

SCANNED

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COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHEAST REGIONAL OFFICE  
20 Riverside Drive, Lakeville, MA 02347 508 946-2700

**COPY**

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

November 12, 2008

Mr. Michael Yuntis, Town Administrator  
Town of Holbrook  
Town Hall  
50 North Franklin Street  
Holbrook, Massachusetts 02343

RE: HOLBROOK – BWSC  
RTN 4-3024519  
3 Philipp Road

**NOTICE OF TECHNICAL  
ASSISTANCE CONFERENCE**

Dear Mr. Yuntis:

On May 5, 2008, the Massachusetts Department of Environmental Protection ("MassDEP") issued you a Notice of Noncompliance ("NON") for your failure to conduct response actions at the Site referenced above in accordance with the Massachusetts Contingency Plan (MCP) and Massachusetts General Law Chapter 21E. The NON gave you until June 5, 2008 to have filed with MassDEP a Phase I – Initial Site Assessment Report for this release. You have failed to comply with the NON. As a result, MassDEP is evaluating the need to take an enforcement action against you.

Prior to proceeding with any such actions, you are asked to attend a Conference at this office on the following date and time:

**LOCATION: Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, Massachusetts 02347**

**DATE: Tuesday, November 25, 2008**

**TIME: 10:00 a.m.**

This Conference will provide you with an opportunity to explain the current site conditions to MassDEP and any situations that are currently preventing you from completing response actions at the Site. You should send a representative to this meeting who is fully empowered to discuss this matter on your behalf. Additionally, MassDEP strongly encourages you to attend with legal counsel.

Please notify MassDEP upon receipt of this Notice regarding your intentions concerning your attendance at this conference.

For special accommodations for this event, contact Brenda Chabot at this address or call 508 946-2707.  
This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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1. Article Addressed to:

Michael YANTIS, Town  
Admin.

Town of Holbrook  
Town Hall, 50 N. Franklin St.  
Holbrook Ma 02343

2. Article Number

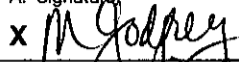
(Transfer from service label)

7008 0150 0003 5433 7024

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X

☐ Agent☐ Addressee

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C. Date of Delivery

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☐ Yes

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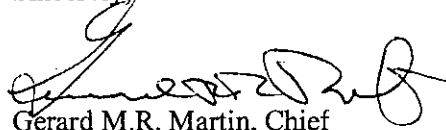
• Sender: Please print your name, address, and ZIP+4 in this box •

Commonwealth of Massachusetts  
Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

JHARD / BWSR re 4-30-25 19 NO TAC

Please contact John Handrahan at the letterhead address or by calling (508) 946-2883 if you have any questions regarding this Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerard M.R. Martin", written over a horizontal line.

Gerard M.R. Martin, Chief  
Site Management & Enforcement Section

H/JTH/re

CERTIFIED MAIL #7008 0150 0003 5433 7024  
RETURN RECEIPT REQUESTED

cc: DEP-SERO  
Attn: Data Entry

cc: Rebecca Tobin, Regional Counsel



*file*

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHEAST REGIONAL OFFICE  
**20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700**

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May 5, 2008

Mr. Michael Yuntis, Town Administrator  
Town of Holbrook  
Town Hall  
50 North Franklin Street  
Holbrook, Massachusetts 02343

RE: HOLBROOK - BWSC  
RTN: 4-3024519  
3 Philipp Road  
NON-SE-08-3T-13

**NOTICE OF NONCOMPLIANCE**

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Dear Mr. Yuntis:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup ("MassDEP"), is tasked with ensuring the permanent cleanup of oil and hazardous material releases pursuant to Massachusetts General Law Chapter 21E ("Chapter 21E"). The law is implemented through regulations known as the Massachusetts Contingency Plan, 310 CMR 40.0000 et seq. (the "MCP").

Through the MCP, MassDEP is currently regulating a release of oil and hazardous materials that has occurred at 3 Philipp Road, Holbrook, Massachusetts. MassDEP was first notified of the release on December 24, 2004. At that time, a prospective purchaser conducted an environmental assessment of the property. That assessment identified the release. MassDEP records indicate that the Town of Holbrook has taken the property for municipal use as a possible solid waste transfer station.

MassDEP's records indicate that you (as used in this Notice, "you" refers to the Town of Holbrook) are a Potentially Responsible Party ("PRP") for this release.

This Notice is provided to inform you that you are not in compliance with the MCP. MassDEP has no record of your completing the response actions required by the MCP to address this release.

Attachment A of this Notice is a Noncompliance Summary sheet that outlines the provisions of the MCP that you have not complied with. Contained within the Noncompliance Summary are the necessary action(s) you must complete to return to compliance. Additionally, there is a prescribed deadline for your completion of the action(s).




**MassDEP may assess a Civil Administrative Penalty potentially in excess of several thousand dollars if you continue to be in noncompliance with the violation(s) cited herein.**

Notwithstanding this Notice of Noncompliance ("NON"), MassDEP reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative penalties assessed by MassDEP.

Finally, Attachment 2 of this Notice is a fact sheet containing supplemental information regarding this NON.

If you have any questions regarding this matter, or if you would like to discuss compliance with this Notice, please contact John Handrahan, at the letterhead address or by telephone at 508-946-2883. All future communications regarding this matter must reference Release Tracking Number 4-3024519.

Very truly yours,

  
Gerard M. R. Martin, Chief  
Site Management & Enforcement Section

M/JH/la

Attachments: Attachment 1: Noncompliance Summary Sheet  
Attachment 2: Supplemental Information Regarding this Notice of Noncompliance

CERTIFIED MAIL # 7006 2760 0001 5209 2122

fc: Board of Health  
Board of Selectmen

cc: DEP-SERO  
Regional Enforcement Office

ec: DEP-SERO  
Deneen Simpson, Regional Enforcement Office  
Data Entry

**ATTACHMENT 1**

**NOTICE OF NONCOMPLIANCE**  
**NONCOMPLIANCE SUMMARY**

**ENTITY/POTENTIALLY RESPONSIBLE PARTY IN NONCOMPLIANCE:**

Town of Holbrook  
Town Hall  
50 North Franklin Street  
Holbrook, Massachusetts 02343

**LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

4-3024519  
3 Philipp Road  
Holbrook, Massachusetts

**DATE(S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

December 24, 2005

**DESCRIPTION OF ACTIVITY OR CONDITION RESULTING IN NONCOMPLIANCE:**

1. MassDEP has not received an Response Action Outcome (RAO) Statement, Tier Classification Submittal or Downgradient Property Status Submittal for this release. One of the above referenced documents is required to be submitted to MassDEP within 1 year of notification that a release of oil and/or hazardous material has occurred, as is required by 310 CMR 40.0501(3).

**DESCRIPTION OF REQUIREMENT NOT COMPLIED WITH:**

1. Pursuant to 310 CMR 40.0501(3), except where a site has filed a Response Action Outcome (RAO) or a Downgradient Property Status Submittal, all sites for which MassDEP receives notification of a release or threat of release of oil and/or hazardous material pursuant to 310 CMR 40.0300 on or after October 1, 1993, shall be classified as either a Tier I or Tier II disposal site in accordance with 310 CMR 40.0500. A Tier Classification submittal and, if applicable, a Tier I Permit application, shall be submitted to MassDEP within one year of the earliest date computed in accordance with 310 CMR 40.0404(3).

**DESCRIPTION AND DEADLINES OF ACTIONS TO BE TAKEN:**

**To avoid imposition of a Civil Administrative Penalty potentially in excess of several thousand dollars for violations of the MCP, you must complete the following action(s) within thirty (30) days of your receipt of this NON:**

1. Submit to MassDEP either a Response Action Outcome Statement, Downgradient Property Status Statement, or a Tier Classification with, if necessary, a completed Tier I Initial Permit Application.

**All items must be prepared in full accordance with the MCP.**

Notwithstanding this NON, MassDEP reserves the right to exercise the full extent of its legal authority to obtain full compliance with all applicable requirements, including but not limited to, criminal prosecution, civil action including court-imposed civil penalties, and Civil Administrative Penalties issued by MassDEP.

**ATTACHMENT 2:**  
**SUPPLEMENTAL INFORMATION REGARDING THIS**  
**NOTICE OF NONCOMPLIANCE**

This attachment further explains why this Notice of Noncompliance (NON) has been issued to you.

**Why was I issued this NON?**

MassDEP's records indicate that you have not submitted one or more of the documents listed in the attached NON. This NON was issued to inform you of this fact and offer you an opportunity to come back into compliance by submitting the missing information to MassDEP by the deadlines specified in the NON. You are listed in MassDEP's records as the person who is responsible for cleaning up the release cited in the attached NON. For example, at the time you or another party notified MassDEP that the release occurred, you either informed MassDEP that you accepted responsibility for the cleanup or you were sent a "Notice of Responsibility" (NOR) by MassDEP informing you that we found you responsible for the release. In either case, MassDEP has reason to believe that you are an owner, operator, generator, transporter, disposer, or person who otherwise caused the release or threat of release of oil and/or hazardous materials cited in the attached NON. This means that, under Section 5 of M.G.L. Chapter 21E, you are a *Potentially Responsible Party* (PRP) and liable for response action costs associated with the release. As a PRP, you are required to conduct and complete certain response actions outlined in the MCP to clean up the release of oil and/or hazardous materials expeditiously.

**What happens if I fail to comply with or respond to the NON?**

You have 30 days from the date you receive the NON to comply. If you fail to comply, you will be assessed a penalty by MassDEP.

Your total penalty exposure can be considerable. For example, penalties can be assessed for **each day** you remain in noncompliance. Note that MassDEP is allowed by law to back calculate daily penalties to begin on the date you **received** the NON. **You can be penalized thousands of dollars should you fail to comply with or respond to the NON by the 30-day deadline.** Please refer to the Civil Administrative Penalty Statute, Chapter 21A, Section 16 and 310 CMR 5.00, the Civil Administrative Penalty Regulations, for complete details on the Administrative Penalty rules.

**When the cleanup contractor finished the work in the field, I thought my dealings with MassDEP were finished. What more do I have to do?**

This is a common question asked when a NON is received. PRPs often think their dealings with MassDEP are over when, for example, the fieldwork is completed by a cleanup contractor. Examples of this type of fieldwork include cleaning up a spill from a saddle tank leak on a roadway, or removing contaminated soil from a tank grave during a tank replacement or oil-contaminated debris from a storage tank after a fire. The fieldwork may be complete, but you still must submit some paperwork to MassDEP to prove that the cleanup was undertaken in compliance with the MCP.

The MCP includes deadlines by which you must complete response actions and submit information about those response actions to MassDEP. We track the progress of cleanups by checking to see if you are sending information about your cleanup progress to MassDEP on time. For example, if we do not receive a Response Action Outcome Statement (RAO) before the 1-year anniversary date of the release, we must assume that the environmental cleanup has not been completed. For work to continue after the 1-year anniversary date of the release, the MCP requires that you submit a Tier I or Tier II Classification to MassDEP. If MassDEP does not receive either an RAO or Tier Classification by the 1-year anniversary

date, we must assume that you are not implementing any cleanup at all. Without your cooperation in obtaining the cleanup information, MassDEP does not know whether serious environmental problems are being addressed. If work is not being performed, MassDEP must take action to ensure it happens. On the other hand, you may have finished the cleanup but neglected to forward the cleanup documentation required by the MCP.

### **What do I have to do to comply with the NON?**

First, all response actions not directly managed by MassDEP staff must be overseen and directed by a "Licensed Site Professional" or LSP. LSPs are licensed by the Commonwealth, and their stamp and signature are required (together with yours) on all but one form you must submit to MassDEP. If you don't already have the forms and information required for you to comply with this NON, contact the consultant and/or cleanup contractor who worked on your cleanup. If you have not undertaken any cleanup work, contact an LSP immediately. A list of LSPs may be obtained by calling (617) 556-1091 or viewing the list on the Internet at <http://www.state.ma.us/lsp>.

The documents you must submit to MassDEP require LSP stamp and signature. For example, when a cleanup is completely finished, the MCP requires that you submit a document called a "Response Action Outcome" (RAO) to MassDEP in which you attest that you have completed the cleanup in accordance with the MCP. If you do not submit an RAO to MassDEP, the case remains open in MassDEP's files even if the fieldwork is completely finished. If you received this NON and you think the fieldwork is completely finished, call your cleanup contractor and LSP to find out how to have an RAO prepared and submitted to MassDEP.

If more environmental studies or cleanup are needed (for example, following the initial cleanup of a highway spill or soil contamination found during a tank replacement), you must submit forms describing your plans to continue the work in a timely manner. Again, these forms must contain an LSP's stamp and signature, and be co-signed by you. Depending on the circumstances, the possible submittals are an Immediate Response Action (IRA) Plan, IRA Status Report, IRA Completion Statement, and/or a Tier Classification Submittal and Tier I Permit Application.

You should also be aware that MassDEP does not become involved in or help mediate billing disputes with insurance companies, cleanup contractors, or LSPs. A common response to a NON is that an insurance company is slow on paying cleanup bills or will not cover various cleanup costs. We also hear that cleanup firms and LSPs will not send in RAOs and other forms because their clients have not paid their bills. These matters must be resolved privately by you. You ultimately must comply with the attached NON or be subject to significant penalties from MassDEP.

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COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
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Secretary

LAURIE BURT  
Commissioner

September 1, 2009

Mr. Michael Yunits, Town Administrator  
Town of Holbrook  
50 North Franklin Street  
Holbrook, Massachusetts 02343

RE: **HOLBROOK**  
Release Tracking Number: 4-3024519  
Former Holbrook Chemical  
3 Philipps Road  
**PUBLIC INVOLVEMENT PLAN**

Dear Mr. Yunits:


The Massachusetts Department of Environmental Protection (MassDEP) is in receipt of a Public Involvement Plan Petition (the PIP Petition) dated August 25, 2009, for the disposal site located at 3 Phillips Road, Holbrook, Massachusetts (the Site). MassDEP is currently regulating response actions being conducted at the Site due to the detection of metals, petroleum hydrocarbons, volatile and semi-volatile organic compounds in soil and groundwater at the Site. The source of the contamination is believed to be from historic use of the property by the Holbrook Chemical Corporation.

MassDEP has determined that the Petition satisfies the requirements of 310 CMR 40.1404(5). The Town of Holbrook, as a Potentially Responsible Party for the Site, must comply the Public Involvement provisions established in 310 CMR 40.1405.

As part of the PIP process outlined in the Massachusetts Contingency Plan (MCP), the Town of Holbrook is required to undertake several activities, including, but not limited to, interviewing the petitioners, drafting a site-specific Public Involvement Plan and holding a public meeting to present the plan. The public meeting is required to be held within 80 days of submittal of the Petition.

MassDEP believes that public involvement is a critical part of the process of cleaning up disposal sites. The MCP encourages citizens to participate in this process and requires entities performing cleanups to provide specific opportunities for participation. Should you have any questions regarding this process, please contact John Handrahan at 508-946-2883 or Ellie Grillo at 508-946-2866.


Sincerely,

  
Gerard M. R. Martin, Chief  
Site Management and Enforcement Section  
Bureau of Waste Site Cleanup

M/JTH/re

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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1. Article Addressed to:

Michael Jurets, Town Admin  
 Town of Hallowbrook  
 50 North Franklin St  
 Hallowbrook MA 02343

2. Article Number

(Transfer from service label)

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M. Jurets

☐ Agent☐ Addressee

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Michael Jurets

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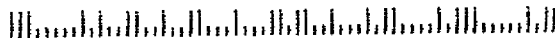
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Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

SEP - 8 2003

D.E.P.  
SOUTHEAST REGION

Public Involvement Plan <sup>4-</sup>3024519

RE  
JH/BWSC



CERTIFIED MAIL #7008 1830 0001 0409 5989  
RETURN RECIEPT REQUESTED

cc: Holbrook Board of Health  
Holbrook Board of Selectmen

cc: Mr. Craig Blake, LSP  
Woodward and Curran, Inc.  
900 Washington Street, Suite 325  
Dedham, Massachusetts 02026

Ms. Katherine Connolly  
268 Union Street  
Holbrook, Massachusetts 02343