

## 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 November 16, 2006, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: *Caritas Southwood Hospital, Inc. ("CSH")*  
*Atlantic Development Corporation ("Atlantic")*

Description of the Site [insert description from Section II.A. of the application form]:

*The property that is the subject of the proposed Agreement is a ± 97-acre former hospital facility owned by CSH and located at 111 Dedham Street in Norfolk, Massachusetts (with a small portion in Walpole, Massachusetts). Prior to 1982, the Site was known and operated as the former Pondville State Hospital, a hospital utilized by the Massachusetts Department of Public Health primarily as a cancer treatment facility. In 1982, the Site was conveyed to Southwood Community Hospital, Inc., which was licensed by the Department of Health to operate an acute care hospital at the Site. In 1997, Southwood Community Hospital merged with Caritas Southwood Hospital, and the surviving corporate entity, which continued to operate an acute care hospital at the Site until 1999. During the period from 1999 through 2003, Caritas Southwood Hospital and Caritas Norwood Hospital used the Site primarily for administrative services and an outpatient radiation therapy program. In October 2003, Caritas Southwood Hospital and Caritas Norwood Hospital ceased using the Site for administrative services and the outpatient radiation therapy program. Since that time the buildings on the Site have been vacant but for minimal security-related operations.*

Description of the Release(s) at issue:

*The Releases at issue were reported to the DEP under Release Tracking Numbers 3-1694, 3-13115, and 3-20899 and relate back to the Commonwealth's ownership and the Department of Public Health's operation of the Site from approximately 1926 to 1982. RTN 3-1694 is the subject of Tier 1C Permit No. P26709 and encompasses the entire Site.<sup>1</sup>*

Summary of the terms of the application.

*The Applicants contemplate that a portion of the 97-acre Site would be subdivided into two parcels and that the current owner of the Site, CSH, would transfer ± 87.1 acres to Atlantic for*

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<sup>1</sup> Release Tracking Number 3-1694 was originally listed under DEQE Case No. 1844, also referenced as DEQE Case No. 1694. The case number was subsequently transitioned to RTN 3-1694.

*mixed use redevelopment of the property, which may include a combination of residential, commercial, retail and office uses. CSH would retain ownership of ± 9.9 acres of the Site. CSH may develop the retained parcel as a medical office building.*

*The application contemplates that Atlantic would complete and submit to the DEP a Phase IV Remedy Implementation Plan for the entire ± 97-acre Site. Atlantic would be responsible for the investigation, assessment, remediation, removal and monitoring of Oil and/or Hazardous Materials in, at, on, under, migrating onto or emanating from the ± 87.1 acre parcel of the Site which would be transferred to Atlantic. Atlantic would be responsible for capping the landfill on the ± 9.9 acre portion of the Site which would be retained by CSH.*

*CSH is seeking liability relief against the Commonwealth with respect to claims brought pursuant to M.G.L. c. 21E for response action costs or contribution, or for claims brought pursuant to that chapter or the common law for property damage or for personal injury, or for claims brought pursuant to that chapter for damages for injury to and/or for destruction or loss of natural resources, related to releases of Oil and/or Hazardous Materials occurring at the Site prior to the execution of a Covenant Not to Sue Agreement. CSH is seeking liability relief against Affected Third Parties for claims brought pursuant to M.G.L. c. 21E for response action costs or contribution, or for claims brought pursuant to that chapter or the common law for property damage or for personal injury, related to releases of Oil and/or Hazardous Materials occurring at the Site prior to the execution of a Covenant Not to Sue Agreement.*

*Atlantic seeks liability relief for its successors, assigns, lessees or licensees who have interests in the Site as owners or operators, or who are agents, investors, lenders, or lessees of its successors and assigns having rights in the Site.*

*The Applicants propose that such liability relief would vest upon execution of an Agreement for Covenant Not to Sue and that such liability relief would be available to a Subsequent Owner or Operator of the Site or portions thereof.*

*Copies of the Applicant's application may be obtained by contacting Sarah Broughel at (617) 248-5270 or [sbroughel@choate.com](mailto:sbroughel@choate.com)*