

April 28, 1999
Reference #980905



SCANNED

Data Entry Section
Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup
Northeast Regional Office
205A Lowell Street
Wilmington, Massachusetts 01887

**Re: IRA Completion Statement/Class A-2 Response Action Outcome Statement
Class A-1 Response Action Outcome Statement
MA Army National Guard - Motor Vehicle Storage Facility
57 Low Street, Newburyport, Massachusetts
RTN 3-12659 & 3-14479**

Enclosed please find the support documentation for an *Immediate Response Action (IRA) Completion Statement* and a *Class A-2 Response Action Outcome (RAO) Statement* for RTN 3-12659 and a Class A-1 RAO for RTN 3-14479 submitted by Simmons Environmental Services, Inc. (SIMMONS) on behalf of its client, the MASSACHUSETTS ARMY NATIONAL GUARD.

If there are any questions pertaining to this submittal, please contact either of the undersigned at 978-463-6669.

Very truly yours,

A handwritten signature in cursive script, appearing to read 'Susan J. Benoit'.

Susan J. Benoit
Chemical Engineer

A handwritten signature in cursive script, appearing to read 'William A. Simmons'.

William A. Simmons
Licensed Site Professional

SJB:rac

Enclosures:

IRA Completion Statement (BWSC - 105)
Response Action Outcome Statements (BWSC - 104)
Support Documentation
Statement of Limitations and Conditions

213 Elm Street
Salisbury, MA 01952
New Area Code (978) Telephone 508-463-6669
Fax 508-463-6679



STATEMENT OF LIMITATIONS AND CONDITIONS

**ATTACHMENT TO OPINION OF MASSACHUSETTS LICENSED SITE
PROFESSIONAL**

SIMMONS ENVIRONMENTAL SERVICES, INC.

Name of Licensed Site Professional:	WILLIAM A. SIMMONS
LSP Registration Number:	1847
Date Of Opinion:	APRIL 29, 1999
Client to Whom Opinion was Rendered:	MASSACHUSETTS ARMY NATIONAL GUARD
Date of Agreement between Simmons Environmental Services, Inc. and Client pursuant to which Opinion was Rendered:	AUGUST 1998
Release Tracking Number/Site Numbers:	#3-14479 & 3-12659

This Statement of Limitations and Conditions is an integral part of, and is incorporated by reference into, the Opinion of the Massachusetts Licensed Site Professional referenced above.

Limitations

I. Purpose of Opinion

- A. This Opinion is being provided in compliance with the requirements set forth in the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000 *et. seq.* Specifically, the LSP has prepared this Opinion at the request of the Client identified above as part of *Immediate Response Action Completion Report & Class A-1 Response Action Outcome (RAO) Statement*. This stated purpose has been a significant factor in determining the scope and level of services required to render this Opinion.
- B. Should the purpose for which this Opinion is to be used change, this Opinion shall no longer be valid.

SUPPORT DOCUMENTATION

FOR

**RTN: 3-12659 - IMMEDIATE RESPONSE ACTION COMPLETION
STATEMENT, Class A-2 RESPONSE ACTION OUTCOME
STATEMENT**

&

**RTN: 3-14479 - Class A-1 RESPONSE ACTION OUTCOME
STATEMENT**

For Disposal Site Located At:

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS ARMY NATIONAL GUARD
MOTOR VEHICLE STORAGE FACILITY
57 LOW STREET
NEWBURYPORT, MASSACHUSETTS
MADEP RTNs 3-12659 & 3-14479**

Prepared By:

SIMMONS ENVIRONMENTAL SERVICES, INC.

213 Elm Street
Salisbury, Massachusetts 01952
978-463-6669

April 1999

Project #980905



1.0 DISPOSAL SITE INFORMATION

1.1 MADEP Release Tracking Numbers

The MADEP Release Tracking Numbers (RTNs) for the disposal sites located at 57 Low Street in Newburyport, MA are **3-12659** and **3-14479**. RTN 3-12659 (Former UST Area) pertains to the release of diesel fuel from the former 5,000-gallon underground storage tank (UST). RTN 3-14479 (Former Ballast Stockpile Area) pertains to the contaminated stones brought on-site for drainage purposes. See §2.2 for detailed history of releases associated with RTN.

1.2 Site Location

Both sites are located on property owned by the Commonwealth of Massachusetts and occupied by the Massachusetts Army National Guard (MAARNG). The disposal sites are located on the portion of the property identified as the MAARNG Motor Vehicle Storage Facility, 57 Low Street, Newburyport, Massachusetts (see Figure 1-Site Locus). The latitude, longitude, and Universal Transverse Mercator (UTM) coordinates of the site location is as follows:

Latitude: 42° 48' 28" north

UTM: 4,741,010 meters north

Longitude: 70° 53' 25" west

345,510 meters east

The Motor Vehicle Storage Facility consists of a 60,000 square foot area developed with a single-story, brick building with three vehicle bays. The building is approximately 50 feet wide by 110 feet long. The building is currently unoccupied and utilized for equipment storage. The Motor Vehicle Storage Facility is enclosed by a chain link fence. Access gates are located along Low Street and on the southwestern end of the property. The former UST disposal site and two of the three ballast stockpile areas are located within the enclosed area. The third ballast stockpile was located just beyond the fence



line at the southwest end of the Motor Vehicle Storage Facility. Approximately 9,300 square feet of the enclosed area is paved.

The area to the east, south, and west of the site are zoned for industrial use. Land to the north is zoned for commercial and residential use. The Nock Middle School is located immediately across from the Motor Vehicle Storage Facility, on the north side of Low Street. The MAARNG Armory is located to the southeast of the disposal sites. Residential property is located immediately to the northwest of the disposal sites.

Former UST Area (RTN 3-12659)

The disposal site included an area surrounding the former UST and extending approximately 20' to the north. See Figure 2: Site Plan for location.

Former Ballast Stockpile Area (RTN 3-14479)

This disposal site consisted of three stockpile areas, designated as Pile 1, Pile 2, and Pile 3, (See Figure 2). Pile 1 was located to the north of the former UST area. Pile 2 was located on the east side of the south end of the Motor Vehicle Storage Building. Pile 3 was located outside the southern gate.

1.3 Natural Resources

According to the Massachusetts Geographic Information System (GIS) Maps (Figure 3), the disposal sites are not located on or within 500 feet of a Zone II or Interim Well Head Protection area of potentially productive aquifers, wetlands, or Areas of Critical Environmental Concern (ACEC). The sites were located within 500 feet of a protected open space (Rupert A. Nock Middle School). Based on visual observations, a portion of the former ballast area (Pile 3) was located within a wetland. The former Pile 1 and the former UST areas were located within 100 feet of the drainage swale.



ORIGINAL

Release Tracking Number

IMMEDIATE RESPONSE ACTION (IRA)
TRANSMITTAL FORM Pursuant to 310 CMR 40.0424 - 40.0427 (Subpart D)

3 - 12659

A. RELEASE OR THREAT OF RELEASE LOCATION:

Release Name: (optional) Massachusetts Army National Guard-Motor Vehicle Storage Facility

Street: 57 Low Street

Location Aid: _____

City/Town: Newburyport

ZIP Code: 01950-0000

Check here if a Tier Classification Submittal has been provided to DEP for this Release Tracking Number.

Check here if this location is Adequately Regulated, pursuant to 310 CMR 40.0110-0114.

Specify Program: CERCLA HSWA Corrective Action Solid Waste Management RCRA State Program (21C Facilities)

Related Release Tracking Numbers That This IRA Addresses: 3-14479

B. THIS FORM IS BEING USED TO: (check all that apply)

Submit an IRA Plan (complete Sections A, B, C, D, E, H, I, J and K).

Check here if this IRA Plan is an update or modification of a previously approved written IRA Plan. Date Submitted: MAY 4 1999

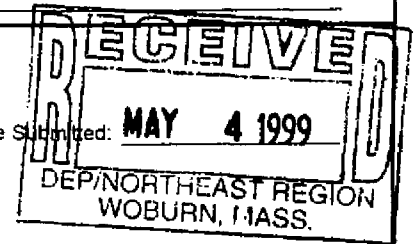
Submit an Imminent Hazard Evaluation (complete Sections A, B, C, F, H, I, J and K).

Submit an IRA Status Report (complete Sections A, B, C, E, H, I, J and K).

Submit a Request to Terminate an Active Remedial System and/or Terminate a Continuing Response Action(s) Taken to Address an Imminent Hazard (complete Sections A, B, C, D, E, H, I, J and K).

Submit an IRA Completion Statement (complete Sections A, B, C, D, E, G, H, I, J and K).

You must attach all supporting documentation required for each use of form indicated, including copies of any Legal Notices and Notices to Public Officials required by 310 CMR 40.1400.



C. RELEASE OR THREAT OF RELEASE CONDITIONS THAT WARRANT IRA:

Identify Media and Receptors Affected: (check all that apply) Air Groundwater Surface Water Sediments Soil

Wetland Storm Drain Paved Surface Private Well Public Water Supply Zone 2 Residence

School Unknown Other Specify: _____

Identify Conditions That Require IRA, Pursuant to 310 CMR 40.0412: (check all that apply) 2 Hour Reporting Condition(s)

72 Hour Reporting Condition(s) Substantial Release Migration Other Condition(s)

Describe: Historic release of diesel fuel from a 5,000-gallon UST

Identify Oils and Hazardous Materials Released: (check all that apply) Oils Chlorinated Solvents Heavy Metals

Others Specify: Diesel fuel

D. DESCRIPTION OF RESPONSE ACTIONS: (check all that apply)

Assessment and/or Monitoring Only

Excavation of Contaminated Soils

Re-use, Recycling or Treatment

On Site Off Site Est. Vol.: 160 cubic yards

Describe: Diesel fuel contaminated soils

Store On Site Off Site Est. Vol.: _____ cubic yards

Landfill Cover Disposal Est. Vol.: _____ cubic yards

Removal of Drums, Tanks or Containers

Describe: _____

Deployment of Absorbent or Containment Materials

Temporary Covers or Caps

Bioremediation

Soil Vapor Extraction

Structure Venting System

Product or NAPL Recovery

Groundwater Treatment Systems

Air Sparging

Temporary Water Supplies

SECTION D IS CONTINUED ON THE NEXT PAGE.



ORIGINAL

RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADIANT PROPERTY STATUS TRANSMITTAL FORM

Release Tracking Number

Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

3 - 14479

A. SITE OR DOWNGRADIANT PROPERTY LOCATION:

Site Name: (optional) Massachusetts Army National Guard-Motor Vehicle Storage Facility

Street: 57 Low Street Location Aid: _____

City/Town: Newburyport ZIP Code: 01950-0000

Check here if this Site location is Tier Classified. If a Tier I Permit has been issued, state the Permit Number: _____

Related Release Tracking Numbers that this Form Addresses: _____

If submitting an RAO Statement, you must document the location of the Site or the location and boundaries of the Disposal Site subject to this Statement. If submitting an RAO Statement for a PORTION of a Disposal Site, you must document the location and boundaries for both the portion subject to this submittal and, to the extent defined, the entire Disposal Site. If submitting a Downgradient Property Status Submittal, you must provide a site plan of the property subject to the submittal and, to the extent defined, the Disposal Site.

B. THIS FORM IS BEING USED TO: (check all that apply)

Submit a Response Action Outcome (RAO) Statement (complete Sections A, B, C, D, E, F, H, I, J and L).

Check here if this is a revised RAO Statement. Date of Prior Submittal: _____

Check here if any Response Actions remain to be taken to address conditions associated with any of the Releases whose Release Tracking Numbers are listed above. This RAO Statement will record only an RAO-Partial Statement for those Releases.

Specify Affected Release Tracking Numbers: _____

Submit an optional Phase I Completion Statement supporting an RAO Statement or Downgradient Property Status Submittal (complete Sections A, B, H, I, J, and L).

Submit a Downgradient Property Status Submittal (complete Sections A, B, G, H, I, J and K).

Check here if this is a revised Downgradient Property Status Submittal. Date of Prior Submittal: _____

Submit a Termination of a Downgradient Property Status Submittal (complete Sections A, B, I, J and L).

Submit a Periodic Review Opinion evaluating the status of a Temporary Solution (complete Sections A, B, H, I, J and L).

Specify one: For a Class C RAO For a Waiver Completion Statement indicating a Temporary Solution

Provide Submittal Date of RAO Statement or Waiver Completion Statement: _____

You must attach all supporting documentation required for each use of form indicated, including copies of any Legal Notices and Notices to Public Officials required by 310 CMR 40.1400.

C. DESCRIPTION OF RESPONSE ACTIONS: (check all that apply)

Assessment and/or Monitoring Only

Removal of Contaminated Soils

Re-use, Recycling or Treatment

On Site Off Site Est. Vol.: _____ cubic yards

Describe: _____

Landfill Cover Disposal Est. Vol.: _____ cubic yards

Removal of Drums, Tanks or Containers

Describe: _____

Removal of Other Contaminated Media

Specify Type and Volume: Ballast-150 cubic yards

Other Response Actions

Describe: _____

Deployment of Absorbant or Contaminant Materials

Temporary Covers or Caps

Bioremediation

Soil Vapor Extraction

Structure Venting System

Product or NAPL Recovery

Groundwater Treatment Systems

Air Sparging

Temporary Water Supplies

Temporary Evacuation or Relocation of Residents

Fencing and Sign Posting

SECTION C IS CONTINUED ON THE NEXT PAGE.

SCANNED

RECEIVED
MAY 4 1999
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGION
WILMINGTON, MASS.



RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADE PROPERTY STATUS TRANSMITTAL FORM
Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number

3 - 14479

C. DESCRIPTION OF RESPONSE ACTIONS: (continued)

Check here if any Response Action(s) that serve as the basis for this RAO Statement involve the use of Innovative Technologies. (DEP is interested in using this information to create an Innovative Technologies Clearinghouse.)

Describe Technologies:

D. TRANSPORT OF REMEDIATION WASTE: (if Remediation Waste was sent to an off-site facility, answer the following questions)

Name of Facility: Commercial Paving Co.

Town and State: Scarborough, Maine

Quantity of Remediation Waste Transported to Date: 417.88 Tons

E. RESPONSE ACTION OUTCOME CLASS:

Specify the Class of Response Action Outcome that applies to the Site or Disposal Site. Select ONLY one Class:

Class A-1 RAO: Specify one of the following:

- Contamination has been reduced to background levels. A Threat of Release has been eliminated.

Class A-2 RAO: You MUST provide justification that reducing contamination to background levels is infeasible.

Class A-3 RAO: You MUST provide both an implemented Activity and Use Limitation (AUL) and justification that reducing contamination to background levels is infeasible.

If applicable, provide the earlier of the AUL expiration date or date the design life of the remedy will end:

Class B-1 RAO: Specify one of the following:

- Contamination is consistent with background levels. Contamination is NOT consistent with background levels.

Class B-2 RAO: You MUST provide an implemented AUL.

If applicable, provide the AUL expiration date:

Class C RAO: Check here if you will conduct post-RAO Operation, Maintenance and Monitoring at the Site.

- Specify One: Passive Operation and Maintenance, Monitoring Only, Active Operation and Maintenance (defined at 310 CMR 40.0006)

F. RESPONSE ACTION OUTCOME INFORMATION:

If an RAO Compliance Fee is required, check here to certify that the fee has been submitted. You MUST attach a photocopy of the payment.

Check here if submitting one or more AULs. You must attach an AUL Transmittal Form (BWSC-113) and a copy of each implemented AUL related to this RAO Statement. Specify the type of AUL(s) below: (required for all Class A-3 RAOs and Class B-2 RAOs)

- Notice of Activity and Use Limitation, Grant of Environmental Restriction, Number of AULs attached:

Specify the Risk Characterization Method(s) used to achieve the RAO described above and all Soil and Groundwater Categories applicable to the Site.

More than one Soil Category and more than one Groundwater Category may apply at a Site. Be sure to check off all APPLICABLE categories, even if more stringent soil and groundwater standards were met.

Table with Risk Characterization Method(s) Used and Soil/Groundwater Categories. Includes checkboxes for Method 1, 2, 3 and categories S-1, S-3, GW-1, GW-2, GW-3.

When submitting any Class A-1 RAO or a Class B-1 RAO where contamination is consistent with background levels, do NOT specify a Risk Characterization Method.

When submitting any Class A-2 RAO or a Class B-1 RAO where contamination is NOT consistent with background levels, you cannot use an AUL to maintain a level of no significant risk. Therefore, you must meet S-1 Soil Standards, if using Risk Characterization Method 1.



**RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRAIDENT PROPERTY STATUS TRANSMITTAL FORM**
Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

Release Tracking Number

3 - 14479

G. DOWNGRAIDENT PROPERTY STATUS SUBMITTAL:

- If a Downgradient Property Status Submittal Compliance Fee is required, check here to certify that the fee has been submitted. You **MUST** attach a photocopy of the payment.
- Check here if a Release(s) of Oil or Hazardous Material(s), other than that which is the subject of this submittal, has occurred at this property.
Release Tracking Number(s): _____

Check here if the Releases identified above require further Response Actions pursuant to 310 CMR 40.0000.

Required documentation for a Downgradient Property Status Submittal includes, but is not limited to, copies of notices provided to owners and operators of both upgradient and downgradient abutting properties and of any known or suspected source properties.

H. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

> if Section B indicates that a Downgradient Property Status Submittal is being provided, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in 310 CMR 40.0183(2)(b), and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal;

> if Section B indicates that either an RAO Statement, Phase I Completion Statement and/or Periodic Review Opinion is being provided, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal.

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you **MUST** attach a statement identifying the applicable order(s), permit(s) and/or approval(s).

LSP Name: William A. Simmons LSP #: 1847 Stamp: _____

Telephone: 978-463-6669 Ext.: _____

FAX: (optional) 978-463-6679

Signature: *William A. Simmons*

Date: _____



I. PERSON MAKING SUBMITTAL:

Name of Organization: Massachusetts Army National Guard-Office of the State Quartermaster

Name of Contact: Shaun C. Cody Title: Director of Environmental Affairs

Street: 50 Maple Street

City/Town: Milford State: MA ZIP Code: 01756-0000

Telephone: 508-233-6520 Ext.: _____ FAX: (optional) _____

J. RELATIONSHIP TO SITE OF PERSON MAKING SUBMITTAL: (check one)

RP or PRP Specify: Owner Operator Generator Transporter Other RP or PRP: _____

Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

Any Other Person Submitting This Form Specify Relationship: _____



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

RESPONSE ACTION OUTCOME (RAO) STATEMENT &
DOWNGRADE PROPERTY STATUS TRANSMITTAL FORM

Pursuant to 310 CMR 40.0180 (Subpart B), 40.0580 (Subpart E) & 40.1056 (Subpart J)

K. CERTIFICATION OF PERSON SUBMITTING DOWNGRADE PROPERTY STATUS SUBMITTAL:

I, _____, attest under the pains and penalties of perjury (i) that I have personal knowledge of the information contained in this submittal, including any and all documents accompanying this transmittal form; (ii) that I am the individual(s) immediately responsible for obtaining the information, the material information contained herein is, to the best of my knowledge and belief, true, accurate and complete; (iii) that, to the best of my knowledge, information and belief, I/the person(s) on whose behalf this submittal is made satisfy(ies) the criteria in 310 CMR 40.0183(2); (iv) that I/the person(s) or entity(ies) on whose behalf this submittal is made have provided notice in accordance with 310 CMR 40.0183(5); and (v) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is/are aware of the penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

By: _____ Title: _____
(signature)

For: _____ Date: _____
(print name of person or entity recorded in Section I)

Enter address of the person providing certification, if different from address recorded in Section I:

Street: _____

City/Town: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ FAX: (optional) _____

L. CERTIFICATION OF PERSON MAKING SUBMITTAL:

If you are completing only a Downgrade Property Status Submittal, you do not need to complete this section.

I, Shaun C. Cody, attest under the pains and penalties of perjury (i) that I have personal knowledge of the information contained in this submittal, including any and all documents accompanying this transmittal form; (ii) that I am the individual(s) immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

By: Shaun C. Cody Title: Director of Environmental
(signature)

For: Shaun C. Cody Date: 26 JAN 91
(print name of person or entity recorded in Section I)

Enter address of the person providing certification, if different from address recorded in Section I:

Street: _____

City/Town: _____ State: _____ ZIP Code: _____

Telephone: _____ Ext.: _____ FAX: (optional) _____

YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE FORM INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE, AND YOU MAY INCUR ADDITIONAL COMPLIANCE FEES.

**Attachment to Bureau of Waste Site Cleanup Form 104
Section D-Transport of Remediation Waste**

Name of Facility: Aggregate Recycling Corporation
Town & State: Eliot, Maine
**Quantity of Remediation Waste
Transported to Date:** 89.08 tons

Name of Facility: Haverhill Wastewater Treatment Plant
Town & State: Haverhill, Massachusetts
**Quantity of Remediation Waste
Transported to Date:** 3,000-gallons

Name of Facility: ESMI
Town & State: Loudon, New Hampshire
**Quantity of Remediation Waste
Transported to Date:** 153 tons



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

September 25, 1997

MA ARMY NAT GUARD
CAMP CURTIS GUILD
BLDG 43
READING, MA 01867-1999

Attn: SHAUN CODY

RTN: 3-0014479
NEWBURYPORT
57 LOW STREET

RE: 310 CMR 40.0000, Notice of Due
Date for Tier Classification Submittal.

Dear SHAUN CODY,

On 11/07/1996 the Department of Environmental Protection (DEP) was notified of a release or threat of release of Hazardous Material at 57 LOW STREET, NEWBURYPORT. This release constitutes a 120 DY release condition pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (MCP), and Chapter 21E of the Massachusetts General Laws.

The purpose of this letter is to remind you that the one year period, following the date of notification, for you to submit either a Response Action Outcome (RAO) Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal is about to expire. This letter describes the significance of this deadline so that you can take appropriate action to minimize your cleanup costs, maintain compliance with the MCP, and avoid possible DEP enforcement action for failing to submit an RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal to DEP.

PLEASE BE ADVISED that, as of the date of this letter, DEP has not received either a RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal for the above listed site. The one year period for submitting one of these documents will expire on 11/07/1997.

The MCP requires, among other provisions, that a location affected by a release (i. e., the site) meet one of the following milestones within one year of notification:

- Conditions at the site meet the requirements of a Response Action Outcome, and an RAO Statement and supporting documentation are submitted to the appropriate regional office. If you submit an RAO Statement more than 120 days after the date of notification and prior to Tier Classification, you must also pay DEP an RAO Compliance Fee of \$750.00; or
- A Downgradient Property Status is established for the site, and a Downgradient Property Status Transmittal Form and supporting documentation are submitted to the appropriate regional office. You must also pay DEP a Downgradient Property Status Compliance Fee of \$1000.00; or
- The site is Tier Classified as either a Tier I or Tier II site, and a Tier Classification Transmittal Form and supporting documentation are submitted to the appropriate regional office. For Tier I sites, you must also include a Tier I Initial Permit Application and pay a Permit Application Fee of \$3,550; Tier II sites do not require a Permit and do not pay a Permit Application Fee. If a site is Tier Classified within one year of notification, the DEP will not assess an Annual Compliance Fee for the first year. After Tier Classification, Comprehensive Response Actions must then be undertaken to assess and clean up that site.

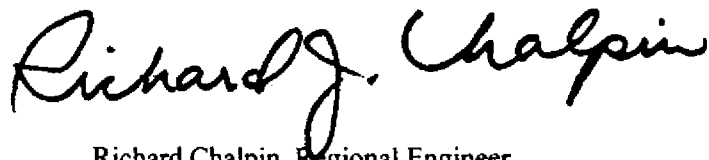
Please note that if you fail to submit either an RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal to DEP by 11/07/1997, the above referenced site will be categorically classified as a Tier IB Disposal Site and, if not otherwise exempt, you will be assessed a Tier IB Annual Compliance Fee for the first year, for response actions which you carried out.

Licensed Site Professional (LSP):

In order to clean up and/or address a release or threat of release, the services of a Licensed Site Professional (LSP) are required. LSPs are professionals licensed by the Commonwealth of Massachusetts to issue Waste Site Cleanup Activity Opinions in connection with response actions at sites. The MCP requires the preparation of one or more Waste Site Cleanup Activity Opinions for every release reported to DEP. For a list of LSP names please contact the Board of Registration at (617) 556-1145.

You and your Licensed Site Professional (LSP) may obtain copies of all DEP forms and applications by contacting your regional service center at (617) 932-7677 or 7678. You may direct other questions concerning this letter to the regional service center, as well.

Very truly yours,



Richard Chalpin, Regional Engineer
Northeast Regional Office
Bureau of Waste Site Cleanup