



September 21, 2011

Commonwealth of Massachusetts  
Department of Environmental Protection  
Western Regional Office  
436 Dwight Street  
Springfield, Massachusetts 01103

**Re: Tier II Classification Extension  
88-90 South Maple Street, Westfield, Massachusetts  
DEP RTN 1-15718**

To Whom It May Concern:

On behalf of Sunoco, Inc. (R&M), Apex Companies, LLC (Apex) has prepared this Tier II Classification Extension for the above-referenced Site in Westfield, MA that is identified by Massachusetts Department of Environmental Protection (MassDEP) Release Tracking Number (RTN) 1-15718 (Site). The Tier II Extension was prepared following guidance contained in Section 40.0560 of the Massachusetts Contingency Plan (310 CMR 40.0000). The MassDEP Bureau of Waste Site Cleanup (BWSC) Forms 107 and 107B were filed electronically using eDEP concurrent with this submittal.

The Tier II Classification Extension is necessary as a Response Action Outcome (RAO) has not been achieved for the Site prior to expiration of the Tier II Classification. Delays have occurred due to the detection of PCBs in soil at the Site that meet the definition of a PCB remediation waste and are subject to the federal requirements for cleanup under 40 CFR 761.61. Accordingly, Sunoco has performed additional assessment activities and has been actively working with US Environmental Protection Agency (USEPA) Region 1 to finalize a cleanup plan that will meet the federal requirements. This plan has also been developed to address MCP requirements. Once approved, the EPA cleanup plan will be incorporated into a MCP RAM Plan for submittal to MassDEP.

#### **TIER II CLASSIFICATION EXTENSION [40 CMR 40.0560]**

The following sections address the Tier II Classification Extension requirements presented in Section 40.0560(c) of the MCP.

#### ***310 CMR 40.0560(c)(1) - BWSC Form and Reason for Not Achieving a Temporary or Permanent Solution***

The MassDEP BWSC Forms 107 and 107B were filed electronically using eDEP concurrent with this submittal.

A Permanent Solution has not been achieved at the Site due to the detection of PCBs in soil at the Site that meet the definition of a PCB remediation waste and are subject to the requirements for cleanup under 40 CFR 761.61. Accordingly, Sunoco has performed additional assessment activities and has been actively working with USEPA Region 1 to finalize a cleanup plan that will meet the federal requirements. The plan has also been developed to address MCP requirements. Once approved, the EPA cleanup plan



will be incorporated into a MCP RAM Plan for submittal to MassDEP. Based on the Site's soil and groundwater quality data set, once the PCBs are remediated, a Class A-3 RAO and Permanent Solution will be achievable for the Site.

***310 CMR 40.0560(c)(2) - Status of Response Actions and Schedule for Achieving a Permanent Solution***

Status of Response Actions:

Additional assessment activities have been conducted at the Site in 2010 that involved a historical review of property usage, a review of available MassDEP files, review of municipal files, sampling and analyses of sediment from the Little River, soil and groundwater sampling and analyses performed under an ASTM Phase I/II Environmental Site Assessment, and coordination with the Westfield Conservation Commission.

Sediment analyses results indicated the presence of PCBs in the Little River well upstream of the Site. The detected PCB types are consistent with those detected at the Site. Historical information indicates there has been no Site use, or materials used at the Site, that could have contributed to or been the source of the PCB contamination. The Conceptual Site Model (CSM) indicates the source of PCB contamination at the Site is a result of flood events that occurred during the mid-1950's that deposited river sediment on properties adjacent to the river. The distribution of PCBs at the Site shows correlation to the property's flood zone delineation.

Soil and groundwater sampling performed during a July 2010 ASTM Phase I ESA was consistent with prior testing at the Site. PCBs were not detected in groundwater and the distribution of PCBs is consistent with the Conceptual Site Model. The highest levels of PCBs are present in shallow soil in a localized area on the western portion of the Site.

Schedule:

*Last Quarter CY 2011/First Quarter CY 2012*

- Submittal of RAM Plan
- Implementation and Completion of RAM Field Activities

*Second Quarter CY 2012*

- Submittal of RAM Completion Report
- MCP Risk Characterization
- Additional soil and/or groundwater sampling (pending results of risk characterization)

*By End of August 2012*

- Record Activity and Use Limitation (AUL) with the Hampden County Registry of Deeds and provide MassDEP with copy of recorded AUL
- Submittal of RAO Statement supported by the AUL



### ***310 CMR 40.0560(c)(3) and (4) - Certifications Required by Sections 40.0009 and 40.0540(1)***

The applicable certifications are included on form BWSC-107, filed online using eDEP concurrent with this submittal.

### ***310 CMR 40.0540(c)(5) - Updated Compliance History Since Effective Date of Tier Classification***

Several environmental reports and MassDEP regulatory submittals have been prepared for the Site by other environmental consultants. The Site has a fairly complex regulatory history and has been the subject of a MassDEP regulatory audit. DEP's online database indicates the effective Tier Classification date for RTN 1-15716 was April 2006. A summary of the compliance history and regulatory submittals since April 2006 is presented below.

*Phase I Initial Site Investigation and Tier Classification for RTN 1-15718, Corporate Environmental Advisors, Inc. (CEA), dated April 2006.* The report concluded that Volatile Petroleum Hydrocarbons (VPH) were present in soil and groundwater at concentrations above the applicable Method 1 S-1/GW-2 and/or GW-3 Standards and that comprehensive response actions were required at the site. The site was classified as a Tier II Disposal Site.

*RTN 1-16079 was issued and linked to RTN 1-15718 on February 8, 2007.* RTN 1-16079 was assigned to Site due to detection of PCBs above applicable RCs.

*Class A-3 Response Action Outcome Statement and Method 3 Risk Characterization, CEA, dated March 2008.* A Class A-3 RAO was submitted to MassDEP for Release Tracking Numbers (RTNs) 1-15718 and 1-16079, associated with a release of gasoline at the site (1-15718) and PCBs (1-16079).

*Notice of Audit Findings and Notice of Noncompliance, RTN 1-15718, NON-WE-09-3A035, MassDEP, dated May 1, 2009.* The NOAF/NON cited noncompliance items including the 2008 RAO and AUL. The NOAF/NON also cited the Conceptual Site Model (CSM) as being deficient with regard to adequately assessing the source of PCBs and why sediment samples had not been collected from the Little River as indicated in the Phase II CSA SOW.

*Notification to MassDEP of a possible Imminent Hazard Condition, CEA, June 15, 2009.* A subsequent IHE was performed, which demonstrated that no Imminent Hazard existed. The IHE was submitted to the MassDEP on June 25, 2009.

*Updated Imminent Hazard Evaluation, CEA, Dated August 3, 2009.* CEA prepared an Updated Imminent Hazard Evaluation, at the request of the MassDEP, on August 3, 2009. The updated IHE confirmed the prior evaluation that no IH existed at the Site.

*RAO Retraction and Post-Audit Completion Statement to the MassDEP, CEA, dated August 7, 2009.* The letter report concluded that, based on the PCB dated obtained from the June 2009 assessment activities, that the Method 3 Risk Characterization was no longer applicable to the site. The AUL, which was recorded at the Hampden County Registry of Deeds on March 6, 2008, was terminated on August 5, 2009.



*Tier II Classification Submittal and NRS Scoresheet, CEA, dated August 13, 2009.* CEA prepared a Tier II Classification and Numerical Ranking Scoresheet (NRS) for the site to confirm the prior Tier II Classification.

*Underground Storage Tank Removal Report, CEA, dated June 11, 2010.* On May 12, 2010, CEA oversaw the removal of one 3,000-gallon steel fuel oil UST, from the eastern/central portion of the site property, adjacent to the car wash building. Upon removal of the UST, soil samples from the base and sidewalls of the open excavation were collected and screened for TICs. TICs in soil ranged from below the instrument detection limit to 12.5 ppm. A composite soil sample from the base of the excavation and a composite sample from the four sidewalls of the excavation were submitted for laboratory analysis of extractable petroleum hydrocarbons (EPH), volatile organic compounds (VOCs), Resource Conservation and Recovery Act (RCRA) 8 metals and PCBs. No EPH, VOCs, metals or PCBs were detected at concentrations above the laboratory reporting limits and/or the applicable RCs. CEA did not recommend any additional activities.

In addition to the regulatory submittals listed above, a PCB Cleanup Plan was submitted to EPA in May 2011. Since that time Sunoco and Apex representatives met with EPA in July 2011 and has responded to EPA comments and request for clarification.

Sunoco filed a Request for Determination of Applicability (RDA) with the Westfield Conservation Commission on May 11, 2011 as proposed cleanup activities fall within the resource area of the Little River and are subject to the Westfield Wetlands Protection Ordinance. A Sunoco representative attended a Public Meeting on June 11, 2011 in Westfield to discuss the filing. Work activities outlined in the RDA were approved by the City of Westfield.

### **310 CMR 40.0540(c)(6) - LSP Opinion**

There has been a change in the LSP-of-Record for the Site. The prior LSP resigned on August 23, 2011 with the online submittal of BWSC Form 126. It is the opinion of the current LSP-of-Record (Neal Carey, LSP # 5521) that plans and/or reports, have been submitted in conformance with 310 CMR 40.0000. Sunoco is actively working with EPA to address federal requirements and has a plan and schedule in place that will allow MCP requirements to be met within the coming year.

Should you have questions or comments regarding this submittal, please contact the undersigned.

Sincerely,  
**APEX COMPANIES, LLC**

A handwritten signature in blue ink that reads 'Neal Carey'.

Neal J. Carey, PG, LSP  
Program Manager

Cc: Rebecca Woolley (MassDEP, Western Region)  
William Brochu (Sunoco)  
William Morse (Sunoco)