



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

Charles D. Baker  
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August 17, 2016

Mr. Charles Parnell, Plant Manager  
Calpine Fore River Energy Center, LLC  
9 Bridge Street  
N. Weymouth, Massachusetts 02191

RE: WEYMOUTH - BWSC  
Release Tracking Number: 4-0026230  
6 & 50 Bridge Street  
**NOTICE OF RESPONSIBILITY**

### **URGENT LEGAL MATTER: PROMPT ACTION NECESSARY**

Dear Mr. Parnell:

On July 29, 2016 the Department of Environmental Protection ("MassDEP") received a Release Notification Form ("RNF") which indicates that a release of oil and/or hazardous material has occurred at the location referenced above.

The Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c.21E, and the Massachusetts Contingency Plan (the "MCP"), 310 CMR 40.0000, require the performance of response actions to prevent harm to health, safety, public welfare and the environment which 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 property. 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 has reason to believe that the release and/or threat of release, which has been reported, is or may be a disposal site as defined by the MCP. MassDEP also has reason to believe that you (as used in this letter, "you" refers to Calpine Fore River Energy Center, LLC) 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.

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 bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

**SITE INFORMATION**

Information on file with MassDEP indicates the following contaminant(s) were detected in soil samples collected from the site at a concentration which exceeded the Reportable Concentrations for Soil Category 1 per 310 CMR 40.1600.

<u>CHEMICAL</u>	<u>CONCENTRATION</u>	<u>RCS-1</u>
C11-C22 Aromatics	9,070 mg/Kg	1,000 mg/Kg
C19-C36 Aliphatics	9,110 mg/Kg	3,000 mg/Kg
C9-C18 Aliphatics	4,570 mg/Kg	1,000 mg/Kg

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.

Unless otherwise provided by MassDEP, potentially responsible parties ("PRP's") have one year from the initial date of notification to MassDEP 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 **July 29, 2017**. **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>. MassDEP has Ms. Kelley Race of TRC Companies listed as the LSP of Record.

If you have any questions relative to this Notice, please contact Mr. Jaime Goncalves at the letterhead address or at (508) 946-2773. All future communications regarding this release must reference the following Release Tracking Number: **4-0026230**.

Sincerely,



Dan Crafton, Chief  
 Emergency Response / Release  
 Notification Section  
 Bureau of Waste Site Cleanup

C/JG/lg

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

ec: Board of Health; Board of Selectmen; Fire Department