

### 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 **July 25, 2007**, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: 109 Route 6A, LLC.

Description of the Site:

A parcel of land with all improvements located at and known as 105 - 109 Route 6A, Sandwich, Massachusetts 02563. The Property that is the subject of the proposed agreement is shown as Lot 2 on a plan entitled: "Subdivision of Land in Sandwich Surveyed for Fred O. Earle Jr. Scale 1" = 40' June 17, 1954 R.S. Thomas, Eng'r Sagamore, Mass.," which said plan is recorded with the Barnstable County Registry of Deeds in Plan Book 119, Page 117.

Additionally, the "Disposal Site" (hereinafter "Site"), as defined in the Massachusetts Contingency Plan (MCP-310 CMR 40.0000) may include additional real properties not owned by Earle Realty Trust, the current or former owner of record. Further assessment must be conducted in order to identify all locations where the OHM has come to be located.

Description of the Release(s) at issue:

Based upon documents related to a removal action conducted by Exxon and by the Applicant, diesel, #2 oil and/or other oil and gasoline releases exist upon the Property that is the subject of the proposed Agreement, and may continue beyond the property boundary onto the abutting properties, particularly to the north.

Summary of the terms of the application.

109 Route 6A, LLC proposes to enter into a Brownfields Covenant Not to Sue Agreement with the Commonwealth of Massachusetts Attorney General, said Brownfields Covenant Not to Sue Agreement to include third-party liability protection for 109 Route 6A, LLC. 109 Route 6A, LLC desires to purchase the subject property from the current owner, Earle Realty Trust. For a more complete description please see the entire application package.

Additional copies of the Applicant's application may be obtained by contacting

**Shephard S. Johnson, Jr. & Associates, P.C.**

**At: 628 Pleasant Street, Suite 428  
New Bedford, MA 02740**

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Email: [ssj@shepjlaw.com](mailto:ssj@shepjlaw.com)