

Baran, Cynthia (DEP)

From: Baran, Cynthia (DEP)
Sent: Tuesday, September 27, 2005 8:52 AM
To: Kiernan, Kevin (DEP)
Subject: RE: Nantais ACO - Additional Proposed Language

Sounds good to me...I was uncomfortable with the language anyway...have you had a chance to review the rest of the draft ACO??? I have GIS training this morning, but would really like to meet with you if you have time to wrap this up. Thanks!

From: Kiernan, Kevin (DEP)
Sent: Monday, September 26, 2005 11:17 AM
To: Baran, Cynthia (DEP)
Subject: RE: Nantais ACO - Additional Proposed Language

Cindy:

Hobill and I talked. We don't want to get into liability issues. We don't make final determinations of liability and we're certainly not doing so in this convoluted case. Touch base with me on Tuesday.

Kevin

From: Baran, Cynthia (DEP)
Sent: Friday, September 23, 2005 5:45 PM
To: Kiernan, Kevin (DEP)
Cc: Hobill, Jonathan (DEP)
Subject: Nantais ACO - Additional Proposed Language

For Use in Intra-Agency Policy Deliberations

Hi Kevin:

Here are some additional points that Don Nagle would like us to consider for inclusion in the Determinations Section of the ACO. These points are not included in the redline/strikeout version that I e-mailed to you yesterday. Please let me know what you think. Thanks.

1. Nantais was not an "operator" of the Site, as at that term is defined under G.L. c. 21E, at the time of the release under RTN 4-13333/12848.
2. As a past owner or operator or a site from which there is or has been a release of gasoline only, Nantais is not a potentially responsible party or responsible party under G.L. c. 21E, §5(a) for any release or threat of release of oil at the Site.
3. Response actions conducted by Nantais at the Site have been conducted as an "other party" as this term is defined under G.L. c. 21E and 310 CMR 40.000 et seq.

Cynthia A. Baran
Bureau of Waste Site Cleanup