

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

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

March 6, 2012

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

RE: **HOLBROOK**
Release Tracking Number: 4-3024519
Frm Holbrook Chemical Property
3 Phillips Road
NOTICE OF NONCOMPLIANCE
NON-SE-12-3T-010

**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 or the Department) is tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

MassDEP has reason to believe that there have been one or more releases of oil and/or hazardous materials at the above-referenced property located at 3 Philips Road, Holbrook, Massachusetts (the Site), which require one or more response actions. MassDEP believes that you (as used in this notice, "you" and "your" refers to the Town of Holbrook), as the current owner of the property, are a Potentially Responsible Party (PRP) for this site.

This Notice of Noncompliance (NON) 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.

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

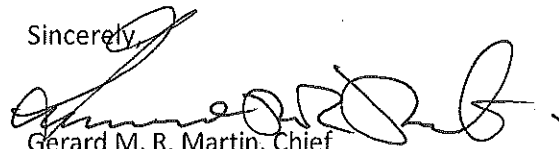
MassDEP may assess a Civil Administrative Penalty in excess of several thousand dollars if you continue to be in noncompliance with the violation(s) cited herein.

Notwithstanding this 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.

Attachment 1 of this NON is a Fact Sheet containing supplemental information.

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.

Sincerely,



Gerard M. R. Martin, Chief
Compliance & Enforcement Section
Bureau of Waste Site Cleanup

M/JH/lg

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Attachment: Noncompliance Summary Sheet

CERTIFIED MAIL # 7010 0780 0000 6738 3745
RETURN RECEIPT REQUESTED

ec: Holbrook Board of Health

Holbrook Chief Municipal Officer

DEP-SERO

Attn: Deneen Simpson, Regional Enforcement Office

Attn: Lara Goodine, BWSC – Data

cc: DEP-SERO

Attn: Regional Enforcement Office

NOTICE OF NONCOMPLIANCE

NON-SE-12-3T-010

4-3024519

NAME OF ENTITY IN NONCOMPLIANCE:

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

LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:

Frm Holbrook Chemical Property
3 Phillips Road
RTN: 4-3024519

DATES AND DESCRIPTION OF REQUIREMENT(S) NOT COMPLIED WITH:

1. Violation of 310 CMR 40.0560(2) – Response Action Deadlines and Requirements for Tier II Disposal Sites

Except as provided by 310 CMR 40.0560(3), or as expressly provided by 310 CMR 40.0000 or as otherwise ordered or agreed to in writing by MassDEP, any person undertaking response actions at a Tier II disposal site shall submit the following documents to MassDEP by the following deadlines: a) a scope of work for a Phase II – Comprehensive Site Assessment pursuant to 310 CMR 40.0834, prior to implementation of Phase II field work, unless the Phase II field work had been implemented prior to Tier Classification; b) a Phase II Comprehensive Site Assessment Report (Phase II), and if applicable, a Phase III Remedial Action Plan (Phase III), within two (2) years of the effective date of Tier Classification.

To date, MassDEP has not received a Phase II Comprehensive Site Assessment Report or a Phase III Remedial Action Plan for the site. The reports were originally due to be submitted to MassDEP by July 2, 2011.

DESCRIPTION AND DEADLINES OF ACTIONS TO BE TAKEN:

1. **By July 1, 2012**, submit to MassDEP a Phase II Comprehensive Site Assessment Report for the Site, prepared in full accordance with the provisions of 310 CMR 40.0830.
2. **By July 1, 2012**, if the Phase II Report indicates that more Comprehensive Response Actions are required to achieve an RAO at the Site, you shall submit to MassDEP a Phase III Report, prepared in full accordance with the provisions of 310 CMR 40.0850. The Phase III Report shall evaluate the feasibility of reaching a Permanent Solution at the Site, as the MCP defines that term.
3. If at any time, you submit documentation to MassDEP sufficient to support the conclusion that a Class A RAO has been achieved at the Site in full accordance with the MCP, you do not need to continue with Comprehensive Response Actions at the Site, pursuant to 310 CMR 40.0560(3).

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.

By:

A handwritten signature in black ink, appearing to read "Gerard M. R. Martin". The signature is fluid and cursive, with a large initial "G" and a stylized "M".

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

Date: March 6, 2012