



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

SCANNED

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

COPY

August 11, 1997

Mr. Richard Nantais
Post Office Box 478
Carver, Massachusetts 02330

RE: **CARVER--BWSC**
132 Main Street
RTN: **4-12848**

NOTICE OF RESPONSIBILITY
M.G.L. c. 21E, 310 CMR 40.0000

Dear Mr. Nantais:

On June 23, 1997, the Department of Environmental Protection (the "Department") received analytical data confirming that the private drinking water well at 132 Main Street has been impacted by Benzene. The Department also received a report entitled "Environmental Site Assessment of 132 Main Street, Carver MA" prepared by Norfolk Environmental, for the Our Lady of Lourdes Parish, Carver Square, Carver, Massachusetts, dated April 7, 1997. Information provided in the assessment report and collected during a March 12, 1997 site inspection indicates that the gasoline station located at 131 Main Street is a potential source for the Benzene contamination.

The Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c.21E, and the Massachusetts Contingency Plan (the "MCP"), 310 CMR 40.0000, require the performance of response actions to prevent harm to health, safety, public welfare and the environment which may result from this release and/or threat of release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. For purposes of this Notice of Responsibility, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the MCP unless the context clearly indicates otherwise.

The Department has reason to believe that the release and/or threat of release which has been reported is or may be a disposal site as defined by the M.C.P. The Department also has reason to believe that you (as used in this letter, "you" and "your" refers to Mr. Richard Nantais, as owner) are a Potentially Responsible Party (a "PRP") with liability under M.G.L. c.21E §5, for response action costs. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c.21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties.

The Department encourages parties with liabilities under M.G.L. c.21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by the Department in taking such actions. You may also avoid the imposition of, the amount of or reduce certain permit and/or annual compliance assurance fees payable under 310 CMR 4.00. Please refer to M.G.L. c.21E for a complete description of potential liability. For your convenience, a summary of liability under M.G.L. c.21E is attached to this notice.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. The Department encourages you to take any action necessary to protect any such claims you may have against third parties.

The Department has compiled the following information relative to this site:

- 1.) The private well at 132 Main Street was tested for volatile organic compounds (VOCs) in January 1997 and retested in May 1997. The results were 14 ppb and 10 ppb of Benzene, respectively. Both results exceed the Reportable Concentration for Groundwater Category -1 for Benzene established at 5ppb.
- 2.) The local groundwater flow is presumed to be east/southeast toward the South Meadow Brook which would place you generally upgradient to the impacted well.
- 3.) During a March 12, 1997 telephone conversation with Kenneth Nantais the following information regarding the underground storage tanks (USTs) was provided. You purchased the gasoline station at 131 Main Street in 1978 and removed the existing USTs in 1989. A subsurface assessment of the property was not conducted at the time of purchase or relative to the removal of the USTs. The

historic activities are not well known but do include an auto junkyard operation.

- 4.) The resident at 132 Main Street stated to the Department that the well water has displayed an odd smell for over six years.
- 5.) A 500 gallon #2 fuel oil UST was removed from 132 Main Street in 1987. Soil samples were collected from this area during the assessment conducted by Norfolk Environmental in December 1996. The samples contained elevated concentrations of Total Petroleum Hydrocarbons (TPH). Seven (7) cubic yards of soil were excavated in January 1997. Confirmatory laboratory results were below the Method 1 Soil Category -1 (S-1) standard of 500 ppm.

ACTIONS REQUIRED

Licensed Site Professional

You must employ or engage a Licensed Site Professional to manage, supervise or actually perform all assessment activities and required response actions at this site. The LSP retained by you will be able to review the options available to you regarding the regulatory requirements and procedures. **Within ten (10) days of receipt of this Notice**, you shall provide the name of the LSP you have retained to conduct a subsurface assessment of the site. Please beware that failure to respond to this Notice can result in enforcement action. You may obtain a list of the names and addresses of LSPs from the Board of Registration of Hazardous Waste Site Cleanup Professionals at (617) 556-1145.

IMMEDIATE RESPONSE ACTION PLAN

In addition, **within twenty-one (21) days from receipt of this Notice** you must submit to the Department a written Immediate Response Action Plan (IRA Plan), pursuant to 310 CMR 40.0410, which evaluates the site for the existence of an Imminent Hazard or conditions of Substantial Release Migration. The IRA Plan shall include at a minimum the following:

1. A subsurface investigation including the installation of an adequate number of groundwater monitoring wells to delineate the extent of the groundwater contamination and verify the groundwater flow direction.
2. A site diagram identifying the location of all potential sources of the groundwater contamination including, but not limited to, floor drains and/or sinks which discharged to a UIC oil/water separator, former or current USTs and above ground storage tanks (ASTs), waste

storage areas. The locations of the groundwater monitoring wells must be indicated.

3. All available tank tightness testing records and waste manifests must be provided for the past five (5) years. Analytical results for the on-site drinking water well must also be provided.
4. All available information describing the past usage(s) of the property must be provided.

The IRA Plan must provide a schedule for the installation of the monitoring wells and the collection of the groundwater samples. These activities must commence within forty-five (45) days of receipt of this Notice.

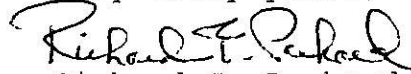
Additional submittals are required by the MCP including, but not limited to, the filing of a written IRA Plan, IRA Completion Statement and/or a Response Action Outcome (RAO) statement. The MCP requires that a fee of \$750.00 be submitted to the Department when an RAO statement is filed greater than 120 days from the date of initial notification. Specific approval is required from the Department for the implementation of all IRAs and Release Abatement Measures (RAMs). Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

Unless otherwise provided by the Department, potentially responsible parties ("PRP's") have one year from the initial date of notification to the Department of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date the Department issues a Notice of Responsibility, whichever occurs earlier, to file with the Department one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Response Action Outcome Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **February 14, 1998**. If required by the MCP, a completed Tier I Permit Application must also accompany a Tier Classification Submittal.

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 relative to this notice, please contact Julie J. Hutcheson at the letterhead address or at 508-946-2852. All future communications regarding this release must reference the following Release Tracking Number: 4-12848.

Very truly yours,



Richard F. Packard, Chief
Emergency Response / Release
Notification Section

P/JH/re

CERTIFIED MAIL #P 256 385 885
RETURN RECEIPT REQUESTED

Attachments: Summary of Liability under M.G.L. c.21E

cc: Board of Selectmen
Town Hall, Main St.
Carver, MA 02330

Board of Health
Town Hall, Main St.
Carver, MA 02330

Fire Department
P.O. Box 92
112 Main St.
Carver, MA 02330

DEP - SERO
ATTN: Andrea Papadopoulos, Deputy Regional Director

DEP - SERO - BWSC
ATTN: Data Entry