

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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NOV 26 2019

Boston Gas Company d/b/a National Grid  
40 Sylvan Road  
Waltham, MA 02451-1120

RE: **Haverhill**  
Haffners  
284 Winter Street  
RTN 3-32792

Attn: Ms. Amy A. Willoughby

**NOTICE OF RESPONSIBILITY**  
MGL c. 21E & 310 CMR 40.0000

Dear Ms. Willoughby:

The Massachusetts Department of Environmental Protection (MassDEP) is in receipt of a Tier Classification Transfer Submittal for the subject site. The Tier Classification Transfer will take effect on **December 26, 2019**, pursuant to 310 CMR 40.0560. The purpose of this notice is to inform you of your legal responsibilities under state law for assessing and/or remediating the subject release. This notice is standard correspondence provided to all parties conducting response actions at sites regulated under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan, 310 CMR 40.0000 (the MCP). For purposes of this notice, the terms and phrases used herein shall have the meaning ascribed to them by the MCP unless the text clearly indicates otherwise.

Please be advised that MassDEP has reason to believe that you (as used in this letter "you" refers to **Boston Gas Company d/b/a National Grid**) are a Potentially Responsible Party (PRP) with liability under Section 5A of M.G.L. c. 21E. 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 Section 5A. This liability is also "joint and several", meaning that responsible parties are liable for all response costs incurred at a disposal site even if there are other liable parties. Please refer to M.G.L. c. 21E for a complete description of potential liability.

MassDEP has determined that Comprehensive Response Actions pursuant to 310 CMR 40.0800 are necessary at the subject site. Upon the effective date of your Tier Classification Transfer, you will be able to conduct response actions at the subject site in order to address a release of oil and/or hazardous material.

### **GENERAL RESPONSE ACTION REQUIREMENTS**

Please be advised that the subject 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 site have been



Notice of Responsibility

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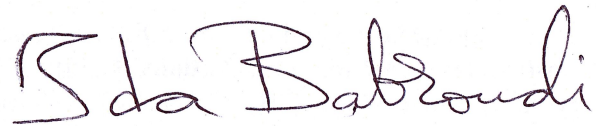
eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP. In addition, the MCP requires persons undertaking response actions at disposal sites to perform Immediate Response Actions (IRAs) in response to "sudden releases", Imminent Hazards and Substantial Release Migration. Such persons must continue to evaluate the need for IRAs and notify MassDEP immediately if such a need exists.

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at the subject site. In addition, the MCP requires persons undertaking response actions at a disposal site to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at a disposal site or portion thereof. You will be required to pay Annual Compliance Assurance Fees until a Permanent Solution is achieved. Please refer to the attached Summary of MassDEP Compliance Assurance Fees to determine which fees would be applied to this Site. [You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals at (617) 556-1091. The LSP Board's web address is: <http://www.mass.gov/eea/agencies/lsp>]

It is important to note that you must dispose of any Remediation Waste generated at the subject location in accordance with 310 CMR 40.0030 including, without limitation, contaminated soil and/or debris. Any Bill of Lading accompanying such waste must bear the seal and signature of an LSP or, if the response action is performed under the direct supervision of MassDEP, the signature of an authorized representative of MassDEP.

All future communications regarding this release must reference the Release Tracking Number (RTN) contained in the subject block of this letter. If you have any questions relative to this notice, you should contact Ida Babroudi at the letterhead address or (978) 694-3386.

Very truly yours,



Ida Babroudi  
Environmental Engineer  
Bureau of Waste Site Cleanup

Ecc: Haverhill Health & Inspections Services Department, Health Inspector Bonny Dufresne  
Charles A. Lindberg [LSP]  
Cc: DEP NERO, BWSC Data Entry/File (NOR/Issued)

Attachments: Summary of Liability under M.G.L. c.21E  
Summary of MassDEP Compliance Assurance Fees

**Summary of Liability Provisions - M.G.L. c.21E, Section 5**

The following is a summary of the liability provisions from M.G.L. c. 21E, § 5. Please refer to the statute for a complete description of the liability provisions.

M.G.L. c. 21E § 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site. This liability is "strict", meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that you may be liable for all Response Action Costs incurred at the site, regardless of the existence of any other liable parties.

The MCP requires Responsible Parties undertake necessary Response Actions at properties where there is or has been a release or threat of release of oil and/or hazardous material. If you do not take the necessary Response Actions, or fail to perform them in an appropriate and timely manner, MassDEP is authorized by M.G.L. c. 21E to have the work performed by its contractors. By taking such actions, you can avoid potential liability for Response Action Costs incurred by MassDEP and its contractors in performing these actions, and any sanctions which may be imposed for failure to perform Response Actions under the MCP.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for Response Actions or overseeing work performed by persons other than MassDEP or their contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.) In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources resulting from the release.

Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder. MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.