



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK
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KENNETH L. KIMMELL
Commissioner

Lunt Silversmiths, Inc.
c/o Mr. James H. Lunt, President
PO Box 1010
Greenfield, MA 01302

September 27, 2012

Re: Greenfield-RTN 1-18869
Former Lunt Silversmith
298 Federal Street
Hazardous Material/Oil
Release
M.G.L.c. 21E

NOTICE OF RESPONSIBILITY
M.G.L. c. 21E, 310 CMR 40.0000

Dear Mr. Lunt:

On April 27, 2012, the Department received a draft Phase II Environmental Site Assessment Report for the former Lunt Silversmith, Inc. (the Site) prepared by O'Reilly, Talbot & Okun Associates, Inc (OTO). The Report was prepared for the Town of Greenfield in accordance with the American Society for Testing and Materials (ASTM) "Standard Guide for Environmental Site Assessment: Phase II Environmental Site Assessment Process", Standard E1903-11. Based on review of the Phase II Site Investigation Report, the Department has become aware of releases of oil and hazardous materials at the above address. Further, the Department is aware that the Lunt Silversmiths, Inc. has filed for bankruptcy and the Town of Greenfield is considering taking the property via purchase or tax-taking.

Based on information acquired from the Phase II Site Investigation, the Department has reason to believe that the property, or portions thereof, is a disposal site, which requires cleanup and response actions. The cleanup of disposal sites is governed by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, which is implemented through regulations promulgated by the Department. These regulations are referred to as the Massachusetts Contingency Plan, (the MCP), 310 CMR 40.0000..

The information contained in your submittal also indicates that you (as used in this letter "you" refers to **Lunt Silversmiths, Inc.**) are a party with potential liability for response action costs and damages under M.G.L. c. 21E, § 5. The attached summary is intended to provide you with

information about liability under Chapter 21E to assist you in deciding what actions to take in response to this notice.

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.

ACTIONS UNDERTAKEN TO DATE AT THE SITE

On April 27, 2012, the Department received a draft Phase II Environmental Site Assessment Report for the former Lunt Silversmith Site prepared by OTO. Based on the findings of this report, chlorinated volatile organic compounds (VOCs), primarily trichloroethylene (TCE), in soil and groundwater, petroleum in shallow soil near the aboveground storage tank (AST) fill lines, and metals in shallow soil, primarily near the cyclonic dust collectors were identified at the Site. A release of TCE to soil and groundwater was identified exceeding MCP Reportable Concentrations. The report is available for review via e-DEP http://public.dep.state.ma.us/wsc_viewer/Main.aspx.

NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES

No disposal site will be deemed to have had all the necessary and required response actions taken for it unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of no significant risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP.

The MCP requires persons undertaking response actions at a disposal site to submit to the Department a RAO Statement prepared by a LSP upon determining that a level of no significant risk already exists or has been achieved at the disposal site.

Unless otherwise provided by the Department, responsible parties have one year from the initial date notice of a release or threat of release is provided to the Department pursuant to 310 CMR 40.0300 or from the date the Department issues a Notice of Responsibility, whichever occurs earlier, to file with the Department one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a RAO Statement; or (3) a Downgradient Property Status Submittal. The one-year anniversary date for this release is **September 18, 2013**.

In addition, the MCP requires responsible parties and any other person undertaking response actions at a disposal site to perform Immediate Response Actions in response to sudden releases, Imminent Hazards and Conditions of Substantial Release Migration. Such persons must continue to evaluate the need for Immediate Response Actions and notify the Department immediately if such a need exists.

PROCEDURES TO FOLLOW TO UNDERTAKE RESPONSE ACTIONS

The Department encourages parties having liability under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and hazardous materials. By taking prompt action, liable parties may significantly lower cleanup costs and avoid the imposition of, or reduce the amount of, certain permit and/or annual compliance assurance fees payable under 310 CMR 4.00 (e.g., no annual compliance assurance fee is due for RAO Statements submitted to the Department within 120 days of the initial date of release notification).

You must employ or engage a LSP to manage, supervise or actually perform all response actions which you intend to undertake at this disposal site. You may obtain a list of the names and addresses of LSPs by contacting the Board of Registration of Hazardous Waste Site Cleanup Professionals by telephone at (617) 556-1091 or via the following internet link: <http://db.state.ma.us/dep/lsp/lspsearch.htm>.

If you have any further questions, please contact Caprice Shaw at the letterhead address or at (413) 755-2222. All future correspondence communications regarding the disposal site should reference the Release Tracking Number listed in the subject block of this letter.

Sincerely,



Eva V. Tor
Deputy Regional Director
Bureau of Waste Site Cleanup

EVT/cgs
Encl: 21E Liability Summary

Certified Mail #: 7007 0710 0003 2181 2919 Return Receipt Requested

cc: Site file
Mr. James Lunt, 653 Bernardston Road, Greenfield, MA 01301
Mr. Denham C. Lunt III, 38 Sunrise Avenue, Greenfield, MA 01301

ec: Town of Greenfield Mayor's Office
Town of Greenfield Health Department
Ms. Valerie Tillinghast, LSP, OTO
EDEP