.0046[3] specifically prohibits injection of remedial additives within 100 feet of any private water supply well, within 800 feet of a public water supply well or within 50 feet of any surface water body without specific approval in writing from the Department. Be advised that significant additional information will be required for Department consideration of the proposed injection of remedial additives in an Interim Wellhead Protection Area and upgradient from private water supply wells and adjacent to catch basins that connect to the impacted storm drainage system that discharges to South Meadow Brook.
10. 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 again in the IRA Plan Modification Denial letter dated July 7, 2004 and has yet to be implemented.

The IRA Plan Modification and Status Report indicate that two passive recovery skimmers have been installed at the Site. By installation and operation of the NAPL skimmers without prior Department review and approval you are currently conducting an unapproved IRA in violation of 310 CMR 40.0420. In fact, this proposed passive recovery system was specifically denied in the Department's letter to you dated July 7, 2004. If you chose to continue to operate the passive LNAPL recovery system on an interim basis until an active recovery system can be properly designed and installed, you must submit a IRA Plan Modification which meets all requirements of 310 CMR 40.0424 by 5 p.m. on December 6, 2004. **This deadline constitutes an enforceable Interim Deadline established by the Department pursuant to 310 CMR 40.0167.**

The Department hereby requests submittal of a revised IRA Plan Modification, prepared in accordance with the requirements of 310 CMR 40.0424, 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 all deficiencies outlined above, shall be submitted to the Department as a revised IRA Plan Modification by 5 p.m. on December 24, 2004. **This deadline constitutes an enforceable Interim Deadline established by the Department pursuant to 310 CMR 40.0167.**

Upon review of site files, the Department has determined that you are not in compliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by the Department. Specifically, you have failed to comply with the Notice of Noncompliance (NON-SE-03-3T-103) dated March 19, 2004, the Request for Immediate Response Action Plan Modification dated April 5, 2004, and the Immediate Response Action Plan Modification Denial and Request for IRA Plan Modification with Interim Deadline dated July 7, 2004; and have conducted an IRA without Departmental approval. The Department is authorized to take enforcement action against

you, which may include issuance of a Notice of Noncompliance, or assessment of an administrative penalty. If the Department proceeds, it will do so under separate cover. By sending this letter the Department has not waived, and this letter is without prejudice to, the Department rights to take enforcement action against you for any noncompliance.

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

Attachment

H/CB/rr

Eagle Gas Station-Carver 4-17582 IRA Plan Modification #2 Denial 11-26-04

CERTIFIED MAIL #7003 3110 0001 4363 2055

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

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cc: Mr. Richard Nantais  
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Post Office Box 478  
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DEP-SERO  
Attn: Data Entry  
Attn: Regional Enforcement Office (2 Copies)