

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. Kenneth P. Borden, Environmental Protection Division, 1 Ashburton Place, Boston, MA 02108, by November 30, 2005, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: City of Marlborough

Description of the Site:

1.4 acre parcel of land located at the intersection of Pleasant and Chestnut Streets in Marlborough, Massachusetts, which was the location of the former John A. Frye Shoe Company.

Description of the Release(s) at issue:

Soil contamination includes elevated levels of heavy metals, petroleum hydrocarbons and polycyclic aromatic hydrocarbons that exceed the state regulatory thresholds. Groundwater testing did not show any significant contamination.

Currently, site conditions pose a significant risk to future residents due to elevated levels of arsenic and lead in soil. Removal and off-site disposal in targeted areas is necessary to achieve a level of No Significant Risk.

Summary of the terms of the application:

The applicant is seeking liability relief from the Commonwealth through a Brownfields Covenant under c. 21E for protection against claims that the Commonwealth could bring for response action costs, contribution, or injunctive relief under c. 21E. The Brownfields Covenant shall also provide protection from suits brought by third parties under c.21E claims for contribution, cost recovery or equitable share brought pursuant to G.L. c. 21E, §§ 4 and 5, or third party claims brought pursuant to G.L. c. 21E for property damage claims under common law or G.L. c. 21E, §5.

Copies of the Applicant's application may be obtained by contacting Alfred J. Lima, Community Development Director at (508) 460-3715 or alima@ci.marlborough.ma.us