

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. Benjamin Ericson, Brownfields Unit Chief, 1 Ashburton Place, Boston, MA 02108, by October 11, 2006, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: Astro Logistics, LLC.

Description of the Site:

A 7.73 acre parcel of land with an approximately 65,000 square foot building located at 126 Memorial Drive, Springfield, Massachusetts (the "Property"). The Property was formerly owned by Hampden Color & Chemical Company which operated a hazardous waste treatment, storage and disposal facility on the site.

Description of the Release(s) at issue:

1-00178 (as documented in Class A-2 Response Action Outcome ("RAO")) (statement, filed with DEP on November 2, 2005).

1-15821 (as documented in Release Abatement Measure Plan ("RAM") filed with DEP on January 3, 2006).

1984 500-700 gallons of 1,1,1-trichloroethane ("TCA") on paved parking lot and into storm drain that discharged into Poor Brook.

1989 625 gallons of TCA on a grassed area and into paved driveway and eventually to a storm water catch basin that discharged into Poor Brook.

2005 Release of Toluene identified in the area of the solvent UST's. A light non-aqueous phase liquid ("LNALP") toluene has been identified in well MW-14T adjacent to the UST's.

Summary of the terms of the application.

In November 2005, the Applicant proposed and the DEP agreed to designate the Property for Release tracking #1-00178 under Class A-2 RAO status. A permanent solution as defined in 310 C.M.R. 40.0006 has been achieved and all potentially substantial hazards have been eliminated from the site for this Release.

In January 2006, the Applicant filed an Immediate Response Action (IRA) Plan Modification for Release tracking #1-15821. The IRA Plan proposes utilization of in-situ chemical oxidation to remediate toluene contamination present in soil and groundwater. The Applicant anticipates a permanent solution will be achieved and that a Response Action Outcome Statement for the release will be submitted. The Applicant will be responsible for funding the work associated with the remediation along with the use of the Grant Funds.

The Applicant is seeking liability relief against third parties pursuant to G. L. c. 21 E, § 3A(j)(3) and 940 CMR 23.08(2). Applicant is seeking relief against any and all claims for contribution cost recovery or equitable share regarding all matters referenced in the application.

Copies of the Applicant's application may be obtained by contacting: Edward V. Sabella, Esquire at Shatz, Schwartz and Fentin, P.C., 1441 Main Street, Springfield, MA 01013; (413) 737-1131; esabella@ssfpc.com.
