



ENVIRONMENT & HEALTH

Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
Northeast Regional Office
205B Lowell Street, Wilmington, MA 01887

Re: Haffner Realty Trust
284 Winter Street, Haverhill, MA
RTN 3-32792/3-32875

To Whom It May Concern:

Date November 7, 2019

On behalf of Haffner Realty Trust (Haffner) and in accordance with the Massachusetts Contingency Plan (MCP) at 310 CMR 40.0560(5)(a), this letter is intended to notify the Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Site Cleanup (BWSC), of a delay in compliance with a MCP deadline for the above-referenced Tier Classified Disposal Site (the Site). This letter is being submitted in conjunction with BWSC 121 - Notification of Delay in Compliance with Response Action Deadlines Transmittal Form. In accordance with the MCP at 310 CMR 40.0560(5)(a), such notification of delay shall state the reason for such delay, the measure or measures to be taken to minimize the delay and a proposed schedule for implementing those measures.

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It should be noted that this notification was originally submitted to MassDEP on April 8, 2019 under secondary Release Tracking Number (RTN) 3-32875 which is linked to the primary RTN 3-32792. The notification is being re-submitted under RTN 3-32792 to correct the administrative record and update the MassDEP regarding the status of the Site.

The Haffner Realty Trust MCP Disposal Site was Tier Classified on April 6, 2016. Since the Site has not yet achieved a Permanent or Temporary Solution in accordance with the MCP, the Phase II Comprehensive Site Assessment (CSA) is due three years from the date of Tier Classification or April 6, 2019. The reason for providing this Notice of Delay is because the Phase II CSA was not submitted by the April 6, 2019 deadline for the reasons stated below.

Reason For Delay

The MassDEP has identified both Haffner and Boston Gas Company, d/b/a National Grid ("National Grid") as Potentially Responsible Parties (PRPs) in conjunction with RTNs 3-32792 and 3-32875. Since Haffner completed the Phase I ISI in April 2016, it has been Haffner's contention that the release(s) of oil and/or hazardous materials (OHM) at the Site is (are) a result of its long history as a manufactured gas plant (MGP). As documented in the Phase I ISI, the Site was historically the location of a MGP facility operated by the Haverhill

Gas Works, to which National Grid is a successor, from approximately 1853 to 1970.

Once Haffner had completed its Site investigations and reached the conclusion that it was not responsible for the OHM at the Site, it began negotiating with National Grid to assume responsibility for the remediation of the former MGP facility as the sole Responsible Party. National Grid has agreed to this in principle and the parties have been negotiating an agreement to that effect. During negotiations, Haffner, in good faith, has continued to conduct ongoing Immediate Response Actions (IRAs), at considerable expense.

Haffner's expectation was that the agreement would have been resolved over a year ago, so they did not undertake the Phase II CSA. The agreement has taken longer than expected to conclude as it involves approval of several stakeholders.

Measures Taken to Minimize the Delay and Proposed Schedule

Haffner has engaged in good faith negotiations with National Grid to reach an agreement that is acceptable to both parties and has been communicating frequently with National Grid in an effort to complete the negotiations for well over a year, including notifying National Grid of the need for the implementation of the Phase II CSA to be undertaken by it. Haffner's intent was that there would be no delay in compliance.

The settlement agreement between National Grid and Haffner was executed on October 22, 2019. Haffner is also filing an LSP-of-Record Resignation Letter, and will coordinate with National Grid to file a Tier Classification Transfer Submittal (including BWSC Transmittal Forms 107, 107B, and 107C) in accordance with 310 CMR 40.0560(8), that will allow National Grid and its consultant to perform all future response actions once approved by the MassDEP.

If you have any questions or comments concerning this submittal, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to read "E.S. Wood".

Eric S. Wood, LSP, PHg
Principal

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