

Baran, Cynthia (DEP)

From: Baran, Cynthia (DEP)
Sent: Tuesday, November 01, 2005 7:07 PM
To: Hobill, Jonathan (DEP); 'Kiernan, Kevin (DEP)'
Subject: FW: Nantais Revised Draft Consent Order

Hi Jon & Kevin:

I feel strongly that the CEP language should be kept in the document. I don't want it to appear that DEP is ignoring a CEP. By virtue of the Consent Order, we are "accepting" an IRAC that does not eliminate or mitigate a CEP condition as required. I believe the only way we can accept this is because Eagle Gas is currently independently evaluating (and addressing) the CEP and the Consent Order should reflect that fact. Other than that, I believe the draft Consent Order is ready to go. Thanks for all your help and input with this.

Kevin, thanks for offering to finalize the document when you and Jon have reached agreement on paragraph 28.
-Cynthia.

From: Kiernan, Kevin (DEP) [mailto:Kevin.Kiernan@state.ma.us]
Sent: Tuesday, November 01, 2005 1:57 PM
To: Donald Nagle; Baran, Cynthia (DEP); Hobill, Jonathan (DEP); Kiernan, Kevin (DEP)
Cc: David Bennett
Subject: RE: Nantais Revised Draft Consent Order

Don:

I thought you and Dave were completely all set with the CEP provision. What's the problem? We're not saying you have to provide bottled water. We're just saying there is a CEP out there that both your client and Eagle Gas are responsible for. We're leaving no doubt that it is currently being evaluated/addressed by Eagle Gas and that it's not being ignored.

Kevin.

From: Donald Nagle [mailto:nagle@dpnaglelaw.com]
Sent: Tuesday, November 01, 2005 1:25 PM
To: Baran, Cynthia (DEP); Hobill, Jonathan (DEP); Kiernan, Kevin (DEP)
Cc: David Bennett
Subject: RE: Nantais Revised Draft Consent Order

With the exception of paragraph 28, I would recommend to Mr. Nantais that he sign the attached Consent Order in final form.

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From: Baran, Cynthia (DEP) [mailto:Cynthia.Baran@state.ma.us]
Sent: Friday, October 28, 2005 6:16 PM
To: Donald Nagle; Hobill, Jonathan (DEP); Kiernan, Kevin (DEP)
Subject: Nantais Revised Draft Consent Order

<<Nantais Draft ACO rev 10-28-05.doc>>
Hello-

Here is the revised draft Consent Order. I have incorporated changes based on review of the IRAC and Class C RAO and discussions today with Don and Dave Bennett. Please review the changes. There is one outstanding issue that is not completely addressed by the IRAC/Class RAO or the ACO (at this point) that we need to resolve. The private well at the gas station remains a CEP that was present in the historic gasoline release RTN 4-13333 (and was one of the COCs actually reported in the RLF and RNF (4000 ppb MtBE in a MW ~ 40'-50' from private well). The private well contamination was present prior to the diesel release and low levels of MtBE are still present in the well as of the last sampling round. In the IRAC/Class C RAO, Dave Bennett recommends that Eagle Gas provide bottled water to address the CEP. I do not have any documentation that Eagle Gas is currently providing bottled water to residents of the apartment. This issue is contemplated but not fully addressed in item # 28 in the ACO. We could add a requirement that Mr. Nantais provide bottled water or request assurance that Eagle Gas is and will continue to provide bottled water. I would like to discuss this issue prior to finalizing the ACO.

I have not yet corrected the formatting/numbering because I did not want to lose the edit tracking in the process.

Please review and forward me your comments.

Thank you.
-Cynthia.