

Notice of Rights of Affected Third Parties

The following Person has filed an application pursuant to M.G.L. c. 21E, § 3A(j)(3) & 940 CMR 23.00, to enter into a Brownfields Covenant Not to Sue Agreement for the Site listed below. Third parties who may have claims with regard to this Site are hereby notified that: 1) the execution of the requested Agreement may affect such claims, and 2) third parties whose rights will be affected may seek to join the Agreement. Parties who wish to do so must make such request to the Attorney General in writing and must either deliver such request to the Office of the Attorney General, Attn. Brownfields Unit, Environmental Protection Division, 1 Ashburton Place, Boston, MA 02108, by **April 21, 2008**, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: Massachusetts Port Authority

Description of the Site:

The Coastal Oil Terminal property (the "Property") is a 30-acre parcel located at 900 East First Street in South Boston, Massachusetts, adjacent to Massport's Conley Terminal. A former fuel storage facility, the Property is bordered by the Reserved Channel to the north; Conley Terminal to the east; East First Street, to the south; and a former Massachusetts Bay Transportation Authority power generating station to the west. Within the Property, but excluded from it, is a separately owned parcel known and numbered as 920 East First Street.

The Massachusetts Contingency Plan ("MCP") site (the "Site") associated with the Property extends beyond the Property to the south. Massport intends to acquire only the Property. The portions of the Site within, and to the south of, East First Street are to remain the responsibility of Coastal Oil New England, Inc. ("Coastal") under M.G.L. c. 21E and the MCP.

Description of the Release at issue:

RTN 3-0257 (petroleum constituents in subsurface soil and groundwater)

Summary of the terms of the application.

Massport has entered into negotiations with El Paso Corporation to purchase the Property of its subsidiary, Coastal, comprised of the 30-acre former oil terminal north of East First Street in South Boston known and numbered as 900 East First Street. The purchase will be contingent upon the issuance of a satisfactory Covenant Not to Sue.

The Property is located within a Designated Port Area and abuts Reserved Channel. Consistent with its statutory responsibilities within the Port of Boston, Massport seeks to acquire the Property so that it will be available for future maritime use as market conditions allow for such use. In the near term, Massport intends to use the Property for container operations including container storage, refrigerated cargo handling, maintenance and repair, and related support uses, such as truck chassis storage, to support the growing operations at the adjacent Conley Terminal owned by Massport. In the longer term, subject to funding availability, Massport would be in a better position as owner of the Property to assist with development of a deep water berth to accommodate many of the larger ships now operating in the North Atlantic that are unable to use

the Port of Boston.

In connection with planned use of the Property to support Conley Terminal operations, Massport will implement appropriate measures to mitigate and avoid adverse effects to nearby properties. As part of that effort, Massport intends to improve the appearance of the Property along East First Street by providing appropriate screening, grassed areas and landscaping.

The Site includes the Property to be acquired by Massport, and additional land within and south of East First Street. The entire Site is currently in Remedy Operation Status ("ROS") pursuant to the Phase V ROS report submitted to the Massachusetts Department of Environmental Protection ("DEP") in December 2004. Remedial activities at the Site include the operation of a Multi-Phase Extraction system to remove petroleum from the subsurface soil and groundwater, and ongoing excavation of petroleum-impacted soil that is being placed in on-site "biopiles" to enhance bioremediation prior to reuse on the Property.

Massport intends to acquire the Property and assume responsibility for achieving a condition of No Significant Risk of harm to health, safety, public welfare, or the environment in accordance with the MCP for the portions of the Site that are within the Property. Coastal will retain its responsibility for achieving closure in accordance with the MCP for the portions of the Site located within and south of East First Street.

Massport seeks protection from any claim for monetary or injunctive relief by the Commonwealth or any third party arising from environmental conditions at the Site resulting from historical releases, which have been reported to the DEP under the release tracking number identified above.

Copies of the Applicant's application may be obtained by contacting Catherine Wetherell, Assistant Director, Capital Programs, Environmental Management, Massport, Logan Office Center, One Harborside Drive, East Boston, MA 02128, Phone: (617) 428-2800, Fax: (617) 568-3161; E-Mail: cwetherell@massport.com

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