



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  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

August 2, 2019

Dartmouth Board of Selectmen  
Attn: Shawn MacInnes, Town Administrator  
400 Slocum Road  
Dartmouth, MA 02747

RE: **DARTMOUTH - BWSC**  
Release Tracking Numbers **4-0027363, 4-0027576**  
McCabe Street and Kraseman Street Area  
Historical Dump Site  
**REQUEST FOR INFORMATION/  
INTERIM DEADLINE  
000007553**

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

Dear Mr. MacInnes:

The Massachusetts Department of Environmental Protection (MassDEP or the Department), Bureau of Waste Site Cleanup is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). This 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 provide for protection against harm to health, safety, public welfare and the environment which may result from release and/or threats of releases of OHM.

### REASON FOR THIS REQUEST

On January 11, 2019, MassDEP sent you a Request for Information (RFI). As you know, that request pertained to the historical dumping, filling, and/or burning of waste material that has resulted in soil contamination in the Bliss Corner area in Dartmouth.

In the Town's response to that RFI, certain documents purport to show that the Board of Selectmen approved and regulated junkyards in the Bliss Corner neighborhood. For example:

- Board of Health Meeting Minutes dated December 14, 1953 show a Donald Street resident expressing concerns about a junk yard near his home. The Minutes state that junkyards are under the jurisdiction of the Board of Selectman and any complaints pertaining to such properties should be made to the Board of Selectman.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

In light of these documents, MassDEP hereby requests additional documents and information, not already produced, from the Town relative to junkyards or other materials processing, disposal, or handling areas, in the Bliss Corner neighborhood. The specific information requested is outlined in the attached REQUEST FOR INFORMATION (Attachment A).

Pursuant to MassDEP's authority under M.G.L. c. 21E, sections 2, 4, and 8, and the MCP at 310 CMR 40.0165 and 310 CMR 40.1120(1), any employee(s), attorney(s), agent(s), assign(s), representative(s), and/or any other person or entity acting on behalf of you (as used in this letter, "you" and "your" refers to the Town of Dartmouth), however designated, are asked to provide MassDEP with the information requested in the enclosed and incorporated REQUEST FOR INFORMATION.

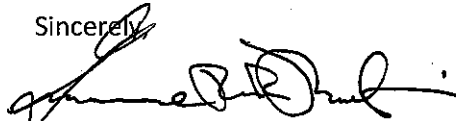
#### INTERIM DEADLINE

All requested information should be provided to MassDEP on or before the close of business on **Friday, September 20, 2019**. This date constitutes an enforceable Interim Deadline established by MassDEP pursuant to 310 CMR 40.0167. Failure to comply with an Interim Deadline may result in enforcement actions by the MassDEP, including, but not limited to, the issuances of a Notice of Noncompliance, an Administrative Penalty, and/or Enforcement Orders, or, referral to the Massachusetts Attorney General's Office.

Enclosed and incorporated with this Letter and REQUEST FOR INFORMATION is an INSTRUCTION SUMMARY (Attachment B) providing the information necessary to submit an accurate and complete response, and a CERTIFICATION OF SUBMITTAL (Attachment C).

If you anticipate, or have reason to know, that any of the conditions, requirements, or obligations attendant to submitting an appropriate response to this REQUEST FOR INFORMATION may not be complied with, or if there is any ambiguity, confusion, or questions, please contact Lori Williamson at the letterhead address, or by telephone at (508) 946-2803 within seven days of your receipt of this letter. Thank you for your cooperation.

Sincerely,



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

GM/JH/LW/lg

Attachments: A. Request for Information  
B. Instruction Summary  
C. Certification of Submittal

CERTIFIED MAIL # 7018 1830 0001 3119 6083  
RETURN RECEIPT REQUESTED

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

cc: Dartmouth Board of Health  
Attn: Christopher Michaud, Director  
400 Slocum Road  
Dartmouth, MA 02747

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

## Attachment A

**REQUEST FOR INFORMATION PURSUANT TO  
M.G.L. c. 21E AND 310 CMR 40.0000 et seq.**

Consistent with the instructions set forth in the incorporated INSTRUCTION SUMMARY (Attachment B), please respond to the following request:

1. Please identify and provide complete documentation, *not already produced*, regarding the following information concerning the Bliss Corner area in Dartmouth, comprised of McCabe Street, Kraseman Street, Faith Street, Holland Street, Carlton Street, Donald Street, Willow Street, Fern Street, Hazel Street, Walnut Street, Cone Street, Lincoln Street, Anawan Street, Wordell Street, and East Wordell Street, Sharp Street, Grant Street, and Milton Street:
  - a. A copy of any and all records and documents, dated between 1910 and 1986, concerning junkyards or other materials processing, disposal, or handling areas, including:
    - i. All permits, licenses, or approvals issued by the Board of Selectmen;
    - ii. All correspondence to and from, and within, the Board of Selectmen;
    - iii. All Minutes of the Board of Selectmen;
  - b. A copy of any and all complaints, not already produced, made to the Board of Selectmen or any other Town agency or Department concerning waste or fill materials being imported or deposited into the Bliss Corner area, and all Town responses thereto, not already produced;
  - c. Either of the following:
    - i. Copies of any and all documents concerning lots or properties where junkyards or other materials processing, disposal, or handling areas existed between 1910 and 1986; or
    - ii. A narrative description of the lots or properties where junkyards or other materials processing, disposal, or handling areas existed between 1910 and 1986, including the operations thereon and the identities of the persons or entities that owned or operated them. Also provide the documents relied upon to compose this narrative.

**The Department hereby requests your responses to this REQUEST FOR INFORMATION by Friday, September 20, 2019. This date constitutes an enforceable Interim Deadline, pursuant to 310 CMR 40.0167. Failure to comply with an Interim Deadline may result in enforcement actions by the MassDEP, including, but not limited to, the issuances of a Notice of Noncompliance, an Administrative Penalty, and/or Enforcement Orders, or, referral to the Massachusetts Attorney General's Office.**

The Department strongly encourages you to give this matter your immediate attention. **Your response must be sent to Lori Williamson, Bureau of Waste Site Cleanup, Department of Environmental Protection, 20 Riverside Drive, Lakeville, Massachusetts 02347.** If you have any questions regarding the information requested herein, please contact Ms. Williamson at the letterhead address, or by telephone at (508) 946-2803.

Thank you for your cooperation.

**Attachment B****INSTRUCTION SUMMARY FOR SUBMITTING RESPONSE TO  
REQUEST FOR INFORMATION PURSUANT TO  
M.G.L. c.21E, SECTIONS 2, 4 & 8****I. General Instructions**

Pursuant to M.G.L. c.21E and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000, you are required to complete and submit the enclosed REQUEST FOR INFORMATION ("REQUEST") in the manner and form described below. Failure to submit an accurate and complete response may result in the commencement of legal action against you by the Department. You have a continuing obligation to supplement and/or update responses provided upon obtaining new information material to any REQUEST, or to correct any errors or omissions in any response thereto.

The fact that an investigation is or may be ongoing shall not excuse failure to respond to each REQUEST as fully as possible.

**II. Form of Responses**

Submit your responses with a dated cover letter by the required deadline. Each response should be set out in a separate, numbered paragraph that corresponds to the REQUEST being answered.

You have an obligation to provide the best information available. Accordingly, you should seek out responsive information from all relevant sources. If specific information has not been memorialized but is responsive to the REQUEST, your response must include that information. Submission of cursory responses when other responsive information is available will be considered noncompliance with this Request.

For each REQUEST and subpart, if the information responsive to the REQUEST is not in your possession, custody, or control, please: (1) undertake reasonable efforts to obtain the information; (2) state what measures you took to obtain that information, if unsuccessful; and (3) identify the person(s) and/or entity(ies) who have or maintain such custody or control over the information, if known.

Unless otherwise specified, attach a legible photocopy of each and every document identified in your response, numbered according to the specific REQUEST to which it responds, unless the information is maintained or stored in such a manner that makes it impossible to submit a photocopy. For any information that does not exist in such a reproducible format, please identify the information and the manner and format in which it is stored or maintained.

**III. Confidentiality**

For each and every document or part thereof which you claim is protected from disclosure by 310 CMR 40.0011, you must separate the portions of the document(s) for which such protection is not claimed, and, pursuant to 310 CMR 3.00, state the nature of the protected information and the basis for your claim of protection from disclosure.

**IV. Personal Privacy Information**

Personnel, medical, and similar files, the disclosure of which to the general public may constitute an invasion of privacy, should be segregated from your responses, included on separate sheets, and marked as

"Personal Privacy Information." However, unless prohibited by law, the Department may disclose this information to the general public without further notice to you.

**V. Deadline**

If you know or anticipate that you cannot comply with the deadline set by this REQUEST FOR INFORMATION, submit to the letterhead address and Department employee named in this letter a written request for extension pursuant to 310 CMR 40.0167(2) as soon as possible.

**VI. Certification**

Your response to this REQUEST FOR INFORMATION is subject to the provisions of 310 CMR 40.0009 and must be certified consistent with its requirements. **Please use Attachment C - Certification of Submittal for this purpose.**

In relevant part, 310 CMR 40.0009: Certification of Submittal, states as follows:

- (1) Any person undertaking a response action shall include the following written declaration...:

"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

- (2) Th[is] written declaration...shall be made by the highest ranking individual having day-to-day responsibility for the performance of the response action which is the subject of the submittal. The written declaration shall not be made by the Licensed Site Professional engaged or employed by the RP, PRP, or Other Person to render Professional Services with respect to the site, unless the Licensed Site Professional's client or employer has authorized him or her in writing to act as his or her agent for the purpose of making the written declaration.

- (3) Th[is] written declaration...shall include the signature of each person making the certification, the date of each person's written declaration and the position or office of each such person.

## VII. Definitions

Unless otherwise specified, words and phrases used in this REQUEST FOR INFORMATION shall have the meaning ascribed to them by M.G.L. c.21E, § 2 and/or 310 CMR 40.0006, unless the context therein clearly indicates otherwise. In all instances, (1) the use of a singular form includes the use of the plural form as well, and (2) a capital letter designation includes a small type-face designation, if appropriate to the context.

The words "and" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring all responses within the scope of the request.

The following definitions shall apply to the following words and phrases as they appear in this REQUEST FOR INFORMATION:

Communication means any manner or form of information or message transmission, howsoever produced or reproduced, whether by document, orally, electronically, or otherwise, that is made, distributed, and/or circulated between or among persons or data storage or processing units.

Document, documents, documentation, and records and information means any and all memorializations or recordings of any nature whatsoever within your possession, custody, or control (including without limitation, attorneys, advisors, accountants, analysts, consultants or any other person(s) acting or purporting to act for you or on your behalf). This includes, but is not limited to, contracts, agreements, communications, correspondence, telegrams, memoranda, records, reports, books, logs, summaries or records of telephone communications, summaries or records of personal conversation(s) or interviews, diaries, forecasts, statistical statements, work papers, drafts, copies, graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, consultant's reports, appraisals, records, reports, or summaries of negotiations, press releases, drafts, notes, marginalia, bills, invoices, checks, inventory reconciliation records, bills of lading, manifests, photographs, microfilm, microfiche, videotape, journals, and all other written, printed, recorded or photographic matter or sound production or electronically or magnetically stored matter, however produced or reproduced.

For any tape, disc, CD-ROM disc, or other type of memory generally associated with computers and data processing, the attendant information must also be produced: (1) the programming instructions and other written material necessary to use such punch card, disc, disc pack, tape, or other type of memory; and (2) printouts of such punch card, disc, disc pack, tape, or other type of memory.

For purposes of this definition, "draft(s)" means any earlier, preliminary, preparatory, or tentative version of all or part of a document, whether or not such draft was superseded by another draft and whether or not the terms of the final draft are the same as or different from the terms of the final document.

The term "copies" shall mean each and every copy of any document that is not identical in every respect to the document being produced.

Identify means to state:

- (1) with respect to a natural person,

- (a) the person's full name, present or last-known business and home address, business and home telephone number; and
  - (b) present or last-known job title, position or business and responsibilities in that position, his/her supervisor's title or position, and his/her supervisor's responsibilities and supervisor.
- (2) with respect to persons other than natural persons,
- (a) the proper name or designation, the address of the principal office, legal form (i.e. corporation, partnership, etc.), and a brief description of its business.
- (3) with respect to a document,
- (a) whether the document is currently in existence, the date the document bears (or bore) or if undated, the date it was written;
  - (b) the name and address of each person who wrote it or participated in the writing of it;
  - (c) the name and address of each person to whom it was addressed and each person to whom a copy was identified as being directed;
  - (d) the name and address of each person who received or may have received a copy of the document (including recipients designated as blind copies or "bcc");
  - (e) a description of the type of document, a summary of the contents of the document, its present location or custodian, or if unknown, its last known location or custodian; and
  - (f) if the copy is no longer in your possession, custody, or control, the disposition made of it, the reason(s) for such disposition, and the date of disposition thereof.

Person means any agency or political subdivision of the federal, state or local government; any state, public or private corporation or authority; any individual, trust, firm, joint stock company, factor, partnership, association, or entity; any officer, employee, or agent of such person, and/or group of persons.



**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

RTN 4-0027363, 4-0027576