

To: RBowen@k-plaw.com

From: "James J. Decoulos" <jamesj@decoulos.com>

Subject: Environmental grant applications for Town of Carver

Cc: cynthia.baran@state.ma.us (Cynthia Baran), bosenlaw@aol.com (Ted Bosen)

Bcc:

Attached: C:\PDFs\Eagle Gas\Eagle IRA Mod revisions 052604.pdf; C:\Photos\2004\042104 Eagle\Carver Outfall Interior 042104.jpg; C:\Photos\2004\042104 Eagle\Carver Outfall 042104.jpg; C:\IBM HD\Docs\Decoulos & Company\Eagle Gas\Buzzards Bay Grant Application\Buzzards Bay Grant App.doc; C:\IBM HD\Docs\Decoulos & Company\Eagle Gas\CZM Grant Application\CZM Grant Application FY 2005.doc;

Mr. Bowen,

I represent Eagle Gas, Inc. as their environmental engineer. Eagle operates a gas station at 131 Main Street in Carver.

DEP has assigned four releases of oil or hazardous materials to Eagle and their predecessor in title under c. 21E and the MCP. The Release Tracking Numbers (RTNs) are 4-12848, 4-13333, 4-17582 and 4-17825. A few weeks ago, we tier classified the site as Tier 1A (the most serious threat to public health and the environment).

The last release relates to the contamination of the stormwater collection system within the Main Street right-of-way and the outlet of the system into South Meadow Brook. The outlet is located on private property in which the Town maintains a utility easement.

The stormwater collection system lies within the 1903 layout of Main Street established by the Plymouth County Commissioners. In the 1960s, a portion of the 1903 layout was discontinued as set forth in Decree No. 1124 from the Plymouth County Commissioners and is described fully at the Plymouth Registry of Deeds in Book 3040, Page 255. On Page 267 of the Decree it is stated:

All of that part of the old highway lying outside the above-described lines shall be discontinued as a public highway, unless otherwise noted on the plan mentioned below, when the new roadway has been constructed within the limits of the above-described lines to the satisfaction of the County Commissioners.

The Town of Carver shall have the right to enlarge and maintain drains, water mains, hydrants or any other utilities or grant permits to any public utility company to maintain their utilities in any part of Route 58 which has been discontinued as a public way in the above decree.

A portion of the plan showing Section 3 of the discontinuance of old Main Street is shown in Figure 1 in the attached IRA Plan Modification submitted to DEP last week. The 1903 layout of Old Main Street is labeled on the plan as "Utility Easement".

It appears as though the stormwater collection system was contaminated through a series of historic oil or hazardous material discharges over many years. The contamination of the piping

begins downgradient of Eagle and continues to South Meadow Brook, a distance of approximately 500 feet.

The source of the contamination appears to have been eliminated. However, the residual contamination within the piping acts as a source of contamination to the Brook every time it rains. Two recent photographs are attached (one is an interior shot of the piping from the outfall and the other is the outfall basin at the intersection with South Meadow Brook)

Eagle has assumed the lead to control this contamination although they admit no responsibility for causing the contamination.

We have been working closely with the Carver Fire Department, Conservation Commission, DPW and Board of Health in addressing this problem. Last Tuesday evening, the Carver Board of Selectmen agreed to endorse two grant applications to assist in remediating this contamination. We will prepare the applications and ask for your endorsement.

The first grant application to the Buzzards Bay Project National Estuary Program is due tomorrow. Eagle proposes to match the proposed funds through in-kind permitting and design services required (equal to 33% of the grant award). The application is attached.

The second grant application to CZM is due on Friday. Again, Eagle proposes to match the proposed funds through in-kind permitting and design services required (equal to 25% of the grant award). The application is attached.

The CZM app requires the following information:

1. A statement from the Chief Executive, Selectmen Chair or other authorized signatory that indicates that the municipality agrees with and accepts the following program conditions:
 - **The municipality commits to match 25% of total project cost and acknowledges that funding is provided on a reimbursement basis (the municipality must be able to pay the entire project cost before being reimbursed).** In addition, proof that match funds were approved and/or allocated for the project.
 - The project will abide by Executive Order 237 and state hiring practices.
 - The project must be completed by June 30, 2005 in order to receive the grant reimbursement.
2. A statement of commitment from the Public Works Department to conduct regular operation and maintenance on the structure(s) as stated in the operation and maintenance plan submitted as part of the application (for implementation projects only).
A document or statement from the Chief Executive, Selectmen Chair or other authorized signatory certifying public ownership of the property where the project is to be conducted (for implementation projects only).

I will prepare both applications this afternoon with your consent. Please call me as soon as possible to discuss.

My apologies for the late notice. I just received your information yesterday afternoon from the Selectmen's office.