

## 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 October 23, 2007 or mail such request to the same address by first-class mail postmarked by that date.

**Name of Applicant:** (1) 350 Irving Street, LLC, and its Members John J. Mullen and Edward M. Dee, Member (collectively, "Prospective Purchaser"); and (2) 350 Irving Street Trust, John J. Glynn, Jr., Trustee, and John J. Glynn, Jr., individually.

**Description of the Site:** The property is located at 300-350 Irving Street in Framingham, Massachusetts and is surrounded by light manufacturing/industrial facilities. It consists of approximately 18 acres and includes most of the property formerly occupied by a manufactured gas plant from approximately 1889-1967 owned and operated by Commonwealth Gas Company.

**Description of the Release(s) at issue:** **RTN 3-0589:** First listed in the DEP sites database on January 15, 1987 for the historical releases and/or threats of release of oil and/or hazardous materials consistent with the past ownership and operation of a manufactured gas plant ("MGP"). Prior reports concerning this property indicate detection of contamination as early as 1973.

**RTN 3-24185:** assigned for Dense Non-aqueous Phase Liquid (DNAPL) which was identified as a 72 hour reporting condition. The MADEP database lists the reporting date as 8/24/04, the date of submittal of the release notification form (filed by the current property owner) as 10/5/04.

**Summary of the terms of the application:** The applicants seek liability relief immediately prior to the date of transfer of the property from the Commonwealth and all potential third parties for: any and all response action costs, contribution, natural resource damage claims or injunctive relief related to the releases at the site as identified in this application; and those releases of oil and or hazardous materials at the property that have not been discovered and reported as of time of the execution of the subject Covenant Not to Sue. Applicants are also seeking M.G.L. c. 21E § 3A(j)(3)(c) liability protection such that applicants shall not be liable to the Commonwealth or to any other person who has received notice of an opportunity to join the Covenant Not to Sue Agreement, for claims for contribution, response action costs or for property damage pursuant to M.G.L. c. 21E., or for property damage to the Commonwealth. Such relief shall encompass any and all successors, assigns, lessees or licensees of the real property interest of 350 Irving Street, LLC or any party who is a lessee, licensee or its successor and assign (hereinafter, the "subsequent owners and/or operators") having rights in the property for which 350 Irving Street, LLC receives covenants herein with respect to the previous releases at the site.

Copies of the Applicant's application may be obtained by contacting John Mullen at (508) 366.9400.