



Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

March 8, 2019

Mayor of the City of New Bedford
Office of Jonathan F. Mitchell, Mayor
133 William Street
New Bedford, MA 02740

RE: **DARTMOUTH - BWSC**
Release Tracking Numbers **4-0027363, 4-0027576**
McCabe/Kraseman Street Area Historical
Dump Site
**REQUEST FOR INFORMATION/
INTERIM DEADLINE
00006670**

**THIS IS AN IMPORTANT NOTICE.
FAILURE TO TAKE APPROPRIATE ACTION IN RESPONSE
TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Honorable Mayor Mitchell:

The Department has received the City's February 19, 2019 response ("Response") to the Department's January 11, 2019 Request for Information ("January 11, 2019 RFI").

The Response informed the Department that the City "found no responsive records, documentation, mapping, or other information responsive to the [January 11, 2019 RFI]." The Response states that the City's review "included the records of" several City offices, including the Board of Health and the Department of Public Infrastructure.

However, to ensure that the Response is accurate and complete, the **Department hereby requests that the City:**

1. Describe with particularity how the City conducted its file review at the applicable City offices for each Request 1.a through 1.m and Request 2.a and 2.b in the January 11, 2019 RFI.
 - a. In doing so, the City shall at a minimum:
 - i. Identify what categories of documents and files it reviewed in each City office (e.g., City Council meeting minutes, departmental procurement files, public complaints, etc.);
 - ii. Identify the time periods covered by those documents and files;

- iii. Describe what persons or entities were involved in conducting this file review. The City shall identify employees by their titles, and not their names. If the City uses or used an outside service to manage documents or search for documents, the City shall identify that service and describe how it conducted its file review; and
 - iv. Identify what key words and phrases the City developed, used, or otherwise disseminated to search for responsive documents and responsive electronically-stored information.
2. Identify whether the City found or believed that it was missing certain categories of information or documents from certain periods of time. Identify those documents or groups of documents.
 3. For each and every document or class of documents which the City knows or believes exists, but which apparently are not in its possession or control, the City shall identify the person or persons from whom the information may be obtained.

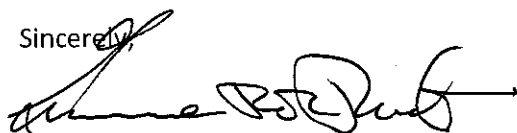
Furthermore, the Department asks the following:

4. Did the City search the Public Library and/or its Special Collections Department for responsive documents (especially as to microfiche or news articles)? If so, describe the City's search. If not, the City should conduct a thorough search of the Public Library and/or its Special Collections Department and provide any information relative to this RFI or the January 11, 2019 RFI to MassDEP.
5. Did the City search its City Council Archives or any other department archives? If so, describe the City's search. If not, the City should conduct a thorough search and provide any information relative to this RFI or the January 11, 2019 RFI to MassDEP.
6. Confirm that the City does not have maps or aerial photographs of the area from the time periods stated in the January 11, 2019 RFI.
7. Provide copies or electronic files of all responsive documents that the City uncovers while responding to these requests.

A response to the above requests is due on Wednesday, **April 26, 2019**. This date constitutes an enforceable Interim Deadline established by the Department pursuant to 310 CMR 40.0167. Failure to comply with an Interim Deadline may result in enforcement actions by the MassDEP.

The City should treat this letter as a separate RFI pursuant to 310 CMR 40.0165. In that vein, the Department incorporates its January 11, 2019 RFI in full. Please re-submit the Certification when you reply to this letter to Lori Williamson (508-946-2803) at the letterhead address. Your cooperation is greatly appreciated.

Sincerely,



Gerard M.R. Martin
Deputy Regional Director
Bureau of Waste Site Cleanup

CERTIFIED MAIL # 7017 1450 0000 0281 9379
RETURN RECEIPT REQUESTED

cc: New Bedford Health Department
Attn: Damon Chaplin, Director
1213 Purchase Street
New Bedford, MA 02740

Office of Environmental Stewardship
Attn: Michele Paul, Director
133 William Street – Rm 304
New Bedford, MA 02740

New Bedford Dept. of Public Infrastructure
Attn: Jamie Ponte, Commissioner
1105 Shawmut Avenue
New Bedford, MA 02746

New Bedford Public Library
Attn: Director
613 Pleasant Street
New Bedford, MA 02740

ec: DEP-SERO
Attn: Millie Garcia-Serrano, Regional Director
Attn: Daniel Crafton, Chief, Emergency Response Section
Attn: Andrew Fowler, Regional Counsel
Attn: Lisa Ramos, Regional Enforcement Office

ATTACHMENT C

CERTIFICATION OF SUBMITTAL (310 CMR 40.0009)

This certification must be included with your response to the Request for Information.

I, _____ attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information.

By: _____
Signature Date

Title

For: _____
Name of person or entity