

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
Governor

RICHARD K. SULLIVAN JR.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

December 21, 2012

Mr. Justin Mickiewicz
9 Forest Avenue
Greenfield, Massachusetts 01301

RE: Access Agreement – RTN 1-17758
9 Forest Avenue, Greenfield, MA
Lunt Silversmith Site at
298 Federal Street, Greenfield, MA

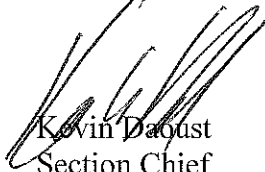
Dear Mr. Mickiewicz:

The Massachusetts Department of Environmental Protection (“MassDEP”) is assisting the Town of Greenfield to determine the source and extent of environmental contamination from the former Lunt Silversmith Site located at 298 Federal Street in Greenfield. As part of the Lunt Silversmith site investigation, indoor air sampling is planned for properties on Kenwood Street and Forest Avenue. Access to your property at 9 Forest Avenue is needed to investigate contamination migration, especially to determine whether contamination could be affecting indoor air, including the first and basement levels. We anticipate collecting indoor air samples at your property. This work will be conducted in January 2103 by the City and MassDEP. MassDEP will provide you with the analytical results from the air samples collected at your property.

Enclosed please find an Access to Property Agreement and MassDEP’s Indoor Air Sampling Fact Sheet. Enclosed please find an Access to Property Agreement. Please sign and date the agreement, and return it to our office at the above letterhead address. MassDEP staff will contact you with further details about the anticipated work, and to notify you of the dates on which access will be needed, once the work has been scheduled.

I want to thank you in advance for your cooperation in this matter and for voluntarily providing access to the property. If you have any questions, feel free to contact myself or Ben Fish at (413) 755-2285.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Daoust", written over the printed name.

Kevin Daoust
Section Chief
Bureau of Waste Site Cleanup

**COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

ACCESS AND CONSENT TO ENTER PROPERTY AGREEMENT

**Mr. Justin J. Mickiewicz
9 Forest Avenue
Greenfield, MA 01301
RTN #1-17758**

Statutory Authority: The Massachusetts Department of Environmental Protection, its employees, agents, and/or contractors (collectively "MassDEP") require access to a parcel of land, identified below, for the purpose of performing certain investigative, removal, response and/or remedial actions pursuant to the authority of M.G.L. c. 21E, §§ 4 and 8. Through execution of this Access And Consent to Enter Property Agreement ("Agreement"), **Mr. Justin J. Mickiewicz ("Owner")** acknowledges MassDEP's authority to enter the property pursuant to M.G.L. c. 21E, §8 to perform activities to protect the public health, safety, welfare and the environment, and will allow MassDEP access to this parcel of land to perform these activities in accordance with the terms and conditions set forth below.

Property Description: The parcel of land covered by this Agreement is located at **9 Forest Avenue** (hereinafter "Property") and is referenced in a **Deed recorded on April 22, 2009, in the Franklin County Registry of Deeds at Book 5658/Page 15.**

Scope of Work: The activities to be performed by MassDEP will be undertaken in accordance with M.G.L. c. 21E and the Massachusetts Contingency Plan, 310 CMR 40.0000 et seq. (the "MCP"). The scope of work proposed by MassDEP may include, but may not be limited to, the following activities on the Property in order to investigate, address and/or eliminate any risks to public health, safety, welfare and the environment associated with the release or threat of release of oil and/or hazardous materials at the former Lunt Silversmith Site at 298 Federal Street, Greenfield, which MassDEP has identified as a "Site" as defined by M.G.L. c. 21E and the MCP, and is further identified by MassDEP Release Tracking Number, RTN: 1-17758: MassDEP's staff will collect and analyze indoor air samples from the building located at 9 Forest Avenue, Greenfield, MA 01301.

Timing and Duration of Work Activities: The work activities described above will begin upon the Owner's execution of this Agreement. MassDEP will provide reasonable advance notice to the Owner of the exact date and time for the commencement of work activities. It is anticipated that work activities will be performed on dates and at times to be mutually agreed upon by the MassDEP and the Owner. Depending upon the results of initial work activities, MassDEP may need to return to the Property to perform monitoring on a regular basis and the Owner acknowledges through execution of this Agreement MassDEP's right to return and access the Property to perform any required additional or periodic work activities. MassDEP will provide reasonable advance notice to the Owner of the specific date(s) and time(s) for the performance of any additional or periodic work activities.

Term of Agreement: It is anticipated that all work associated with this Agreement, including any/all additional or periodic work activities (if applicable), will be completed by MassDEP by no later than **March 31, 2013**.

Availability of Sampling Results/Reports: All public documents relating to the proposed work activities, including all sampling analysis data and related reports, may be reviewed electronically, through access to MassDEP's website at: <http://www.mass.gov/dep/cleanup/index.htm> and searching the "Searchable Waste Site List" by the RTN referenced above. In addition, pursuant to 310 CMR 40.1403(10), the Owner will be provided with a copy of all analytical data and related reports generated as a result of this project within thirty (30) days of the date the sample results are issued to MassDEP by the analytical laboratory.

Property Responsibility/Certificate(s) of Insurance: In executing this Agreement, the Owner understands that MassDEP will exercise reasonable efforts to minimize disruption of the usual, daily activities at the Property while performing work activities under this Agreement, and will make reasonable efforts to restore the areas of the Property where the work activities occurred to its prior condition. Upon execution of this Agreement, the Owner may obtain upon request a Certificate of Insurance from each MassDEP contractor who will be performing work on the Property. The Owner will otherwise continue to be responsible for all other liability and insurance obligations related to the Property.

No Conveyance of Property Interest: In executing this Agreement, the Owner understands that this Agreement is not intended to convey an interest in property to MassDEP.

Access Authorization: By executing this Agreement below, the Owner hereby grants access to MassDEP, its employees, authorized agents and/or contractors to enter the Property for the purpose of performing the above-referenced work activities.

Requirement of Written Revocation of Access: In executing this Agreement, the Owner also acknowledges and agrees that, in the event that the Owner seeks to revoke this Agreement, the Owner shall provide MassDEP with a written notice revoking this Access Agreement at least forty-eight (48) hours prior to MassDEP's cessation of work activities.

Legal Name of Individual/Entity

Mr. Justin J. Mickiewicz

Mr. Justin J. Mickiewicz
9 Forest Avenue
Greenfield, MA 01301

Date: _____