



#19

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

ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

October 5, 2000

Ms. Nancy Pause
19 Woodlot Road
Amherst, MA 01002

RE: Amherst
19 Woodlot Road
Release #1-13633
RELEASE NOTIFICATION AND
NOTICE OF RESPONSIBILITY;
M.G.L. c. 21E and 310 CMR 40.0000

Dear Ms. Pause:

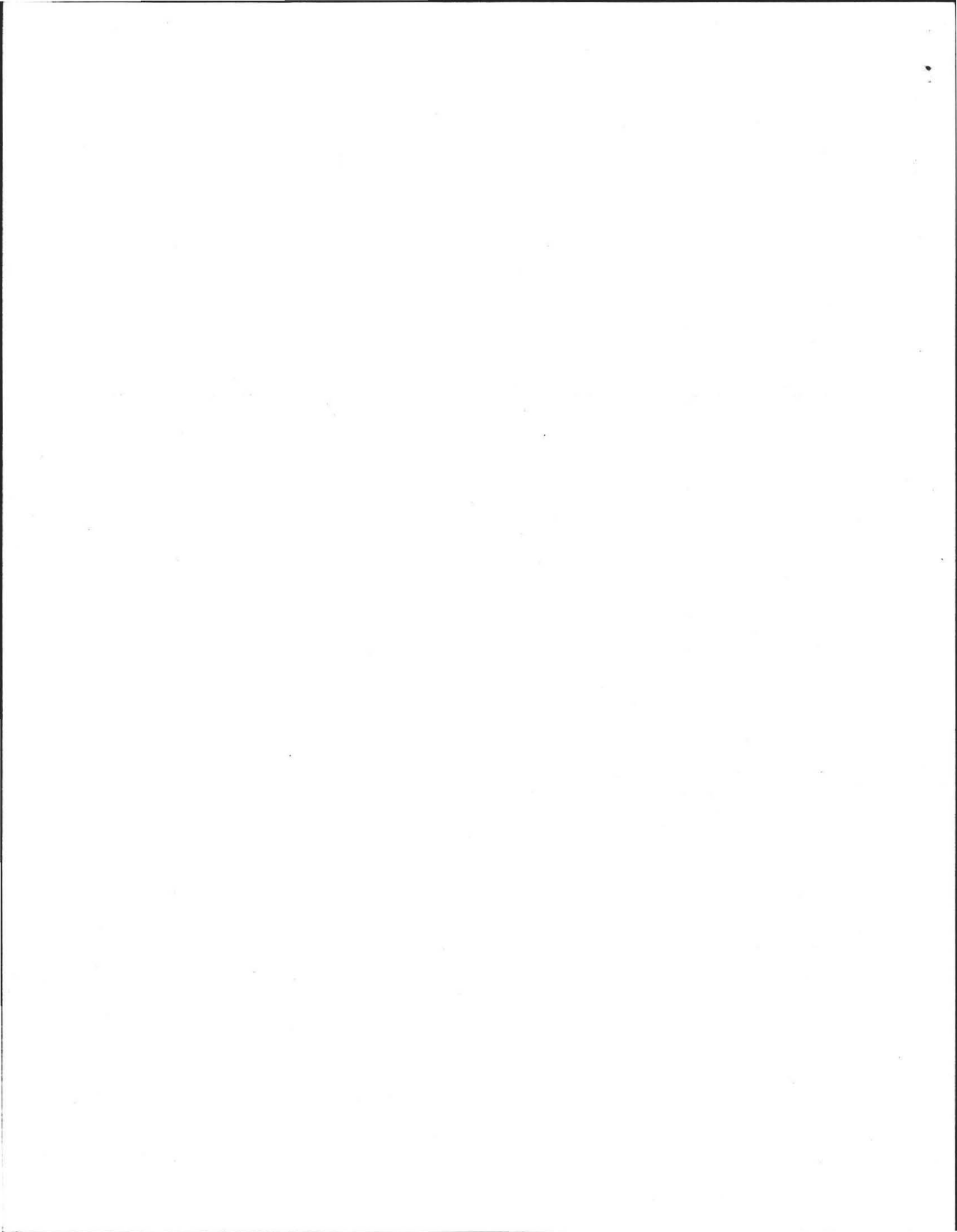
On **September 24, 2000** at 9:36 P.M. Stephen Pause, LSP provided oral notification to the Department of a release of greater than 10 gallons of #2 fuel oil from an aboveground storage tank (AST) at the above referenced location. In addition to oral notification, 310 CMR 40.0333 further requires that a completed Release Notification Form be submitted to the Department within **60 calendar days** of the date of the oral notification.

The Department has reason to believe that the release/ threat of release you have reported is or may be a disposal site as defined in the Massachusetts Contingency Plan, 310 CMR 40.0000 (the "MCP"). The Department also has reason to believe that you (as used in this letter "you" refers to Ms. **Nancy Pause**) 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 said Section 5A. This liability is also "joint and several", meaning that you are liable for all response costs incurred at a disposal site even if there are other liable parties.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

436 Dwight Street • Springfield, Massachusetts 01103 • FAX (413) 784-1149 • TDD (413) 746-6620 • Telephone (413) 784-1100

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Ms. Nancy Pause
RTN # 1-13633

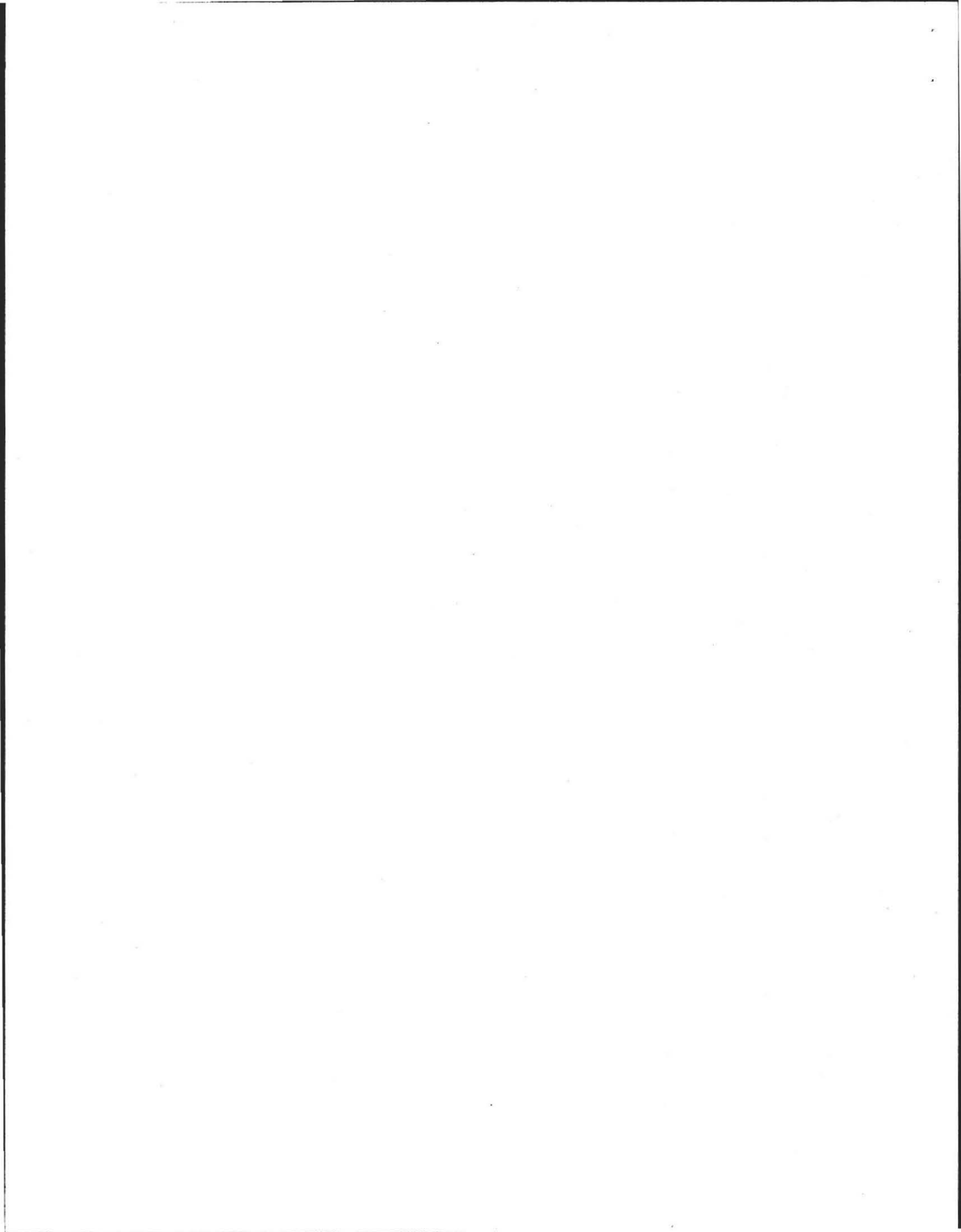
The Department encourages PRPs to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking the necessary response actions, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by the Department in taking such actions. You may also avoid or reduce certain permit or annual compliance 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.

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.

You are reminded that, at the time of oral notification to DEP, you were advised by the Department that the following response actions were approved as an Immediate Response Action (IRA):

1. install control measures to prevent off-site oil migration, if needed;
2. recover all free product from the groundwater sump in the basement floor;
3. provide negative pressure ventilation in the basement to prevent oil vapors from entering the living area of the above referenced dwelling;
4. remediate the #2 fuel oil release associated with the aboveground oil storage tank by excavation of up to 100 cubic yards of soil,
5. perform confirmatory soil and groundwater sampling to determine if further remedial action is necessary; and
6. dispose of all contaminated soil from this release at a Department-approved disposal/recycling facility.

An LSP must be retained to oversee the proposed IRA. Specific approval is required from the Department for the implementation of all IRAs with the exception of assessment activities, the construction of a fence and/or posting of signs. Additional submittals are necessary with regard to this notification including, but not limited to, the filing of an IRA Completion Statement and/or 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.

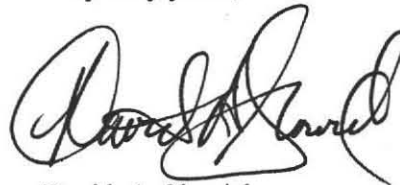


Ms. Nancy Pause
RTN # 1-13633

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 a Licensed Site Professional (LSP). You may contact the LSP Board of Registration at 617/556-1145 to obtain the current LSP list. Oversight is being provided by Evan Johnson, LSP.

If you have any questions relative to this notice, you should contact Robert Terenzi at the letterhead address or (413) 784-1100 ext. 2245. All future communications regarding this release must reference the Release Tracking Number (RTN) contained in the subject block of this letter.

Very truly yours,



David A. Slowick
Section Chief
Emergency Response

Certified Mail # 7000 0600 0026 4624 5824

RPT/rpt
RNF135633.00

copy: Amherst
Selectmen's office
Board of Health
Fire Department
Evan Johnson, LSP

Attachments: Release Notification Form; BWSC-003 and Instructions
Summary of Liability under M.G.L. c. 21E

