



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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November 16, 2015

RB Liquidation, Inc.
f/k/a Reed and Barton Corporation
c/o Timothy K. Riddle
President & Registered Agent
144 West Britannia Street
Taunton, MA 02780

RE: **NORTON - BWSC**
Release Tracking Number: **4-0025855**
Former Reed and Barton Facility
47 Elm Street
NOTICE OF RESPONSIBILITY

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY

Dear Mr. Riddle:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Site Cleanup, is tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to prevent harm to health, safety, public welfare and the environment, which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

MassDEP has reason to believe that a release of oil and/or hazardous material has occurred at the Former Reed and Barton Facility located at 47 Elm Street in Norton, Massachusetts ("Facility" is the property where the Facility was located; and the surrounding area where oil/or hazardous material from the Facility have come to be located is the "Site"). Analytical results received by MassDEP on October 30, 2015 indicate that trichloroethylene (TCE) was detected in at a concentration above the MCP Category RCGW-1/RCGW-2 Reportable Concentration for groundwater.

MassDEP has assigned Release Tracking Number 4-0025855 to this release. MassDEP also has reason to believe that you (as used in this letter, "you" and "yours" refers to RB Liquidation, Inc., f/k/a Reed and Barton Corporation) are a Potentially Responsible Party (a "PRP") with liability under M.G.L. c.21E §5, for response action costs. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c.21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties.

STATUTORY LIABILITIES

The Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c.21E, and the MCP, 310 CMR 40.0000, require the performance of response actions to prevent harm to health, safety, public welfare and the environment that may result from this release and/or threat of release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this Site. For purposes of this Notice of Responsibility, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the MCP unless the context clearly indicates otherwise.

MassDEP encourages parties with liabilities under M.G.L. c.21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions. You may also avoid the imposition of, the amount of, or reduce certain annual compliance fees payable under 310 CMR 4.00. Please refer to M.G.L. c.21E for a complete description of potential liability. For your convenience, a summary of liability under M.G.L. c.21E is attached to this notice.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws that establish the time allowed for filing a lawsuit. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

SITE SPECIFIC INFORMATION

Analytical laboratory results for a groundwater sample collected by MassDEP from a micro-well installed immediately downgradient of the former Reed & Barton Facility indicate that TCE was detected at 9.7 micrograms per liter ($\mu\text{g/L}$). This concentration is greater than the MCP Category RCGW-1/RCGW-2 Reportable Concentration for TCE in groundwater of 5 $\mu\text{g/L}$ established at 310 CMR 40.1600.

ACTIONS REQUIRED

The MCP requires that a completed Release notification Form (BWSC-103) be submitted to MassDEP within sixty (60) calendar days of your receipt of this Notice (310 CMR 40.0333).

Unless otherwise provided by MassDEP, PRP's have one year from the initial date that MassDEP received notification of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **October 30, 2016**. The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of notification.

You must employ or engage a Licensed Site Professional ("LSP") to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP.

REQUEST FOR SITE INSPECTION

Based on information available to MassDEP, specifically a facility diagram attached to a Memorandum (not dated) from J.H. Shockcor, P.E. with the Subject line "Status of Lagoons---Sludges", it appears that a 1,000-gallon fuel oil underground storage tank (UST) exists at the Facility. This abandoned UST may present a Threat of Release as defined in the MCP. Therefore, MassDEP requests that you contact Elliott Jacobs at the letterhead address or at (508) 946-2786 to make arrangements for MassDEP to conduct an inspection of the property to determine whether the abandoned UST presents a Threat of Release that necessitates an Immediate Response Action pursuant to the MCP.

If you have any questions relative to this Notice, please contact Elliott Jacobs at the letterhead address or at (508) 946-2786. All future communications regarding this release must reference the following Release Tracking Number: **4-0025855**.

Sincerely,



Leonard J. Pinaud, Chief
State & Federal Site Management
Bureau of Waste Site Cleanup

LP/EJ/lg

CERTIFIED MAIL # 7014 2120 0003 6904 4690
RETURN RECEIPT REQUESTED

Enclosure: Summary of Liability under M.G.L. c.21E

ec: Norton Board of Health
Norton Board of Selectmen/Town Manager
Norton Fire Department

Charles Daly
cdaly@reedbarton.com

Seth Schofield, Assistant Attorney General
Office of the Attorney General

DEP – SERO
Gerard Martin, Acting Deputy Regional Director
Elliott Jacobs, State & Federal Site Management
Jennifer Davis, Counsel, Headquarters
Lisa Ramos, Regional Enforcement Office