

SCANNED

**RAO RETRACTION/REVISED TIER CLASSIFICATION
207 MARSTON STREET
LAWRENCE, MASSACHUSETTS
RTNs: 3-18126 & 3-18431**

by

**Haley & Aldrich, Inc.
Boston, Massachusetts**

for

**Department of Environmental Protection
Northeast Regional Office
Wilmington, Massachusetts**

**15 May 2001
File No. 12671-121**



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15 May 2001
File No. 12671-121

Department of Environmental Protection
Northeast Regional Office - BWSC
205A Lowell Street
Wilmington, Massachusetts 01887

Attention: Site Management Branch

Subject: RAO Retraction/Revised Tier Classification
207 Marston Street
Lawrence, Massachusetts 01841
RTNs 3-18431 and 3-18126

Ladies and Gentlemen:

Transmitted herewith are the revised Tier Classification Form (BWSC-107A), Numerical Ranking System Scoresheet (310 CMR 40.1511), and supporting documentation for Release Tracking Numbers (RTNs) 3-18126 and 3-18431 on the American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons (American) property, located at 207 Marston Street in Lawrence, Massachusetts. Also enclosed are Transmittal Form for Application and Payment and a Tier IC Permit Application Form (BWSC 03).

Haley & Aldrich has been contracted by American to provide LSP support services for the preparation of this RAO Retraction and Tier Classification. This work was undertaken in accordance with Haley & Aldrich, Inc. proposal dated 6 April 2001, as authorized by American.

Haley & Aldrich has prepared this report in response to the Administrative Consent Order and Notice of Noncompliance ACOP-NE-00-9013-123 (ACOP) that was issued to American by DEP on 14 February 2001. Haley & Aldrich has prepared this report to retract the RAO Opinion filed on 24 August 1999 for RTN 3-18431 by Higgins Environmental Associates (HEA). Additionally, a revised Tier Classification has been prepared to link both RTNs 3-18126 and 3-18431.

Haley & Aldrich has prepared the Tier Classification using information obtained during previous assessments of the property conducted by Haley & Aldrich, Inc., W.Z. Baumgartner & Associates, Inc. and HEA. Where necessary, Haley & Aldrich has supplemented the information required to complete the Numerical Ranking Scoresheet (NRS) with information provided by persons familiar with the site, municipal officials and the New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map (source: 1999 U.S. Census TIGER Files). Haley & Aldrich has visited the site, but has not

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developed additional chemical testing data or other subsurface information as part of the Tier Classification.

LIST OF PREVIOUS REPORTS

The following provides a list of previous reports and sources of information reviewed in the preparation of the revised Tier Classification Submittal, and the Numerical Ranking Scoresheet. Phase I requirements were previously satisfied and are outlined in the initial Tier Classification Submittal, dated 31 March 2000. Therefore a Phase I was not included in this revised Tier Classification Submittal. Copies of documents listed below have been previously submitted to DEP and are currently on file at the DEP Northeast Regional Office.

1. "Environmental Site Assessment – John C. Tombarello & Sons, Inc., Lawrence, Massachusetts," prepared by W.Z. Baumgartner & Associates, Inc., dated August 1998.
2. "Immediate Response Action Plan – RTN 3-18126," prepared by Higgins Environmental Associates, Inc., dated 21 April 1999.
3. "Modified Immediate Response Action Plan – RTN 3-18126," prepared by Higgins Environmental Associates, Inc., dated 1 June 1999.
4. "Immediate Response Action Status Report – RTN 3-18126," prepared by Higgins Environmental Associates, Inc., dated 28 July 1999.
5. "Response Action Outcome Statement Supporting Information, Threat of Release Condition Baler/Press Building," RTN 3-18431, prepared by HEA, dated 24 August 1999.
6. "Phase I Requirements/Tier Classification - RTN 3-18126," prepared by Haley & Aldrich, Inc., dated 31 March 2000.
7. "Scope of Work Phase II Comprehensive Site Assessment – RTNs 3-18126 and 3-18431," prepared by Haley & Aldrich, Inc., dated 6 April 2001.

SUMMARY OF BACKGROUND INFORMATION

The site is located at 207 Marston Street in Lawrence, Massachusetts. Marston Street lies on the eastern boundary of the site and Hoffmann Avenue lies on the northern border of the site. A project locus is provided in Appendix A. There are residential homes across both Marston Street and Hofmann Avenue. The Sons of Italy Lodge and their soccer field lies on the southern border of the site. The western border is adjacent to Interstate 495 and the

Merrimack River is located approximately 2,000 ft. to the east of the site on the other side of Interstate 495.

The site is a combination of two tracts of land purchased in 1941 and 1967. The first tract, purchased in 1941, became the northern half of the site where a metal recycling operations currently exists. The second tract became the southern half of the site and was purchased in 1967 from the City of Lawrence. The southern half of the site was formerly used as the community landfill and prior to 1935 was owned by a soap manufacturer.

On 20 July 1998, a Response Action Outcome (RAO) report for a Release Tracking Number (RTN) 3-16817 was filed with the MADEP following the excavation of contaminated soil from a release of heat transfer oil on 19 May 1998. The results of soil sampling following remedial actions indicated the presence of residual contamination in soils on the 207 Marston Street property. In a letter and Request for Information (RFI), dated 2 December 1998, DEP indicated that the residual contamination may have been attributable to historic releases of oil and hazardous materials, and not exclusively to the release of heat transfer oil.

In addition to the RAO, an Environmental Site Assessment was filed by W.Z. Baumgartner & Associates, Inc. with DEP in August 1998. The information contained in the RAO and August 1998 environmental assessment report indicated that concentrations of oil and hazardous materials (OHMs) exceeding Massachusetts Contingency Plan (MCP) Reportable Conditions were present on the property.

The DEP issued a Notice of Responsibility (NOR) & Interim Deadline letter to the former operator and current site owner of the property on 31 March 1999. The NOR requested that the former operator (Tombarello Recycling, Inc.) and current site owner, (American Recycling, Inc.) prepare an Immediate Response Action (IRA) Plan to further assess environmental conditions documented in two earlier site assessment reports prepared for the property. The release was assigned RTN 3-18126. The NOR specifically requested that the IRA Plan include an Imminent Hazard (IH) Evaluation to assess a potential Imminent Hazard due to the presence of PCBs at concentrations greater than 10 parts-per-million (ppm) in potentially-accessible soils with 500 ft. of residential properties.

HEA filed a Release Notification Form (RNF) (RTN: 3-18126), and an IRA Plan on behalf of the potentially-responsible parties on 21 April 1999. The IRA Plan included the removal of a soil stockpile generated during previous work on the property, the collection and analysis of surficial soil samples, and the resampling and analysis of groundwater from existing monitoring wells.

It is understood that DEP considers the date of notification to be 31 March 1999, which is the date that DEP originally issued the NOR. Therefore, in accordance with MCP requirements, within one year of notification, the potentially-responsible party must either

file a Response Action Outcome (RAO) for the release; obtain Downgradient Property Status (DPS); or, classify the release as either Tier I (A, B, or C), or Tier II.

HEA has conducted IRA activities, including additional soil and groundwater sampling to further assess the degree and extent of the release, and the installation of a fence around the perimeter of the property to mitigate the potential Imminent Hazard. The results of soil and groundwater testing completed to date have indicated that PCBs, petroleum hydrocarbons, PAHs and metals are present in soil and/or groundwater at concentrations which exceed applicable Reportable Concentrations (RCs).

HEA prepared a Modified IRA Plan on 1 June 1999 to install the fence and to replace and resample on-site monitoring wells. DEP subsequently completed an inspection on 21 June 1999, and indicated that the fence was not properly installed.

Following modifications to the fence, HEA filed an IRA Status Report on 28 July 1999, which summarized the results of soil and groundwater testing and indicated that the fence installation had been retrofitted to the satisfaction of DEP.

Haley & Aldrich, Inc. was contracted in March 2000 to prepare a Tier Classification to address the RTN 3-18126, for which the NOR was issued by the DEP on 31 March 1999. The Tier Classification was submitted to DEP 31 March 2000. Haley & Aldrich prepared supplemental Phase I information that together with the August 1998 Environmental Site Assessment, satisfied the requirements for a Phase I-Initial Site Investigation Report. This is outlined in the Tier Classification report dated 31 March 2000.

An Administrative Consent Order and Notice of Noncompliance ACOP-NE-00-9013-123 (ACOP) was issued by DEP on 14 February 2001. Haley & Aldrich was contracted by American to address the ACOP sections related to Massachusetts General Laws (MGL) Chapter 21E and the MCP. Haley & Aldrich has prepared this report to retract the RAO Opinion filed on 24 August 1999 for RTN 3-18431 and to submit a revised Tier Classification to link RTNs 3-18126 and 3-18431. This revised Tier Classification incorporated changes in the Numerical Ranking System (NRS) score for combination of both releases. It also re-evaluated Natural Heritage and Endangered Species Program ("NHESP") Wetland Habitat boundaries within 500 feet and wetlands within 100 feet of the disposal site.

At this time, based on information available to Haley & Aldrich, Inc., the Disposal Site is considered to be the entire 207 Marston Street property as shown on the site plan attached in Appendix A. The eastern limit of the disposal site is considered to be the bottom of the slope of Route 495 based on the premise that previously existing fill material was removed to the top of natural soils when the roadway was built, consistent with conventional highway construction practice.

Groundwater Classification

The available information has indicated that the site was originally considered to be located with a groundwater classification designated as GW-1, due to its proximity to an Interim Wellhead Protection (IWP) area. A letter provided from DEP, dated 4 March 1999, indicates that the two public water supply wells in North Andover, for which the IWP had been established, have been formally abandoned, and therefore the DEP has indicated that they are no longer authorized withdrawal points and will not be protected as public water sources under DEP programs. The current New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map confirms that the IWP has been removed. A copy of this map is included in Appendix A. Groundwater beneath the site is therefore classified as RCGW-2. Soil on the site is classified as RCS-1 due to the presence of residential properties within 500 ft.

TIER CLASSIFICATION AND NUMERICAL RANKING SYSTEM SCORESHEET CRITERIA

Based on a review of available data for the property provided by American and information in Haley & Aldrich files, oil and hazardous materials are present at sufficient levels to conclude that a release of oil or hazardous materials exists at this property exceeding the notification requirements of 310 CMR 40.0300 and further response actions are necessary. A Tier Classification Transmittal Form (BWSC-107) and a Numerical Site Ranking (NRS) Scoresheet have been prepared and are included in Appendix B.

In accordance with 310 CMR 40.1500, a NRS Scoresheet was prepared in order to revise the Tier Classification for RTNs: 3-18126 and 3-18431 under the MCP, 310 CMR 40.0000 and Massachusetts General Law (MGL) Chapter 21E. Based upon a review of available data, New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map (Appendix A), communications with local officials, and other information, an NRS Scoresheet was prepared, which indicated an NRS Score of 382, accordingly, the site should be classified as a Tier IC site. The evaluations of the disposal site are based on the following information:

I. Disposal Site Information

According to the New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map, the site does not overly a Potentially Productive (medium or high yield) Aquifer (PPA) and is not within the boundaries of a Zone II or Interim Wellhead Protection Area (IWPA). As concluded in the IRA Status Report prepared by HEA dated 28 July 1999, a fence has been completed around the perimeter of the property and infrared sensors have been installed at the site, this eliminated the previously identified potential Imminent Hazard. Conditions do not exist that would merit an Imminent Hazard, as defined in 310 CMR 40.0520(2)a-1. Reportable concentrations for this site are RCS-1 for soil and RCGW-2 for groundwater.

II. (A,B,C,D,E) Exposure Pathways

Oil and/or Hazardous Material (OHM) has resulted in concentrations of petroleum hydrocarbons, heavy metals, and PCBs that are greater than or equal to RCS-1 criteria. Soil contaminants identified at the disposal site are located on or near the soils surface at least one location on the site. There was staining visible at certain locations on the soil's surface at the site. However, a fence surrounds the property and infrared sensors are used to restrict access. A residence is located on a portion of the property, however, access to the recycling facility (e.g. Disposal Site) is restricted by a fence and infrared sensors. Based on the presence of OHM in shallow soils, 100 points (Potential Exposure Pathway) have conservatively been assigned for the Soil Exposure Criteria, even though access to the site is limited to on-site employees.

OHM has not been identified in groundwater at concentrations greater than or equal to RCGW-2 criteria. Therefore, the designation for Groundwater Exposure Criteria is None or Not Applicable (0 points).

No data currently exists to indicate OHM attributable from the Site in the Merrimack River and there is not a reasonable likelihood that OHM from the Site will be identified in the Merrimack River. In addition, no pathway exists between OHM at the Site and the small stream located adjacent to the southeast corner of the Site. Therefore, the designation for Surface Water Exposure Criteria is None or Not Applicable (0 points).

Although the types and nature of contaminants present at the site are considered to have relatively low volatility, and OHM has not been identified, and is not anticipated to be present in the air, 15 points has been assigned for Air Exposure Criteria since OHM is present in shallow soils, which may create an exposure as air-borne dust.

Because a metal recycling facility is considered to have multiple sources and types of OHM contamination, the applicable score for Section II.E of the NRS is 50 points.

III. (A,B,C,D Disposal Site Characteristics)

Compounds that were not provided in Table III.A. were listed individually in Worksheet III.A.1. and scored according to 310 CMR 40.1513(2). PAH compounds that were not listed in 310 CMR 40.1513(2), were listed individually on Worksheet III.A.1 and scored using the provided toxicity values for PAHs in Table III.A. Aromatic compounds not listed 310 CMR 40.1513(2), were listed individually on Worksheet III.A.1 and scored using the provided toxicity values for aromatics in Table III.A.

Because lead has been detected in soil at a concentration of 4,170 mg/kg, 40 points are added for Section III.A. This score is considered to be conservative since only one sample within the groundwater and the soil showed excessive concentrations of lead.

More than one contaminant had a Toxicity Score greater than or equal to 30: lead (4,170 mg/kg in soil), and C19-C36 aliphatics (23,800 mg/kg in soil). Because more than one contaminant was assigned OHM Toxicity Scores greater than or equal to 30, and therefore, 30 points are added for Section III.B.

All contaminants assigned an OHM toxicity score in III.A. greater than or equal to 20 were subsequently scored for OHM Mobility and Persistence. As a result, the OHM scored (lead) added 25 points for Section III.C.

The results of soil analyses completed to date have indicated that shallow soils on the property have been impacted by releases of OHM, including PCBs, petroleum hydrocarbons and metals. The results of groundwater analyses have indicated that the impacts of apparent OHM releases to the ground surface have been limited.

Depth to groundwater, as previously measured in monitoring wells on the property, ranged from approximately 5.1 to 10 feet below ground surface. HEA completed a groundwater elevation survey of monitoring wells on the property, and reported that shallow groundwater flow is in an easterly direction toward the Merrimack River. A review of test boring logs prepared by HEA indicates that soils at the site consist of brown very fine to fine sands with lesser proportions of silt and gravel. According to the U.S.G.S. Surficial Geology Map for the Lawrence Quadrangle, the surficial geology of the site is mapped as artificial fill overlying River-Terrace and Flood Plan Deposits consisting primarily of well-sorted fine sands and silts. Bedrock outcrops were not mapped within the vicinity of the site.

According to 310 CMR 40.1515, permeabilities for these types of soils are considered to be in the range of $10E^{-7}$ and $10E^{-3}$ cm/s and can be designated as "medium". Therefore, 12 points are added for Section III.D.

IV. (A,B,C) Human Population and Land Uses

The site is immediately surrounded by residential properties, businesses, and open space. A visual and conservative estimation of the residential population within one half mile is approximately greater than or equal to 1,000. Therefore, we have added 15 points for these criteria. Institutions (as defined in the MCP) were not encountered within 500 feet of the disposal site. Therefore, 0 points were added. The number of on-site workers is estimated between 1 and 99, therefore, 5 points were added.

The site does not overlie a Sole Source Aquifer (0 points) or a Medium Yield PPA (0 points). The disposal site is not proximal to a public drinking water supply source. Two backup water supply wells on the other side of the Merrimack River have been formally abandoned as indicated in a letter issued by DEP, dated 4 March 1999. There are no private water supplies used for drinking within 500 feet and an Alternative Public Water Supply is available. According to the Inspection Service Department (Health and Food Division) for the City of

Lawrence, there are no wells of any type that exist within a 500 feet radius of the site. A score of 0 points is added for Section IV.C.

V. (A,B) Ecological Population

A review of site plans and New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map suggest that there are no proximal (< 500 feet) Areas of Critical Environmental Concern and no proximal (<500 feet) Fish Habitats. Therefore each of these categories receives 0 points. There are remnants of a stream located within 100 feet of the site near the southeast corner of the property (20 points). There is potential wetlands vegetation in this area. There is a Species of Special Concern, Threatened or Endangered Species Habitat located less than or equal to 500 feet from the disposal site to the east across Rte 495 along the Merrimack River (30 points). Protected Open Space (Local/State/Federal/Trustee) (a local playground/park with a field) is located less than or equal to 500 feet from the disposal site (20 points) to the west across Marston Street. A total of 70 points are added for Section V.A.

Section V.B. (Environmental Toxicity Analysis) was scored because the cumulative score from V.A. was greater than or equal to 30 points. Compounds that were not provided in Table V.B. were listed individually in Worksheet V.B.1. and scored according to 310 CMR 40.1516(1). PAH compounds that were not listed in 310 CMR 40.1516(1), were listed individually on Worksheet V.B.1 and scored using the provided toxicity values in Table V.B. Other compounds not listed in Table V.B. or 310 CMR 40.1516(1) were scored using 310 CMR 40.1516(2).

Three compounds resulted in an environmental toxicity score of 20, the highest score. Lead, PCBs, and C19-C36 Aliphatics were detected in soil at concentrations of 4,170 ug/g, 92 ug/g, and 23,800 ug/g, respectively. A total of 90 points was scored for Section V.

VI. Mitigating Disposal Site-Specific Conditions

No disposal site-specific conditions that warrant amending the site score are described herein.

Tier Classification

The NRS scoresheet indicates that the site is appropriately tier classified as a Tier IC site under the MCP. A total of 382 points were awarded during scoring.


Conceptual Scope of Work


A Scope of Work for a Phase II Comprehensive Site Assessment was submitted to DEP 6 April 2001 in accordance with the terms of the ACOP dated 14 February 2001.

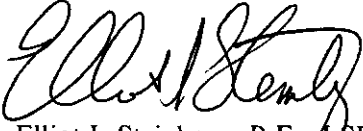
Haley & Aldrich has prepared this revised Tier Classification under a contract with American. Haley & Aldrich has used information and data obtained by others, including chemical testing data and subsurface information obtained by HEA as part of IRA activities conducted on the property. Haley & Aldrich has visited the site but has not conducted additional subsurface explorations or chemical testing as part of the Tier Classification, and has used the chemical testing results obtained by others for purposes of completing the NRS scoresheet.

If you should have any questions or require any additional information, please do not hesitate to contact us.

Sincerely yours,
HALEY & ALDRICH, INC.


Jennifer L. Gilbert
Environmental Engineer


Stewart A. Wiley
Senior Engineer


Elliot I. Steinberg, P.E., LSP
Vice President

Attachments:

- Table I - Summary of Maximum and Minimum Concentrations
- Appendix A - New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites map
 - Project Locus and Site Plan
- Appendix B - BWSC 107A
 - Numerical Ranking System Scoresheet
- Appendix C - Transmittal Form and Application and Payment,
 - Copy of Check and Certification of Mailing
- Appendix D -BWSC 03 - Tier IC Permit Application Form
- Appendix E -Copies of Cover Letters and Notices to Mayors Office and Health and Food Division of the City of Lawrence

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TABLE I
ANALYTICAL DATA RANGES USED IN NUMERICAL RANKING
PHASE I REQUIREMENTS/TIER CLASSIFICATION
LAWRENCE, MASSACHUSETTS

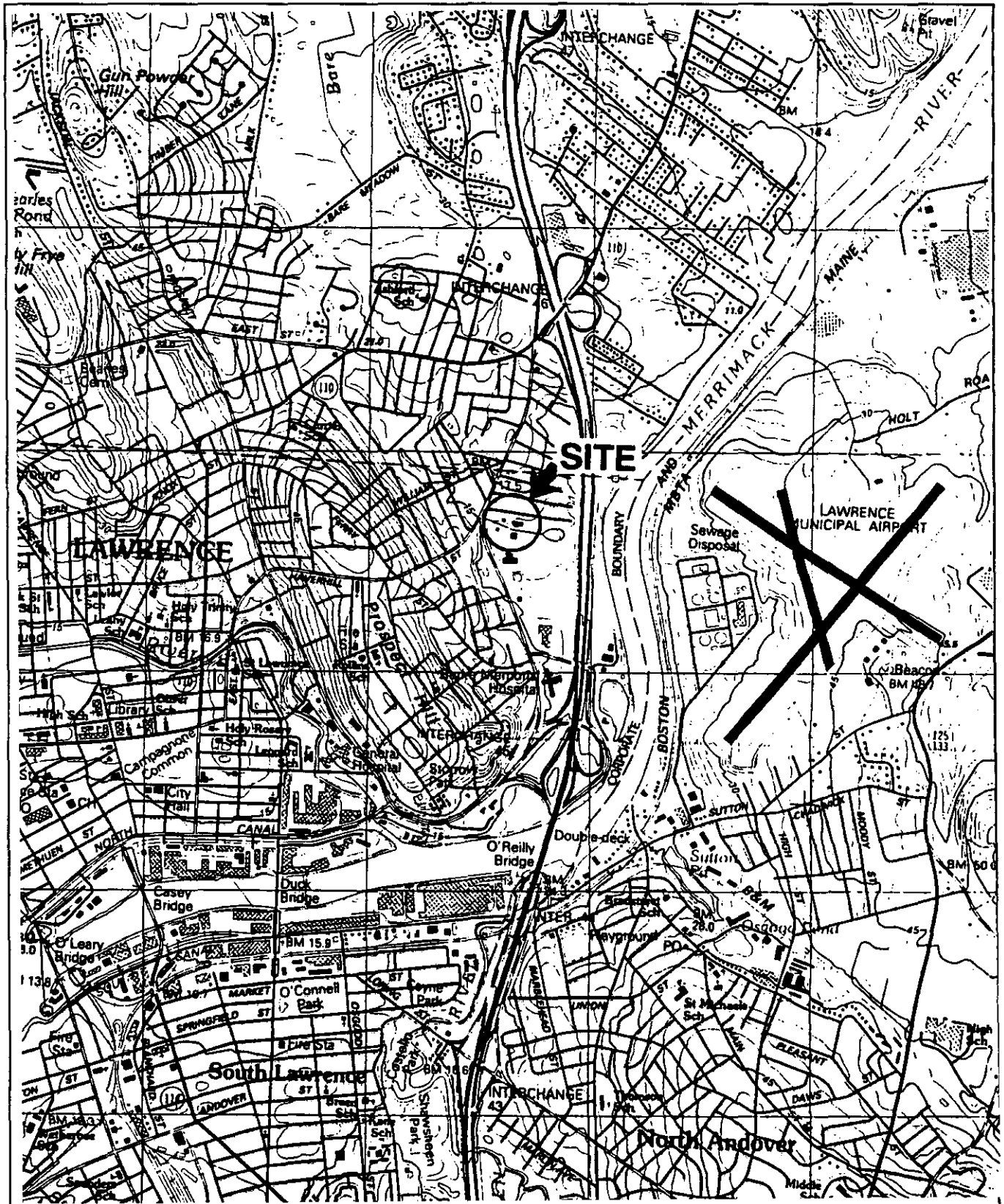
O&HM Released	Minimum Detected Concentration in Soil (ug/g)	Maximum Detected Concentration in Soil (ug/g)	Minimum Detected Concentration in Groundwater (ug/l)	Maximum Detected Concentration in Groundwater (ug/l)
VOLATILE ORGANIC COMPOUNDS				
1,1,1-Trichloroethane	ND	0.25	3.90	14.50
1,1-Dichloroethane	ND	ND	74.2	113.8
1,1-Dichloroethene	ND	ND	ND	9.2
1,2,4-Trimethylbenzene	ND	0.045	2.40	3.30
1,3,5-Trimethylbenzene	ND	0.035	1	2
Dichlorodifluoromethane	ND	ND	ND	17
cis-1-2-Dichloroethene	ND	ND	ND	9
Chloroethane	ND	ND	ND	13
Tetrachloroethene	0.002	0.3	2.6	7.1
Trichlorofluoromethane	ND	2.7	ND	ND
METALS				
Arsenic	2.74	17.9	24	ND
Barium	12.5	552	54	177
Cadmium	0.59	8.21	3.60	ND
Chromium	6.46	64	27	ND
Lead	4.01	4,170	5	6
Mercury	0.43	7.12	ND	ND
Selenium	ND	0.32	6.00	ND
Silver	1.71	20.8	ND	ND
TPH	21.7	9,090	NA	NA
EPH				
Acenaphthene	0.367	19.4	ND	ND
Anthracene	0.493	36	ND	ND
Benzo(a)anthracene	0.615	72	ND	ND
Benzo(a)pyrene	0.775	44	ND	ND
Benzo(b)fluoranthene	0.66	61	ND	ND
Benzo(g,h,i)perylene	0.455	69	ND	ND
Benzo(k)fluoranthene	0.625	53	ND	ND
Bis(2-ethylhexyl)phthalate	0.524	15.8	ND	ND
Butylbenzylphthalate	ND	0.372	ND	ND
C11-C22 Aromatics	ND	620	ND	ND
C19-C36 Aliphatics	700	23,800	ND	ND
C9-C18 Aliphatics	ND	2,400	ND	ND
Carbazole	0.442	16	ND	ND
Chrysene	0.864	84	ND	ND
Dibenzofuran	ND	14	ND	ND
Fluoranthene	1.15	120	ND	ND
Fluorene	0.42	25.8	ND	ND
Indeno(1,2,3-cd)pyrene	0.48	52	ND	ND
Naphthalene	1.56	5.43	ND	ND
Phenanthrene	0.795	143	ND	ND
Pyrene	1.18	141	ND	ND
VPH				
Benzene	ND	0.13	2.5	13.6
C5-C8 Aliphatics	ND	0.51	NA	NA
C9-C10 Aromatics	ND	8.1	NA	NA
C9-C12 Aliphatics	ND	2.7	NA	NA
Ethylbenzene	ND	0.28	ND	2.70
Methyl-tert-butylether	ND	0.48	ND	5
Naphthalene	ND	3.4	ND	4.1
Toluene	ND	0.85	ND	3.00
Trichloroethene	ND	ND	2.7	13
Xylenes, m- & p-	ND	1.4	ND	5.70
Xylenes, o-	ND	0.77	ND	5.70
POLYCHLORINATED BIPHENYLS				
PCB	0.6094	92	ND	ND

Notes:

1. ND Non-Detect. Other samples were analyzed for these compounds, but the lowest detection limit may vary for each sample.
2. NA Not Available. These compounds may have been analyzed, but the data is not available for this report.
3. --- No other data is available to compare the maximum value against.
4. Compounds listed are those that have detectable values.

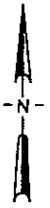
APPENDIX A

**New England DataMap Corporation Selected FEDERAL, Selected LOCAL Sites
map/Project Locus and Site Plan**



12671-121 A01

SITE COORDINATES: 42°43'9.71" N 71°08'30.58" W



U.S.G.S. QUADRANGLE: LAWRENCE, MA



UNDERGROUND
ENGINEERING &
ENVIRONMENTAL
SOLUTIONS

REVISED TIER CLASSIFICATION
207 MARSTON ST
LAWRENCE, MASSACHUSETTS

PROJECT LOCUS

APPROXIMATE SCALE: 1:25,000

MAY 2001

FIGURE 1

MA DEP Bureau of Waste Site Cleanup

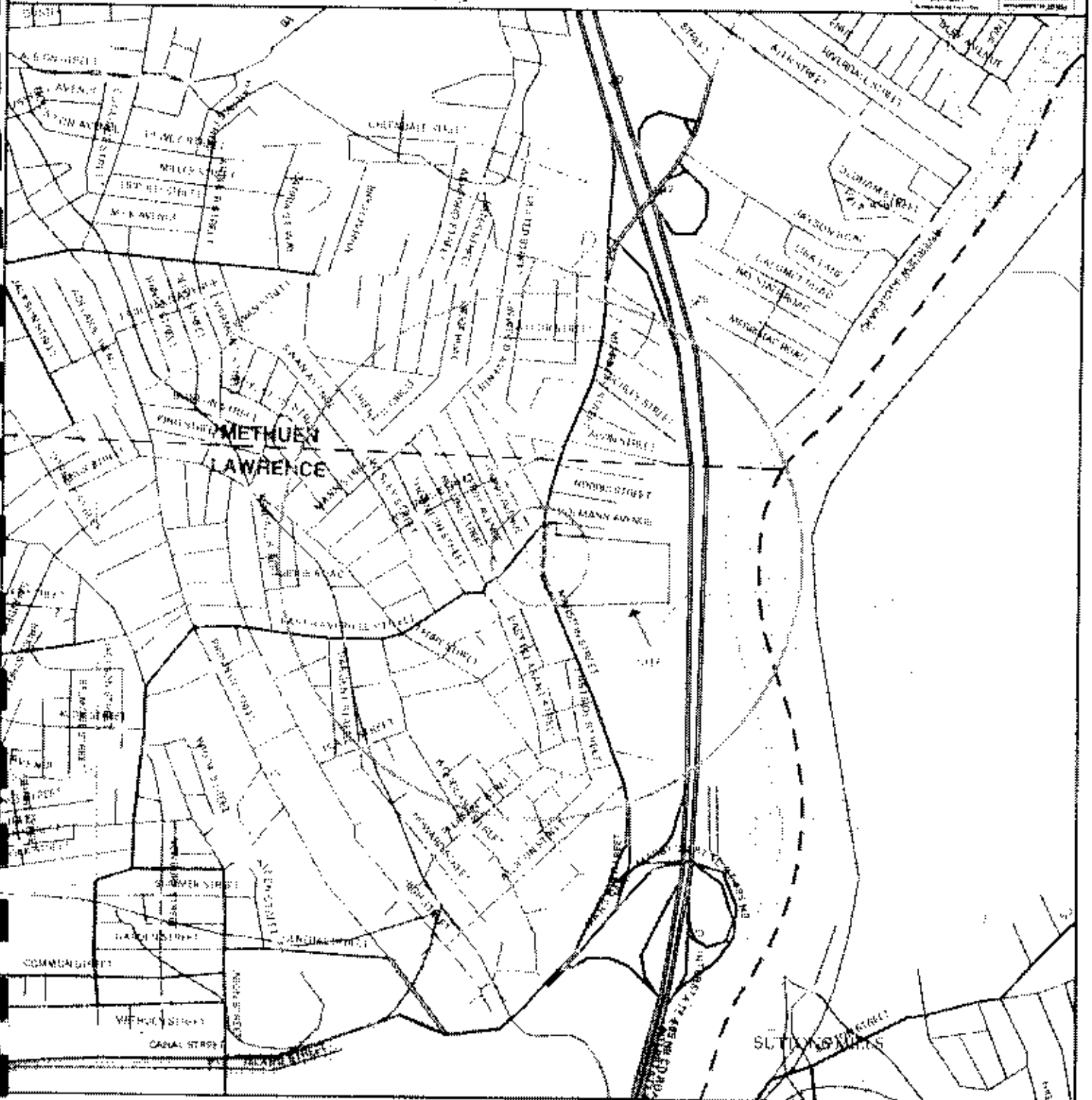
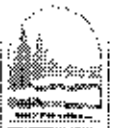
Site Scoring Map: 500 feet & 0.5 Mile Radii

SITE NAME:
Tambarello & Sons
 207 Marston Street
 Lawrence, MA 01841-1599
 4731642n 324521ew

Site Location

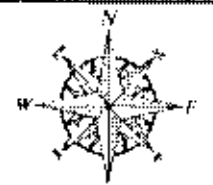


Massachusetts
 Geographic Information
 System



- Roads: Limited Access, Divided, Major Road, One-way, Street, Turn, Trail
- Boundaries: Town, County, DEP Region, Park, Firewater, Pipeline, Airport
- Basins: Major, Sub-Stream, Recycled, Intermediate, Man-Made Slows, Zone
- Potentially Productive Aquifer: Medium-High Yield
- Non-Potential Drinking Water Source Area: Medium-High Yield

- DEP Designated Sole Source Aquifer
- Public Water Supplies: Ground Surface, Non-Community
- Approved Zone: NPA, Surface Water Supply Zone A
- Hydrography: Water Reservoir, Public Surface Water Supply
- Wetlands: Fresh, Salt, NRIESP Wetlands Habitat
- Protected Open Space: ACEC
- DEP Permitted Solid Waste Facilities: Certified Verbal Procs



SCALE 1:15000

March 28, 2000

DataMap Technology Corporation

Environmental FirstSearch™ Report

TARGET PROPERTY:

**207 MARSTON ST
LAWRENCE MA 01841**

Job Number: 12671-121

PREPARED FOR:

Haley & Aldrich, Inc.
465 Medford St., Suite 2200
Boston, MA 02129

05-04-01



Tel: (781) 320-3720

Fax: (781) 320-3715

Environmental FirstSearch
 5 Mile Radius
 Selected FEDERAL Selected LOCAL Sites

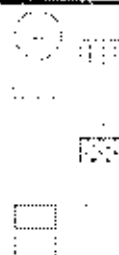


NO. 000-000000-000000-000000-000000



Environmental FirstSearch, Inc. 2000
 1000 North 10th Street, Suite 100
 Lincoln, NE 68502
 402-441-1111
 www.firstsearch.com
 © 2000 Environmental FirstSearch, Inc.

Public Water Supply (all of these boundaries)
 Federal Drinking Water Quality Criteria (AWM) (Municipal and Industrial)
 Non-Potable Drinking Water (AWM) (Industrial, Municipal, and Residential)
 Water Bodies (Surface Water)
 Areas of Potential Environmental Concern (APEC) (Protected Open Spaces)
 Contaminated Habitats of Rare Wildlife (Wildlife Habitat)
 Superfund Sites (Superfund Sites)
 Wetlands



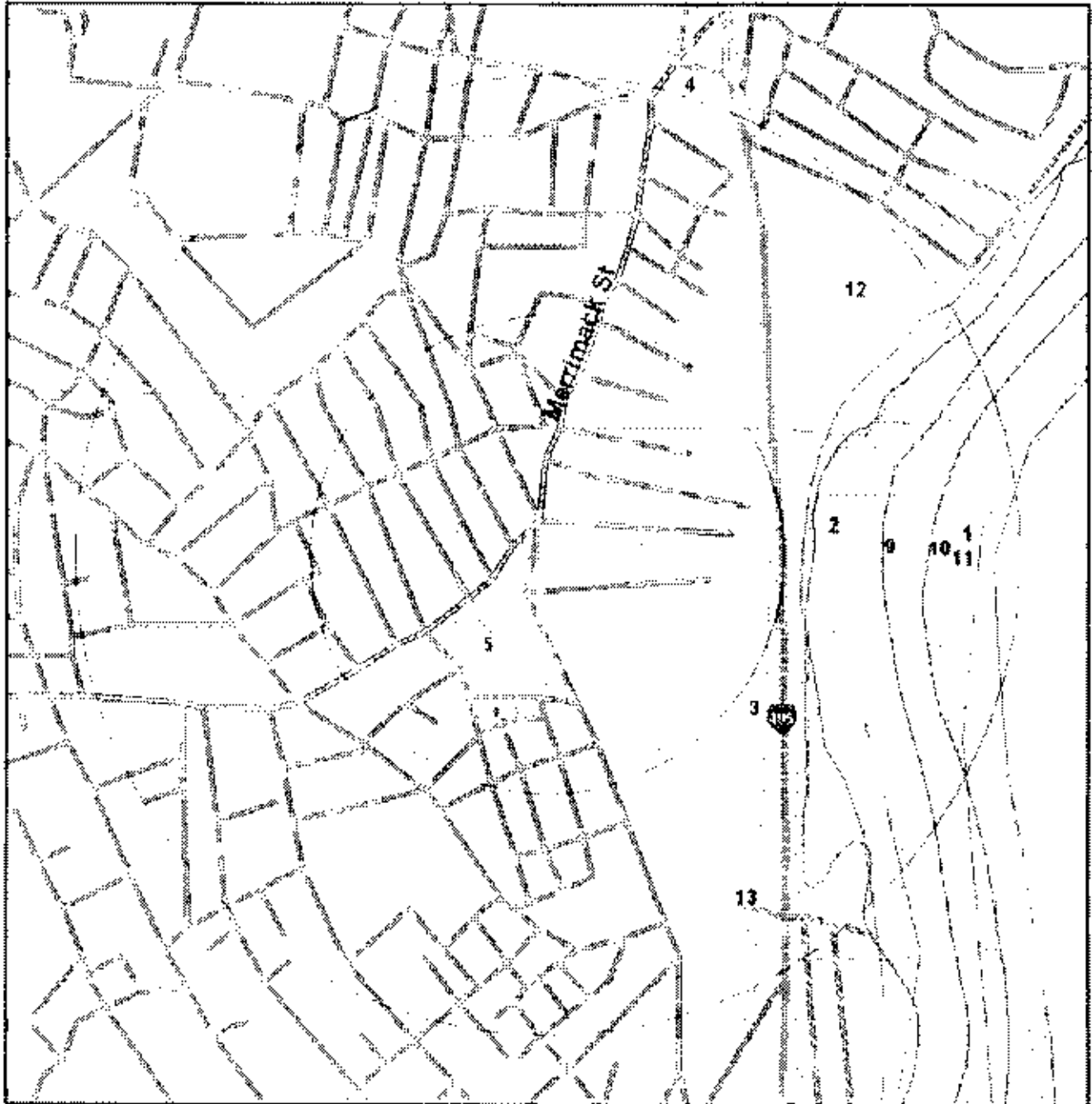
Environmental FirstSearch

5 Mile Radius

Selected FEDERAL Selected LOCAL Sites



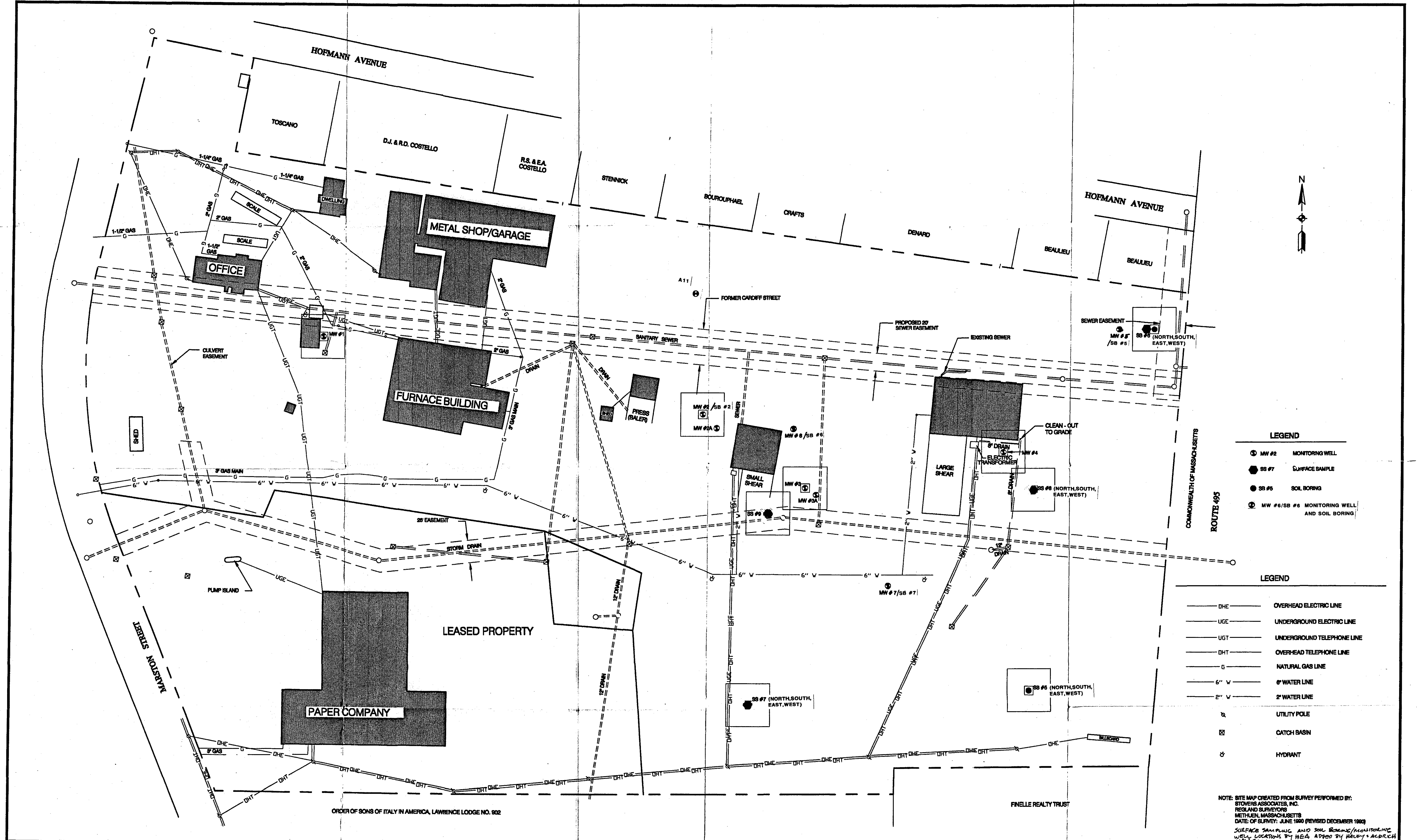
207 MARSTON ST LAWRENCE MA 01840



State of Massachusetts
Department of Environmental Protection
Division of Environmental Assessment
100 State Street, Room 1000
Boston, MA 02109
Tel: 617-725-3300
Fax: 617-725-3301
www.mass.gov

Public Water Supply (PWS) Zone 5 Boundaries
Nationally Productive Aquifer - High Yield (NPA) Medium Yield (NPA)
Non-Potential Drinking Source - High Yield (NPA), Medium Yield (NPA)
Water Body - Surface Water
Area of Critical Environmental Concern (ACEC) Protected Open Space
Estimated Habitats (Rare Wetlands, Wildlife, Stream Pool)
Population - 100 Year - 500 Year
Wetlands





- LEGEND**
- MW #2 MONITORING WELL
 - SB #7 SURFACE SAMPLE
 - SB #6 SOIL BORING
 - MW #6/SB #6 MONITORING WELL AND SOIL BORING

- LEGEND**
- DHE — OVERHEAD ELECTRIC LINE
 - UGE — UNDERGROUND ELECTRIC LINE
 - UGT — UNDERGROUND TELEPHONE LINE
 - DHT — OVERHEAD TELEPHONE LINE
 - G — NATURAL GAS LINE
 - 6" W — 6" WATER LINE
 - 2" W — 2" WATER LINE
 - ⊗ UTILITY POLE
 - ⊠ CATCH BASIN
 - ⊕ HYDRANT

NOTE: SITE MAP CREATED FROM SURVEY PERFORMED BY:
 STOWERS ASSOCIATES, INC.
 REGLAND SURVEYORS
 METHUEN, MASSACHUSETTS
 DATE OF SURVEY: JUNE 1990 (REVISED DECEMBER 1990)
 SURFACE SAMPLING AND SOIL BORING/MONITORING
 WELL LOCATIONS BY HEA ADDED BY HRP/ACD/CH
 MAY 2001

NO.	REVISIONS	DATE	ENGR
1	ADDED NEW MONITORING WELLS - 6, 4, & 7	7/30/99	JCT

BAR IS ONE INCH ON ORIGINAL DRAWING
 0 ————— 1"
 IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

W.Z. BAUMGARTNER & ASSOCIATES, INC.
 ENVIRONMENTAL ENGINEERS & CONSULTANTS
 310 WILLIAMSON SQUARE
 P.O. BOX 690399 (87068-0399)
 FRANKLIN, TENNESSEE 37064
 615-595-0025

SEAL:

DRAWN BY: RLW/CLG
 CHECKED BY: JC
 ENGINEER: WZB
 DATE: 8/10/98

JOHN C. TOMBARELLO PROPERTY
 FACILITY MAP WITH SAMPLING POINTS
AMERICAN RECYCLING
 LAWRENCE, MASSACHUSETTS

SCALE: 1"=50'
 PROJECT NO.: 98091
 SHEET NO.: 2

APPENDIX B

**BWSC 107A
Numerical Ranking System Scoresheet**



**TIER CLASSIFICATION, TIER II EXTENSION &
TIER II TRANSFER TRANSMITTAL FORM**

Release Tracking
Number

3 - 18126

Pursuant to 310 CMR 40.0510 and 40.0560 (Subpart E)

A. DISPOSAL SITE LOCATION:

Disposal Site Name: American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons
Street: 207 Marston Street Location Aid: Hofmann Avenue
City/Town: Lawrence ZIP Code: 01843-0000
Related Release Tracking Numbers That This Submittal Will Address: 3-18431

B. THIS FORM IS BEING USED TO: (check all that apply)

- Submit a new or revised Tier Classification Submittal for a Tier I Site, including a Numerical Ranking Scoresheet (complete Sections A, B, C, I, J, K and L).
- Submit a new or revised Tier Classification Submittal for a Tier II Site, including a Numerical Ranking Scoresheet (complete Sections A, B, C, F, G, I, J, K and L).
- Submit a Notice that an additional Release Tracking Number(s) is (are) being linked to this Tier Classified Site and rescoring is not required at this time (complete Sections A, B, J, K and L). If this submittal is for a Tier I Site, you must also submit a Minor Permit Modification Transmittal Form (BWSC-109).
List Additional Release Tracking Number(s): 3-18431
- Submit a Phase I Completion Statement supporting a Tier Classification Submittal (complete Sections A, B, I, J, K and L).
- Submit a Tier II Extension Submittal for Response Actions at a Tier II Site (complete Sections A, B, D, F, G, I, J, K and L).
- Submit a Tier II Extension Submittal for Response Actions taken after expiration of a Waiver, pursuant to 310 CMR 40.0630(4) (complete Sections A, B, D, F, J, K and L, and also complete Sections G and I or Section H).*
- Submit a Tier II Transfer Submittal for a change in person(s) undertaking Response Actions at a Tier II Site (complete Sections A, B, E, F, G, I, J, K, L, M, N and O).
- Submit a Tier II Transfer Submittal for a change in person(s) undertaking Response Actions at a Waiver Site, pursuant to 310 CMR 40.0630(6) (complete Sections A, B, E, F, J, K, L, M, N and O, and also complete Sections G and I or Section H).*

You must attach all supporting documentation required for each use of form indicated, including copies of any Legal Notices and Notices to Public Officials required by 310 CMR 40.1400.

*NOTE: The Waiver expires on the effective date of this submittal and all further Response Actions must be taken as a Tier II Site.

C. TIER CLASSIFICATION SUBMITTAL:

Numerical Ranking Score for Disposal Site: (from Numerical Ranking Scoresheet) 382
Proposed Tier Classification of Disposal Site: (check one) Tier IA Tier IB Tier IC Tier II

Check which, if any, of the Tier I inclusionary criteria are met by the Disposal Site, pursuant to 310 CMR 40.0520:

- Groundwater is located within an Interim Wellhead Protection Area or a Zone II, and there is evidence of groundwater contamination by an Oil or Hazardous Material at the time of Tier Classification at concentrations equal to or exceeding the applicable RCGW-1 Reportable Concentration set forth in 310 CMR 40.0360.
 - An Imminent Hazard is present at the time of Tier Classification.
 - Check here if this Tier Classification revises a previous submittal for this Disposal Site. You must include a revised Numerical Ranking Scoresheet with this submittal. If a Tier I Permit has been issued, you may also need to submit a Major Permit Modification Application (BWSC 10).
- If incorporating additional Release(s) into the Disposal Site, list Release Tracking Number(s): 3-18431

D. TIER II EXTENSION SUBMITTAL REQUIREMENTS:

State the expiration date of the Tier II Classification or Waiver for the Disposal Site, whichever is applicable: _____
Attach a statement summarizing why a Permanent or Temporary Solution has not been achieved at the Disposal Site. A Tier II Extension is effective for a period of one year beyond the current expiration date of the Tier II Classification or Waiver.

E. TIER II TRANSFER SUBMITTAL REQUIREMENTS:

State the proposed effective date of the change in person(s) undertaking Response Actions at the Disposal Site: _____
Attach a statement summarizing the reasons for the proposed change in person(s) undertaking the Response Actions. All Response Actions must be completed by the deadline applicable to the person who first filed either a Tier Classification Submittal for the Disposal Site or received a Waiver of Approvals.



**TIER CLASSIFICATION, TIER II EXTENSION &
TIER II TRANSFER TRANSMITTAL FORM**

Release Tracking
Number

3 - 18126

Pursuant to 310 CMR 40.0510 and 40.0560 (Subpart E)

F. DISPOSAL SITE COMPLIANCE HISTORY SUMMARY:

- > If providing either a Tier Classification Submittal for a Tier II Site or a Tier II Extension Submittal for a Waiver Site, the person named in Section J must provide a Compliance History.
- > If providing a Tier II Extension Submittal for a Tier II Site, the person named in Section J must update their Compliance History since the effective date of the Tier II Classification.
- > If providing a Tier II Transfer Submittal for a Tier II or Waiver Site, the person named in Section M must provide a Compliance History.

Compliance History for (provide only one name per History): _____

Check here if there has been no change to the Compliance History of the person named above (Extension Submittal for a Tier II Site ONLY).

List all permits or licenses that have been issued by the Department that are relevant to this Disposal Site:

PROGRAM:	PERMIT NUMBER:	PERMIT CATEGORY:	FACILITY ID:
Air Quality	_____	_____	_____
Hazardous Waste (M.G.L. c. 21C)	_____	_____	_____
Solid Waste	_____	_____	_____
Industrial Wastewater Management	_____	_____	_____
Water Supply	_____	_____	_____
Water Pollution Control/Surface Water	_____	_____	_____
Water Pollution Control/Groundwater	_____	_____	_____
Water Pollution Control/Sewer Connection	_____	_____	_____
Wetland & Waterways	_____	_____	_____

List all other Federal, state or local permits, licenses, certifications, registrations, variances, or approvals that are relevant to this Disposal Site:

ISSUING AUTHORITY OR PROGRAM, OR DOCUMENTATION TYPE:	IDENTIFICATION NUMBER:	DATE ISSUED:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If needed, attach to this Transmittal Form a statement further describing the Compliance History of this Disposal Site. This statement must describe the compliance history of the person named above with the following:

- (1) DEP regulations; and
- (2) other laws for the protection of health, safety, public welfare and the environment administered or enforced by any other government agency.

Such a statement should identify information such as:

- (1) actions relevant to the Disposal Site taken by the Department to enforce its requirements including, but not limited to, a Notice of Noncompliance (NON), Notice of Intent to Assess Civil Administrative Penalty (PAN), Notice of Intent to Take Response Action (NORA), and an administrative enforcement order;
- (2) administrative consent orders;
- (3) judicial consent judgements;
- (4) similar administrative actions taken by other Federal, state or local agencies;
- (5) civil or criminal actions relevant to the Disposal Site brought on behalf of the DEP or other Federal, state, or local agencies; and
- (6) any additional relevant information.

For each action identified, provide the following information:

- (1) name of the issuing authority, type of action, identification number and date issued;
- (2) description of noncompliance cited;
- (3) current status of the matter; and
- (4) final disposition, if any.



**TIER CLASSIFICATION, TIER II EXTENSION &
TIER II TRANSFER TRANSMITTAL FORM**

Release Tracking
Number

3 - 18126

Pursuant to 310 CMR 40.0510 and 40.0560 (Subpart E)

G. CERTIFICATION OF ABILITY AND WILLINGNESS:

> If providing either a Tier II Classification Submittal or a Tier II Extension Submittal, the person who signs this certification **MUST** be the person named in Section J, or that person's agent.

> If providing a Tier II Transfer Submittal, the person who signs this certification **MUST** be the person named in Section M, or that person's

I attest under the pains and penalties of perjury that (i) I/the person(s) or entity(ies) on whose behalf this submittal is made has/have personally examined and am/is familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000; (ii) based upon my inquiry of the/those Licensed Site Professional(s) employed or engaged to render Professional Services for the disposal site which is the subject of this Transmittal Form and of the person(s) or entity(ies) on whose behalf this submittal is made, and my/those person's(s') or entity's(ies') understanding as to the estimated costs of necessary response actions, that/those person(s) or entity(ies) has/have the technical, financial and legal ability to proceed with response actions for such site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements; and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I/the person(s) or entity(ies) on whose behalf this submittal is made learn(s) that it/they is/are unable to proceed with the necessary response actions.

By: _____ Title: _____
(signature)

For _____ Date: _____
: (print name of person or entity recorded in Section J or M, as appropriate)

If you are submitting either a Tier II Extension Submittal for a Waiver Site or a Tier II Transfer Submittal for a Waiver Site, you may choose to sign the alternative Ability and Willingness Certification found in Section H in place of providing the certification in Section G and the LSP Opinion in Section I.

H. ALTERNATIVE CERTIFICATION OF ABILITY AND WILLINGNESS:

> If providing a Tier II Extension Submittal for a Waiver Site, the person who signs this certification **MUST** be the person named in Section J, or that person's agent

> If providing a Tier II Transfer Submittal for a Waiver Site, the person who signs this certification **MUST** be the person named in Section M, or

I attest under the pains and penalties of perjury that (i) I/the person(s) or entity(ies) on whose behalf this submittal is made has/have personally examined and am/is familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000; (ii) based upon my inquiry of the Consultant-of-Record for the disposal site which is the subject of this Transmittal Form and of the person(s) or entity(ies) on whose behalf this submittal is made, and my/those person's(s') or entity's(ies') understanding as to the estimated costs of necessary response actions, that/those person(s) or entity(ies) has/have the technical, financial and legal ability to proceed with response actions for such site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements; and (iii) that I am fully authorized to make this attestation on behalf of the person(s) or entity(ies) legally responsible for this submittal. I/the person(s) or entity(ies) on whose behalf this submittal is made is aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I/the person(s) or entity(ies) on whose behalf this submittal is made learn(s) that it/they is/are unable to proceed with the necessary response actions.

By: _____ Title: _____
(signature)

For _____ Date: _____
: (print name of person or entity recorded in Section J or M, as appropriate)

I. LSP OPINION:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and (iii) the provisions of 309 CMR 4.03(5), to the best of my knowledge, information and belief,

> if Section B of this form indicates that a Tier I or Tier II Classification Submittal which relies upon a previously submitted Phase I Completion Statement is being submitted, this Tier Classification Submittal has been developed in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000;

> if Section B of this form indicates that a Phase I Completion Statement or a Tier I or Tier II Classification Submittal which does not rely upon a previously submitted Phase I Completion Statement is being submitted, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal;

SECTION I IS CONTINUED ON THE NEXT PAGE



TIER CLASSIFICATION, TIER II EXTENSION &
TIER II TRANSFER TRANSMITTAL FORM

Release Tracking
Number

3 - 18126

Pursuant to 310 CMR 40.0510 and 40.0560 (Subpart E)

I. LSP OPINION: (continued)

> if Section B of this form indicates that a Tier II Extension Submittal or a Tier II Transfer Submittal is being submitted, the response action(s) that is (are) the subject of this submittal (i) is (are) being implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, and (iii) complies(y) with the identified provisions of all orders, permits, and approvals identified in this submittal.

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

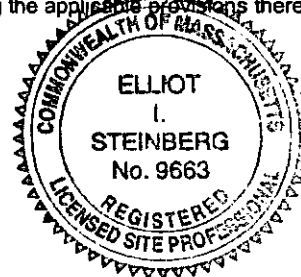
LSP Name: Elliot I. Steinbert LSP #: 9663 Stamp:

Telephone 617-886-7454 Ext.: _____

FAX: 617-886-7754
(optional)

Signature: *Elliot I. Steinbert*

Date: 15 May 2001



J. PERSON MAKING SUBMITTAL: (For Transfer Submittals describe person currently undertaking response actions, not transferee)

Name of Organization: American Recycling, Inc. d/b/a John C. Tombarello & Sons

Name of Contact: Peter Prinz Title: President

Street: 207 Marston Street

City/Town: Lawrence State MA ZIP Code: 01841-0000

Telephone: 978-682-5226 Ext.: _____ FAX: 978-686-6484
(optional)

K. RELATIONSHIP TO DISPOSAL SITE OF PERSON MAKING SUBMITTAL: (check one)

RP or PRP Specify Owner Operator Generator Transporter Other RP or PRP: _____

Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)

Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))

Any Other Person Making Submittal Specify Relationship: _____

L. CERTIFICATION OF PERSON MAKING SUBMITTAL:

I, Peter Prinz, 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 transmittal form, (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 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: *Peter Prinz* Title: President
(signature)

For American Recycling, Inc. d/b/a John C. Tombarello & Sons Date: _____
(print name of person or entity recorded in Section J)

Enter address of the person providing certification(s), including Ability and Willingness Certification where applicable, if different from address recorded in Section J:

Street: _____

City/Town: _____ State _____ ZIP Code: _____

Telephone: _____ Ext. _____ FAX: _____
(optional)

YOU MUST COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE, AND YOU MAY INCUR ADDITIONAL COMPLIANCE FEES.

ATTACHMENT I

BWSC-107A
LSP OPINION

Page 1 of 1

Response actions subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA:

- Request for Information (RFI) (RTN 3-16817), dated 2 December 1998. The RFI established an Interim Deadline of 22 January 1999 for providing information relative to environmental conditions on the property.
- Notice of Responsibility (NOR) & Interim Deadline (RTN 3-18126) dated 31 March 1999. The NOR established an Interim Deadline of 21 April 1999 for preparation of an IRA Plan to mitigate a potential Imminent Hazard.
- Notice of "Interim Deadline" RTN 3-18126, dated 12 July 1999. Issued by DEP to American Recycling of Mass., Inc., indicating the need to increase the height and clearly delineate the barbed wire fence.
- "Field NOR" RTN 3-18431, dated 21 June 1999. Issued by DEP to American Recycling of Mass., Inc. to remove drums of oil and sludge from baler/press area and assess potential releases.
- "Administrative Consent Order and Notice of Noncompliance ACOP-NE-009013-123 (ACOP)" executed between American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons and the DEP, dated 14 February 2001.

APPENDIX C
Transmittal Form and Application and Payment
Copy of Check and Certification of Mailing



Hand-enter Your Transmittal Number

W 20765

Your unique Transmittal Number can be accessed through DEP's web site or by calling the DEP InfoLine as listed on the last page of this document

Massachusetts Department of Environmental Protection
Transmittal Form for Permit Application and Payment

Instructions

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Your check should be made payable to the Commonwealth of Massachusetts. Please mail your check along with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three (3) copies of this form will be needed.

Copy 1 (the original) must accompany your permit application.

Copy 2 must accompany your fee payment.

Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to DEP, P.O. Box 4062, Boston, MA 02211

For DEP Use Only
Permit No.
Rec'd Date 5/12/01
Reviewer

A. Application Information

DEP Permit Code (the 7 or 8 character code from first page of permit application instructions): BWSC 03
Name of Permit Category: Response Action Permit for Tier IC.
Type of Project or Activity: Historical Releases from Scrapyard Operation.

B. Applicant Information (Firm or Individual)

Name of Firm: American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons
Or, if party needing this approval is clearly an individual:
Individual's Last Name: First Name MI

Street Address: 207 Marston Street
City/Town: Lawrence State: MA Zip Code: 01840 0000 Telephone Number: (978) 682-5226 ext.
Contact: Peter Prinz e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

Name of Facility, Site or Individual d/b/a John C. American Recycling of Mass., Inc. Tombarello & Sons DEP Facility Number (if Known) 3-18126, 3-18431
Street Address: 207 Marston Street e-mail address: (optional)
City/Town: Lawrence State: MA Zip Code: 01840 0000 Telephone Number: (978) 682-5226 ext.

D. Application Prepared by (if different from Section B)

Name of Individual or Firm: Haley & Aldrich, Inc.
Address: 465 Medford Street, Suite 2200
City/Town: Boston State: MA Zip Code: 02129 1400 Telephone Number: (617) 886-7454 ext.
Contact: Elliot I. Steinberg LSP Number (21E only) 9663

E. Permit - Project Coordination

Is this project subject to MEPA review? [] yes [X] no
If yes, indicate the project's EOE file number (assigned when an Environmental Notification Form is submitted to the MEPA unit)
EOEA # Is an Environmental Impact Report Required? [] yes [] no
Is this application part of a larger project for which two or more DEP permits are being or will be sought? [] yes [X] no
List any other DEP permits that apply to this project:

Table with 3 columns: Permit Category, Date of Submission (tentative or actual), Transmittal Number (if application already submitted)

F. Amount Due

Special Provisions: [] Fee Exempt* (city, town or municipal housing authority)(state agency if fee is \$100 or less)
[] Hardship Request [payment extensions according to 310 CMR 4.04(3)(c)]
[] Alternative Schedule Project (according to 310 CMR 4.05 and 4.10)

*There are no fee exemptions for 21E, regardless of applicant status

Check #: 14344 Dollar Amount: \$ 3,550.00 Date: 5/14/01
Please make check payable to the Commonwealth of Massachusetts and mail check and one copy of this form to DEP, P.O. Box 4062, Boston, MA 02211

AMERICAN RECYCLING OF MA, INC.
207 MARSTON STREET
LAWRENCE, MA 01841

FIRST ESSEX BANK, FSB
ANDOVER, MA 01810
53-7119/2113

14344

5/14/01

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ **3,550.00

Three Thousand Five Hundred Fifty and 00/100*****

DOLLARS
Security features included.
Details on back.

DEP

MEMO _____   _____

AMERICAN RECYCLING OF MA, INC.

14344

Commonwealth of Massachusetts

5/14/01

Fee with H&A report

3,550.00

First Essex Bank - Op

3,550.00

AMERICAN RECYCLING OF MA, INC.

14344

Commonwealth of Massachusetts

5/14/01

Fee with H&A report

3,550.00

PAYMENT
RECORD

First Essex Bank - Op

3,550.00

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Received by (Please Print Clearly)	B. Date of Delivery
1. Article Addressed to:		C. Signature	<input type="checkbox"/> Agent
DEPARTMENT OF ENVIRONMENTAL PROTECTION P.O. BOX 4062 BOSTON, MA 02211		X	<input type="checkbox"/> Addressee
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes	<input type="checkbox"/> No
		If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Copy from service label)		3. Service Type	<input type="checkbox"/> Express Mail
7099 3400 0010 2477 6605		<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Return Receipt for Merchandise
		<input type="checkbox"/> Registered	<input type="checkbox"/> C.O.D.
		<input type="checkbox"/> Insured Mail	
		4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

PLACE STICKER AT TOP OF ENVELOPE
TO THE RIGHT OF RETURN ADDRESS.
FOLD AT DOTTED LINE.
CERTIFIED MAIL



7099 3400 0010 2477 6605
7099 3400 0010 2477 6605

U.S. Postal Service		CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)			
Article Sent To:			
DEP			
Postage	\$	Postmark Here	
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		
Name (Please Print Clearly) (to be completed by mailer)			
DEPARTMENT OF ENVIRONMENTAL PROTECTION			
Street, Apt No., or PO Box No.			
P.O. Box 4062			
City, State, ZIP+4			
BOSTON MA 02211			
PS Form 3800, July 1999		See Reverse for Instructions	

Haley & Aldrich, Inc.
465 Medford Street
Suite 2200
Boston, MA 02129-1400
Tel: 617.886.7400
Fax: 617.886.7600
www.HaleyAldrich.com



16 March 2001
File No. 12671-042

Massachusetts Department of Environmental Protection (DEP)
205A Lowell Street
Wilmington, MA 01887

Attention: Mr. Richard J. Chalpin, Regional Engineer

Subject: Submittal Pursuant to Section III.E.3 of Administrative Consent Order
American Recycling of Massachusetts, Inc. d/b/a Tombarello & Sons
File No. ACOP-NE-00-9013-123 (ACOP)

Dear Mr. Chalpin:

On behalf of our client, American Recycling of Massachusetts, Inc., d/b/a/Tombarello & Sons (American), Haley & Aldrich Inc. (Haley & Aldrich), is submitting this compliance plan and documentation as required by Section III.E.3 of the ACOP. This letter was developed based on: site visits by Haley & Aldrich on 19 December 2000, 9 March and 14 March 2001; information provided by American and W. Z. Baumgartner & Associates, Inc. (Baumgartner); and from conversations with representatives of American and Baumgartner. The requirements of Section III.E.3 and American's response are summarized below.

Haley & Aldrich has also been retained to conduct the independent audit per Section III.E.13 and 14 of the ACOP and develop a compliance plan to address M.G.L. c. 21C per Section III.E.1 and 2. This work and the associated submittals will be forthcoming within the time frame required by the ACOP.

ACOP Section III.E.3 Requirements

Within 30 days of the effective date of the ACOP (on or before 16 March 2001), American shall submit a written Plan to DEP for its review and comment describing:

- How American will comply with MGL Chapter 21 §§ 26-53 (collectively referred to as the Massachusetts Clean Water Act);
- How American decommissioned the floor drains in the baler/press room;

OFFICES

Cleveland
Ohio

Dayton
Ohio

Denver
Colorado

Detroit
Michigan

Hartford
Connecticut

Los Angeles
California

Manchester
New Hampshire

Newark
New Jersey

Portland
Maine

Rochester
New York

San Diego
California

Tucson
Arizona

Washington
District of Columbia

- How American corrected the alleged violations stated in Section II.D.9 a. and b.:
 - Discharging or causing to be discharged PCBs from the floor of the baler/press room to the Greater Lawrence Sanitary District (GLSD) publicly owned treatment system (POTW);
 - Failing to comply with GLSD rules and regulations by discharging wastewater containing PCBs;
- How American will correct the alleged violations stated in Section II.D.9.C of discharging wastewater from the baler/press room onto a metal pile on the ground outside the building without a groundwater discharge permit.

American's Plan shall provide for correction of said violations and shall include plans to discontinue the alleged unauthorized discharges from the baler/press room.

Plan to Achieve and Maintain Compliance with Section III.E.3 Requirements

Actions Taken

American has taken the following actions to address the discharge from the baler/press room and identify and evaluate discharges to the sanitary sewer from other areas of the site:

- American contracted Haley & Aldrich to assist with evaluating compliance options with state and local wastewater discharge requirements.
- American contracted Mr. James J. Curran to conduct an on-site sewer and drainage investigation and survey of the property. Mr. Curran is in the process of completing the investigation and plans. The results of the investigation and plans will be incorporated in the Plan to achieve and maintain compliance.
- According to American personnel, American plugged the floor drain located in the lower level of the baler/press room with approximately three vertical feet of concrete (distance to the pipe elbow) in June 1999. The top of the concrete plug was finished approximately 6-in. below the baler/press room floor to serve as a closed-bottom "sump" for placement of a submersible sump pump. Haley & Aldrich probed the bottom of the "sump" and confirmed the presence of a solid plug in the former drain line. The sump pump discharges to a three-chamber oil/water separator system which in turn discharges to an on-site catch basin as described in the following paragraphs.

American installed the oil/water separator system, comprised of three approximately 250-gallon tanks, during May 1999 to treat the stormwater that accumulates on the floor of the room. The separator chambers were originally installed outside the

baler/press room and were moved inside to the lower level of the baler/press room during December 2000.

When a sufficient amount of water has collected on the floor, the water is pumped through the oil/water separator system. Once a sufficient amount of water has collected in the third chamber of the oil/water separator, the water is pumped through a flexible hose, which discharges to the on-site catch basin, believed to be connected to the GLSD sanitary sewer line.

The results of three discharge water sampling and analyses rounds (12 October 1999, 3 November 1999 and 11 January 2000) were available and are attached. According to American, the GLSD has observed the discharge from the oil/water separator system to the catch basin on several occasions during recent site visits. According to American, approximately one 55-gallon drum of oily water is collected from the system every month and transferred to an aboveground storage tank where further separation occurs and then the oil is burned in an on-site oil burner.

- Pertaining to the alleged violations stated in Section II.D.9.C of discharging wastewater from the baler/press room onto a metal pile on the ground outside the building without a groundwater discharge permit, American reports that process water is not discharged to the ground. Water which accumulates in the baler/press room is discharged on an as-needed basis to an oil/water separator system and in turn to an on-site catch basin, as described above.
- American cleaned the lower level of the baler/press floor using soap and steam in June 1999.
- American confirmed that the hydraulic fluid used in the baler/press equipment does not contain PCBs (see letter attached).
- The GLSD grandfathered the site from the sewer discharge permit requirement (see letter attached).

Actions Planned

American plans the following actions to maintain compliance with the state law and local requirements:

1. Continue sampling and PCBs analysis of the treated discharge water and the oil collected by the oil/water separator system. Although the wastewater discharge from the oil/water separator has been sampled and analyzed on at least three occasions, PCBs analysis are only available for the 3 November 1999 round. This information

combined with the previous cleaning of the floor in the lower level and certification that the hydraulic fluid is PCB-free will confirm that the baler/press room is not a source of PCBs.

2. Drain the sump to visually review and photograph the plugged drain located in the lower level of the baler/press room to better document the surface integrity of the concrete plug and accordingly, that the pipe is sealed.
3. Institute written procedures for:
 - recording oil/water separator discharges and routinely sampling and analyzing the discharges;
 - inspection of the baler/press room;
 - inspection and maintenance of the oil/water separator system and flexible hose; and
 - maintain written documentation on-site confirming implementation of the procedures.

These routine procedures will monitor compliance of the discharge from the baler/press room oil/water separator system with state law and discharge requirements of the GLSD.

4. Provide a copy for Haley & Aldrich's review of the final investigation results and plans prepared by James Curran. Haley & Aldrich will review the report. Based on review of this report, additional recommendations may be made regarding site discharges and sewer connections.

Haley & Aldrich believes that the additional wastewater discharge analysis will confirm that PCBs are not being discharged from the baler/press room. Additionally, implementation of the procedures and will monitor that the oil/water separator system is operating properly and that future discharges will be checked for compliance with applicable discharge requirements.

Massachusetts Department of Environmental Protection
16 March 2001
Page 5

If you have questions with the enclosed, please contact either of the undersigned at
617.886.7454.

Sincerely yours,
HALEY & ALDRICH, INC.

Nancy P. Prominski
Senior Scientist

Elliot I. Steinberg, P.E., LSP
Vice President

Attachments:

Oil/water separator discharge analysis
Hydraulic oil PCB-free certification
GLSD letter

G:\12671\042\ww_responserev.doc



To Bill B.



Form FP 6 Rev. 1288

The Commonwealth of Massachusetts
Department of Fire Services
Office of the State Fire Marshal
P.O. Box 1023, State Road, Stow, MA 01775



PERMIT

LAWRENCE, MASS.
(City or Town)

Permit No. 98A-11
(If Applicable)

Date: JULY 26 19 99

In Accordance with the provisions of M.G.L. Chapter 148 as provided in _____

This Permit is granted to: AMERICAN RECYCLING OF MASS. INC.
(Full name of person, firm or corporation)

for STORAGE AND USE OF ACETYLENE TANKS FOR TORCH CUTTING.

DIG SAFE NUMBER M.G.L.C. 15.40

Start Date _____

Restrictions: APPLICANT IS REQUIRED TO MEET ALL SAFETY REQUIREMENTS.

at _____
(Give location by street and no., or describe in such manner as to provide adequate identification of location)

Fee Paid \$: 25.00

This Permit will expire JULY 26 2000

John P. ...
(Signature of official granting permit) (Title)

THIS PERMIT MUST BE CONSPICUOUSLY POSTED UPON THE PREMISES

010 030-1235

P-4

FEE

21

THE COMMONWEALTH OF MASSACHUSETTS

City of Boston

NAME Benjamin Bejeli of Cross

NAME

207

Boston St

ADDRESS

This is to Certify that

IS HEREBY GRANTED A LICENSE

For Wholesale sale punch

This license is granted in conformity with the Statute and ordinances relating thereto, and expires 7/8/2000 unless sooner suspended or revoked.

7/8 1999

Signature

NUMBER 1899

FORM 438 (1-97) Issues a Witness

ATTACHMENT G.4

BWSC 03 - Tier IC LSP OPINION

Page 1 of 3

Description of Response Action

A Phase II Environmental Site Assessment will address the following response actions. In summary, the proposed site investigations and field program include the following:

- Field reconnaissance and sampling of site storm drains/sewer sediment
- Evaluation of baler/press room area, including removal of abandoned 500-gal. UST
- Grid sampling and field screening of shallow soils
- Subsurface explorations at selected locations
- Test pit excavations-berm area and residue stockpiles
- Deep aquifer monitoring wells
- Groundwater sampling

Current Status of the Response Actions

A Scope of Work for the Phase II Environmental Site Assessment was submitted to DEP 6 April 2001. We anticipate that Phase II field investigations should be initiated by late spring/summer 2001.

Rationale for Continuance of the Response Actions

The following presents our current conceptual understanding of MCP issues based on information and findings summarized from previous reports.

Municipal Sewer

Flooding and back-ups from the municipal sewer may have impacted the site. Flooding has been observed by Haley & Aldrich emanating from a manhole cover in Marston Street, to the west of the subject property. American reports that this manhole cover had been welded shut by the City in an effort to address recurring flooding after heavy rains. American also believes the flooding may be due in part to an undersized pipe at the downstream (east) end of the site where the sewer extends beneath Route 495. The ACOP requires an assessment of the contents of the drainage pipe leading from the baler/press room to the GLSD sewer.

Baler/Press Room Release

DEP analyses indicated that sludge identified on the baler/press room floor contained PCBs, petroleum hydrocarbons, metals and VOCs. It was noted that the detected PCB (Aroclor 1242) was different from those detected elsewhere at the site. American believes the oily sludge originated from sewer

ATTACHMENT G.4

BWSC 03 – Tier IC LSP OPINION

Page 2 of 3

backups through the floor drain in the baler room, which is supported by the recent flooding observed by Haley & Aldrich at the site on 22 March 2001. DEP has alleged that these PCBs were discharged from the baler room to the municipal sewer and required evaluation of the sewer as a potential migration pathway.

Abandoned UST

Evidence of an abandoned 500-gallon underground waste oil storage tank (UST) was observed by DEP adjacent to the baler/press building. The existence of this tank was later confirmed through excavations performed by American. Removal of the UST will be required in accordance with 527 CMR 9.00 and the DEP Underground Storage Tank Closure Assessment Manual, DEP Policy #WSC-402-96. The Baumgartner Environmental Site Assessment had reported that no underground storage tanks existed on the property.

Shallow Soil Quality/PCBs

The Baumgartner Environmental Site Assessment identified total PCB levels of 10.6 mg/kg (combined concentration of Aroclor 1248 and 1260) and 59 mg/kg (Aroclor 1260) in two near-surface soil samples located in the vicinity of the large shear (SS-8) and the small shear (SB-3), respectively. Subsequent IRA assessment activities by HEA detected 57 mg/kg and 92 mg/kg PCBs (Aroclor 1260) in two samples at the northeast site corner (SB6-SS1 and SB6-N1). Elevated levels of petroleum hydrocarbons, PAHs and lead were also detected at Baumgartner soil sampling locations. Based on the historical use of the property for metal recycling dating back to the early 1940s, it is possible that other source areas of elevated petroleum, PAHs, metals and PCBs may exist.

Shear Residue/Berm Material Quality

Soil materials intermixed with metal are currently stockpiled against the berm at the southeast portion of the site. American personnel reported that these “shear residue” materials, which are to be processed to remove non-ferrous metals, contain fill materials that are intermixed with the scrap metal upon delivery to the facility and soils that are scraped from beneath the front of the shear during loading operations. Analytical data on these shear residue stockpiles were not available.

The overall nature of the berms extending along the south and east property limits is also unknown. American believes that the berms were constructed from shallow soils at the property in conjunction with earthwork for Route 495 during the 1960s. Baumgartner concluded, “it is reasonable to assume” that the berm materials could be shipped to a local landfill. DEP Field Inspection Notes from their 17 February 1999 site visit also commented on observations of “wastes indicative of landfill materials sticking out from the surface of the (southern) berm.” The southern portion of the site was utilized as a municipal landfill prior to 1935 as reported in the Baumgartner assessment. A 50- to 100-ft. long

portion of the berm and/or shallow fill materials from the abutting Essex paper recycling facility (formerly part of Tombarello property) were reportedly transported to the Fitchburg landfill. However, documentation/ analytical data for these materials were not available.

Deep Aquifer

The DEP site scoring map obtained as part of the Tier Classification (RTN 3-18126) by Haley & Aldrich identified a medium yield aquifer (i.e., relatively pervious granular soils), which underlies the site vicinity, although this aquifer is not classified as a potential drinking water source due to the urbanized setting.

The generalized soil profile indicated by Baumgartner/HEA boring logs typically consisted of 4 to 8 ft. of surficial miscellaneous fill materials overlying silts and silty fine sands to depths of exploration at 10 to 17 ft. Deeper fill to 17 ft. was also reported in HEA boring log SB7/MW7 in the southeastern portion of the property. Groundwater levels measured in monitoring wells ranged from approximately 5 to 11 ft. with depth apparently increasing from west to east.

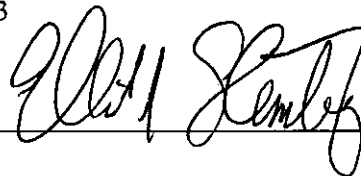
Monitoring wells installed by Baumgartner/HEA typically terminated in the finer-grained silty soils at relatively shallow depths of 10 to 16 ft. Therefore, these monitoring wells appear to have terminated above the pervious granular soils and the potential presence of groundwater contamination in the deeper aquifer is unknown.

LSP Signature

The LSP Opinion presented herein was prepared by Elliot I. Steinberg, Vice President, Haley & Aldrich, Inc.

LSP No. 9663

Signature _____



APPENDIX D
BWSC 03 - Tier IC Permit Application Form



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

A Disposal Site Information

Check here if there is more than one applicant.

Note:

Tier IA=
NRS ≥ 550;

Tier IB=
450 ≤ NRS < 550;

Tier IC=
350 ≤ NRS < 450

1. Which permit category are you applying for?

- Tier IA (Permit Category: BWSC 01)
- Tier IB (Permit Category: BWSC 02)
- Tier IC (Permit Category: BWSC 03)

2.

American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons
Disposal Site Name
207 Marston Street
Street
Lawrence, MA 01840
City/Town Zip code

3. List each release tracking number and date of release notification for each release or threat of release that is the subject of this permit application. For those sites identified on the Transition List of Sites and Locations (the 1993 Transition List) and any addendum thereto (pursuant to 310 CMR 40.0600) provide the Disposal Site Number in place of the Release Tracking Number (attach additional pages if needed):

<u>Release Tracking Number</u>	<u>Date of Notification</u>
<u>3-18126</u>	<u>31 March 1999</u>
<u>3-18431</u>	<u>21 June 1999</u>

4. List the map(s) and parcel number(s) of each lot that is the subject of this permit application. Attach a copy of each tax assessor's map(s) showing these parcels:

<u>Municipal Tax Assessor's Map(s)</u>	<u>Parcel Number(s)</u>
<u>Tax Map City of Lawrence Map 33</u>	<u>17 and 18</u>

5. Basis for Tier Classification:

a. Numerical Ranking Score (NRS) Score: 362

b. Inclusionary criteria:

Basis for inclusionary criteria (complete only if 5b is applicable):

- Evidence of groundwater contamination with OHM exceeding applicable RCGW-1 reportable concentrations and such groundwater is located within an Interim Wellhead Protection Area or Zone II.
- Disposal site at which an Imminent Hazard is present at the time of Tier Classification.



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

Note:

1. If there is only one applicant, you do not need to complete this section.

2. If there is more than one applicant, then the Primary Representative should complete this page.

3. The Primary Representative for multiple applicants will receive the annual compliance assurance fee statement for the disposal site.

B Primary Representative Information

1. Primary Representative

Is the Primary Representative also an applicant? Yes No

Name of Organization

Name

Title

Street

City/Town

State

Zip code

Telephone

Contact Name (if different)

Contact Telephone

2. Primary Representative Certification

"I certify under the penalties of law that I am fully authorized to act on behalf of all persons submitting this permit application for the following purposes:

- to receive oral and written correspondence from DEP with respect to this application;
- to receive oral and written correspondence from DEP with respect to the performance of response actions upon issuance of a Tier I permit; and
- to receive any statement of fee required by 310 CMR 4.03(3) upon issuance of a Tier I permit."

"I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for wilfully submitting false, inaccurate or incomplete information."

Name (Print)

Position or title

Signature

Date



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

W020765
Transmittal #

BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

Note:
ALL applicants must complete this section. Where there is more than one APPLICANT, make copies of this page, have each applicant provide this information, and then attach all copies to this Permit Application.

C Applicant Information

1. Applicant:

American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons

Name of Organization

Peter Prinz

Applicant Name

President

Title

207 Marston Street

Street

Lawrence

MA

01840

City/Town

State

Zip code

978-682-5226

Telephone

Contact Name (if different)

Contact Telephone

2. Type of applicant (check one):

- individual
- sole proprietorship
- partnership
- corporation
- realty trust
- state authority
- municipality
- state agency
- federal agency
- other, please specify: _____

3. Relationship of applicant to disposal site (check all that apply):

- current owner (as defined in Section 5(a)(1) of M.G.L. c 21E)
- current operator (as defined in Section 5(a)(1) of M.G.L. c 21E)
- past owner (as defined in Section 5(a)(2) of M.G.L. c 21E)
- past operator (as defined in Section 5(a)(2) of M.G.L. c 21E)
- generator (as defined in Section 5(a)(3) of M.G.L. c 21E)
- transporter (as defined in Section 5(a)(4) of M.G.L. c 21E)
- other legally responsible party (as defined in Section 5(a)(5) of M.G.L. c 21E)
- other person (as defined in 310 CMR 40.0006(10))



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

W020765
Transmittal #

BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

D Parcel Information

Note:
If the current owner(s) or operator(s) as defined in Section 5(a)(1) of M.G.L. c 21E, is not an applicant, provide the following information for the owner(s) and operator(s) for each parcel that is the subject of this application. Attach additional copies of this page as necessary.

Parcel:

Map Number: 33 Parcel Number: 17 and 18

Current Owner (if different from the applicant):

Name

Position or title

Company or organization

Street

City/Town *State* *Zip Code*

Telephone number

Current Operator (if different from the owner):

Name

Position or title

Company or organization

Street

City/Town *State* *Zip Code*

Telephone number



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

E Applicant's Compliance History

Note:
Each applicant must complete this section. For disposal sites with more than one APPLICANT, make copies of this section, have each applicant complete this information, and then attach all copies to this Permit Application.

1. List each Tier I permit held by the applicant for other disposal sites:

<u>Disposal Site Name</u>	<u>BWSC Permit Number</u>	<u>Release Tracking Number(s)*</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. List each Tier II disposal site where the applicant is conducting response actions:

<u>Disposal Site Name</u>	<u>Release Tracking Number(s)*</u>
American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons	3-18126
American Recycling of Mass., Inc. d/b/a John C. Tombarello & Sons	3-18431
_____	_____

*For those sites identified on the Transition List of Sites and Locations (the 1993 Transition List) and any addendum thereto (pursuant to 310 CMR 40.0600) provide the Disposal Site Number in place of the Release Tracking Number.

3. List all other permits or licenses issued by the Department and held by the applicant that are material to this disposal site:

<u>Program</u>	<u>Permit Code</u>	<u>Permit Category</u>	<u>Facility ID</u>
• Air Quality	_____	_____	_____
• Hazardous Waste (M.G.L. c. 21C)	RCRA Generator	Small Quantity	MV9786825226
• Solid Waste	_____	_____	_____
• Industrial Wastewater Management	_____	_____	_____
• Water Supply	_____	_____	_____
• Water Pollution Control:			
Surface Water	See attached	_____	_____
Groundwater	See attached	_____	_____
Sewer Connection	See attached	_____	_____
• Wetland & Waterways	_____	_____	_____



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

E Applicant's Compliance History (cont.)

4. List all other permits, licenses, certifications, registrations, variances, or other approvals issued by other federal, state, or local authorities and held by applicant that are material to this disposal site:

<u>Issuing Authority</u>	<u>Identification Number</u>	<u>Date Issued</u>
Office of State Fire Marshall	99 AC 11	07/26/99
Commonwealth of Massachusetts	1899	07/08/99

5. Attach a statement which details the applicant's history of compliance with the Department's requirements, including, but not limited to, M.G.L. c. 21E, 310 CMR 40.0000, and other laws for the protection of health, safety, public welfare and the environment administered or enforced by federal, state and local government agencies, that are material to the disposal site. Such statement should identify information such as: action(s) material to the disposal site taken by the Department to enforce its requirements including, but not limited to Notice of Noncompliance (NON), Notice of Intent to Assess Civil Administrative Penalty (PAN), administrative enforcement order, Notice of Responsibility (NOR), Notice of Intent to Take Response Action (NORA); Administrative Consent Order; Judicial Consent Judgment; similar administrative actions taken by other states, federal, or local agencies; and/or civil or criminal actions material to the disposal site brought on behalf of the Department or other federal, state, or local agencies and any additional information relevant to the applicant's history of compliance. For each action identified, give the name of the issuing authority and identification number, if available, and a description of the noncompliance cited, the current status of the matter, and final disposition, if any, using the sample format below.

See attachment E.5

Action

Issuing Authority _____ *Date* _____

ID Number _____

Description of Non-compliance

Current Status

Final Disposition

(Make additional copies of this page as needed.)



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

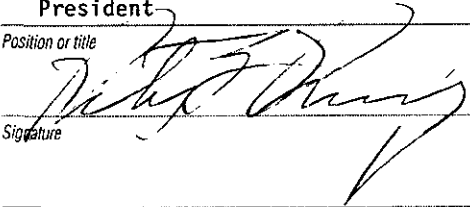
F Applicant Certifications

Note:

Each applicant must complete this section. For disposal sites with more than one APPLICANT, make copies of this page, have each applicant complete this information, and then attach all copies to this Permit Application.

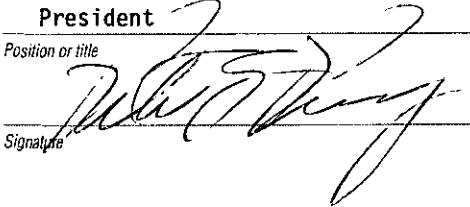
1. Certification of Submittal

"I certify under the penalties of law that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained herein is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information."

Peter Prinz
Name (Print)
President
Position or title

Signature
Date

2. Statement of Ability and Willingness

"I certify under the penalties of law that I have personally examined and am familiar with the requirements of M.G.L. c. 21E and 310 CMR 40.0000 and, based upon my inquiry of those Licensed Site Professionals employed or engaged to render Professional Services at the disposal site that is the subject of this permit application and my understanding as to the likely costs and necessary response actions at this site, I believe that I have the technical, financial and legal ability to proceed with response actions at this site in accordance with M.G.L. c. 21E, 310 CMR 40.0000 and other applicable requirements. I am aware of the requirements in 310 CMR 40.0172 for notifying the Department in the event that I am unable to proceed with such response actions."

Peter Prinz
Name (Print)
President
Position or title

Signature
Date



BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

G Required Technical Submittals with Permit Application

1. Attach Tier I Classification Submittal to this application.
2. Please indicate which of the following response actions are in progress or have been completed at this disposal site at the time of this permit application:

<u>Response Actions</u>	<u>Completed</u>	<u>In Progress</u>
<i>Preliminary Response Actions</i>		
Limited Removal Action	<input type="checkbox"/>	<input type="checkbox"/>
Immediate Response Action (IRA)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Release Abatement Measure (RAM)	<input type="checkbox"/>	<input type="checkbox"/>
Utility Related Abatement Measures (URAM)	<input type="checkbox"/>	<input type="checkbox"/>
Phase I Initial Site Investigation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other: <u>Phase II Scope of Work</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comprehensive Response Actions</i>		
Phase II - Comprehensive Site Assessment	<input type="checkbox"/>	<input type="checkbox"/>
Phase III - Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives	<input type="checkbox"/>	<input type="checkbox"/>
Phase IV - Implementation of the Selected Remedial Action Alternative (Remedy Implementation Plan only)	<input type="checkbox"/>	<input type="checkbox"/>

3. Please indicate which of the following Status Reports, Phase Reports, or Completion Statements have been prepared for response actions that are in progress or have been completed at the disposal site at the time of this permit application. Any such report, other than LRA documentation, shall be submitted as part of this permit application even if previously submitted to DEP:

<u>Document</u>	<u>Submitted with this application</u>	
Limited Removal Action documentation	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Immediate Response Action (IRA) Plan(s)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
IRA Status Report(s)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
IRA Completion Report(s)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Release Abatement Measure (RAM) Plan(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
RAM Status Report(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
RAM Completion Report(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Utility Related Abatement Measures (URAM)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
URAM Status Report(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
URAM Completion Report(s)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Phase I Report	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Phase I Report Completion Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Phase II Scope of Work	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Phase II Report	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Phase II Completion Statement	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Remedial Action Plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Phase III Completion Statement	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Remedy Implementation Plan (RIP)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other: <u>Tier Classification</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No



BWSC 01 – Tier IA

BWSC 02 – Tier IB

BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

G Required Technical Submittals with Permit Application (cont.)

4. Attach LSP Opinion regarding proposed or continuing response actions which describes all response actions that, in the opinion of the LSP, should continue, or which have Department approval, during the DEP's review of this permit application. Use the following format:

- Description of the response action
- Current status of the response action
- Rationale for continuance of the response action

5. Specify the pages of either the Phase I Report or Phase II Report (if completed) for purposes of supporting the following information:

	Report		Page(s)
	Phase I	Phase II	
a. Disposal site location information	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>2</u>
• Institutions within 500 feet of the disposal site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7</u>
• Listing of natural resource areas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>7</u>
b. Disposal Site Locus Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Appendix A</u>
c. Disposal site history	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
• Release history & abatement measures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
• OHM use and storage history	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
• Environmental permits and compliance history	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
d. Disposal site hydrogeological characteristics	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>4-5</u>
• Groundwater depth and flow direction	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>4-5</u>
• Soil and bedrock description	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>5</u>
• Disposal site topography	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>4</u>
e. Nature and extent of contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
• Thickness of non-aqueous phase liquid, if encountered	<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>
• Approximate horizontal and vertical extent of contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>3-4</u>
f. Migration pathways and exposure potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>5-7</u>
• Contaminant migration potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>5-6</u>
• Potential human exposure	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>5-6</u>
• Potential environmental receptors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>7</u>
g. Evaluation for Immediate Response Action(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>10-16</u>
h. Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<u> </u>
i. Conclusions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>17</u>



Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup

W020765

Transmittal #

BWSC 01 – Tier IA

BWSC 02 – Tier IB

BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

H Licensed Site Professional Opinion

"I attest that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this attestation, and in my professional judgment, the material facts and data that are the subject of this permit application are true and accurate and comply with the provisions of M.G.L. c. 21A, §§ 19-19J, 309 CMR, M.G.L. c. 21E, 310 CMR 40.0000, and all other laws, regulations, orders, permits, and approvals applicable to such response action(s). I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I willfully submit information which I know to be false, inaccurate, or incomplete."

ELLIOT I. STEINBERG

Name (Print)

9663

License Number

Elliot I. Steinberg

LSP Signature

15 MAY 2001

Date

LSP Seal





BWSC 01 – Tier IA
BWSC 02 – Tier IB
BWSC 03 – Tier IC

Initial Application for Response Action Permit for Tier I Disposal Sites

I Application Completeness Checklist

- The DEP Transmittal Form is properly completed.

Certifications/Signatures/LSP Opinions

- Certification of submittal has been signed by ALL applicants and attached.
- Certification of ability and willingness has been signed by ALL applicants and attached.
- If applicable, the certification of the Primary Representative has been signed.
- A signed LSP Opinion regarding the information contained in this Permit Application (Section H) is included.
- An LSP Opinion regarding proposed or continuing response actions pursuant to 310 CMR 40.0704(1)(b) is included if applicable.

Reports and Other Submittals

- Copies of all Status Reports, Phase Reports, or Completion Statements pursuant to 310 CMR 40.0703(1)(j) are included.
- Tier Classification Submittal has been included pursuant to 310 CMR 40.0704(1)(a).
- Compliance history pursuant to 310 CMR 40.0703(9)(b) completed by ALL applicants and attached.

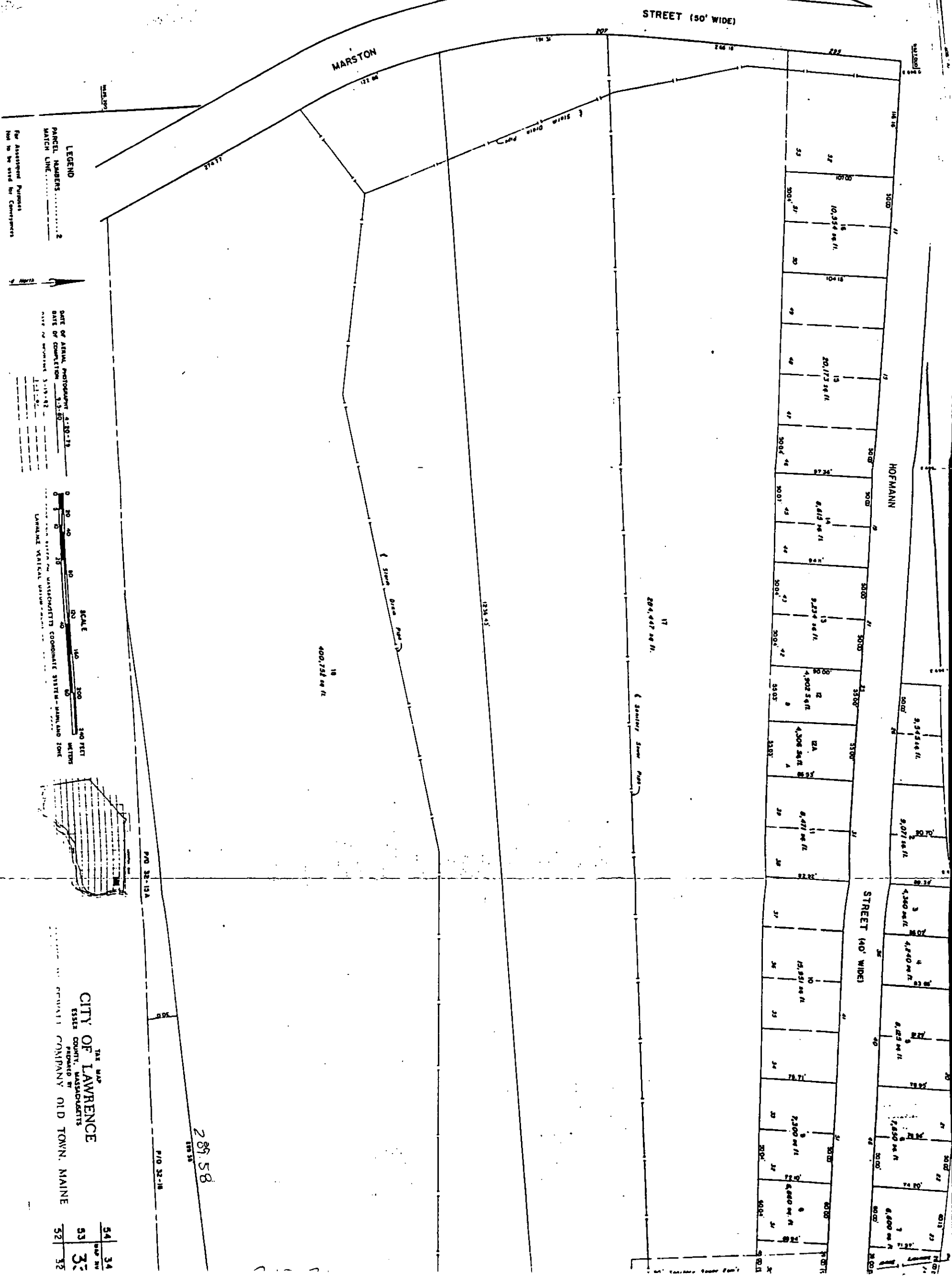
Maps, letters, and affidavits

- A copy of the tax assessor's map(s) showing each parcel that comprises the disposal site has (have) been attached.
- Affidavit of publication of the legal notice required by 310 CMR 40.0703(8)(a)1, and a copy of such notice is included.
- Copy of the cover letter and notices submitted to the Chief Municipal Officer(s) and Board(s) of Health in the community(ies) in which the disposal site is located or in any other community(ies) which is, or is likely to be affected by the disposal site required by 310 CMR 40.0703(8)(a)2 are included.

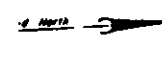
To submit the application package:

- The Application Checklist has been completed.
- The **white copy** of the Transmittal Form along with the **original** and **one copy** of the Permit Application have been sent to the "DEP Permit Administrator" in the applicable DEP Regional office. (*See the back cover of the Permit Application Kit for the addresses of DEP regional offices.*)
- The **yellow copy** of the Transmittal Form and the Permit Application Fee of \$3,550 payable to the **Commonwealth of Massachusetts** have been sent to:

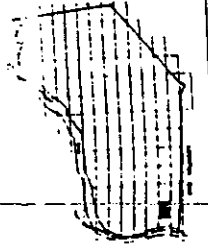
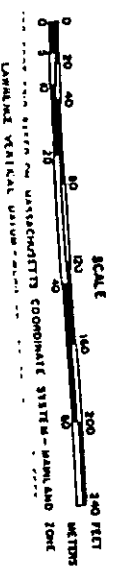
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211



LEGEND
 PARCEL NUMBERS 2
 MATCH LINE 2



DATE OF AERIAL PHOTOGRAPHY 4-18-19
 DATE OF COMPLETION 3-2-42
 NAME OF WORKMAN 3-15-42



CITY OF LAWRENCE
 ESSEX COUNTY, MASSACHUSETTS
 PREPARED BY
 FRANKLIN COMPANY OLD TOWN, MAINE

54	34
53	35
52	36

287.58

P/O 32-15A

P/O 32-18

ATTACHMENT E.5

BWSC 03 – Tier IC
APPLICANT'S COMPLIANCE HISTORY

Page 1 of 3

Summary of Applicant's history of compliance with DEP requirements relative to Section E.5

Action: Notice of Responsibility and Interim Deadline Letter

Issuing Authority: Massachusetts DEP

ID Number: 3-18126

Date: 31 March 1999

Description of Non-compliance: Concentration of oil and hazardous materials (OHMs) exceeding MCP Reportable Conditions present on the property. Interim Deadline of 21 April 1999 for preparation of an IRA Plan to mitigate a potential Imminent Hazard.

Current Status: Tier IC Classification

Final Disposition: Phase II Comprehensive Site Assessment in progress.

Action: Notice of Interim Deadline

Issuing Authority: Massachusetts DEP

ID Number: 3-18126

Date: 12 July 1999

Description of Non-compliance: Need to increase height and clearly delineate the barbed wire fence around property.

Current Status: Tier IC Classification

Final Disposition: Phase II Comprehensive Site Assessment in progress.

ATTACHMENT E.5

**BWSC 03 – Tier IC
APPLICANT'S COMPLIANCE HISTORY**

Page 2 of 3

Action: Field Notice of Responsibility

Issuing Authority: Massachusetts DEP

ID Number: 3-18431

Date: 21 June 1999

Description of Non-compliance: Removal of drums of oil and sludge from baler/press area and assess potential releases.

Current Status: Tier IC Classification

Final Disposition: Phase II Comprehensive Site Assessment in progress.

Action: Administrative Consent Order and Notice of Noncompliance ACOP-NE-009013-123

Issuing Authority: Massachusetts DEP

ID Number: 3-18126, 3-18431

Date: 14 February 2001

Description of Non-compliance:

- Submit an IRA Completion Report for RTN 3-18126.
- Retract RAO submitted for RTN 3-18431 and submit a revised Tier Classification Form BWSC-107A to link RTN 3-18431 with RTN 3-18126 and include consideration of proximity of the Natural Heritage and Endangered Species Program (NHESP) Wetlands Habitat on the east of Rt. 495 and other wetlands in proximity to the disposal site.
- Submit a Scope of Work (SOW) for a Phase II Comprehensive Site Assessment for RTN 3-18126 including assessments of the drain line leading from the baler/press room; surface soil adjacent the baler/press room; and the source, extent and migration pathways of contamination at the Site.

ATTACHMENT E.5

**BWSC 03 – Tier IC
APPLICANT'S COMPLIANCE HISTORY**

Page 3 of 3

-
- Submit a Phase II Comprehensive Site Assessment for RTN 3-18126.
 - Submit a Reponse Action Outcome for RTN 3-18126.
 - Continually assess site conditions for the need to conduct Immediate Response Actions.

Current Status: In accordance with deadlines established in ACOP, Haley & Aldrich has prepared and submitted the following documents:

- “Scope of Work Phase II Comprehensive Site Assessment” RTNs 3-18126 and 3-18431, dated 6 April 2001.
- “Environmental and Health and Safety Compliance Audit Report and Hazardous Waste Management Compliance Plan,” dated 13 April 2001.
- “MGL c. 21C Compliance Plan,” dated 16 April 2001.
- “RAO Retraction/Revised Tier Classification” RTNs 3-18126 and 3-18431, dated 14 May 2001.
- “Immediate Response Action (IRA) Completion Report” RTN 3-18126, dated 14 May 2001.

Final Disposition: Phase II Comprehensive Site Assessment in progress.



GREATER LAWRENCE SANITARY DISTRICT

RICHARD S. HOGAN, EXECUTIVE DIRECTOR

LAWRENCE
SOLID WASTE
DEPARTMENT

METHUEN
SOLID WASTE
DEPARTMENT

ANDOVER
SOLID WASTE
DEPARTMENT

NORTH ANDOVER
SOLID WASTE
DEPARTMENT

SALEM
SOLID WASTE
DEPARTMENT

June 17, 1998

Mr John C. Tombarello
John C. Tombarello & Sons, Inc.
207 Marston Street
Lawrence, MA 01841

Re: Tombarello - Letter of June 8, 1998

Dear Mr. Tombarello

In reference to your letter of June 8, 1998; under current G.L.S.D. Rules and Regulations issuance of an Industrial Discharge Permit is not required and will not be necessary for your facility. As previously outlined, the containment and drainage conditions at the site must be maintained and the pretreatment inspectors of the District must be allowed access for future inspections. Compliance with these conditions will satisfy all District requirements. John C. Tombarello is hereby allowed to continue its current practice of area discharge to the District's north bank interceptor in compliance with the conditions stated in our May 4, 1998 letter to Mr. DiFruscio (attached).

No further documentation will be necessary at this time. Please feel free to contact this office if you have any comments or questions.

Sincerely,

GREATER LAWRENCE SANITARY DISTRICT

Richard S. Hogan
Richard S. Hogan, P.E.
Executive Director

100 HANES STREET • NORTH ANDOVER, MASS 01845 1044 • TEL. 978-686-1612 FAX 978-686-1613

APPENDIX E
Copies of Cover Letters and Notices to Mayors Office and Health
and Food Division of the City of Lawrence

Haley & Aldrich, Inc.
465 Medford Street
Suite 2200
Boston, MA 02129-1400
Tel: 617.886.7400
Fax: 617.886.7600
www.HaleyAldrich.com



15 May 2001
File No. 12671-121

City of Lawrence
Mayors Office
200 Common Street
Lawrence, Massachusetts 01840-1517

Attention: Ms. Patricia A. Dowling

Subject: Legal Notice
Pursuant to MCP 40.1403(6)(b)
207 Marston Street
Lawrence, Massachusetts
RTNs: 3-18126; 3-18431

Dear Ms. Dowling:

Pursuant to the Massachusetts Contingency Plan (MCP) 40.1403(6)(b), Haley & Aldrich, Inc. is submitting the attached legal notice to the City of Lawrence Mayor's Office on behalf of American Recycling, Inc. The notice will be published in the *Boston Globe* on 17 May 2001. If there are any questions or comments, please do not hesitate to call or write.

Sincerely yours,
HALEY & ALDRICH, INC.

A handwritten signature in cursive script that reads "Jennifer L. Gilbert".

Jennifer L. Gilbert
Environmental Engineer

Enclosure

G:\12671\121\CITYNOT.DOC

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California

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Washington
District of Columbia

Haley & Aldrich, Inc.
465 Medford Street
Suite 2200
Boston, MA 02129-1400
Tel: 617.886.7400
Fax: 617.886.7600
www.HaleyAldrich.com



15 May 2001
File No. 12671-121

City of Lawrence
Inspection Services
Health and Food Division
200 Common Street
Lawrence, Massachusetts 01840-1517

Attention: Health Agent

Subject: Legal Notice
Pursuant to MCP 40.1403(6)(b)
207 Marston Street
Lawrence, Massachusetts
RTNs: 3-18126, 3-18431

Pursuant to the Massachusetts Contingency Plan (MCP) 40.1403(6)(b), Haley & Aldrich, Inc. is submitting the attached legal notice to the City of Lawrence Health and Food Division on behalf of American Recycling, Inc. The notice will be published in the *Boston Globe* on 17 May 2001. If there are any questions or comments, please do not hesitate to call or write.

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Maine

Rochester
New York

San Diego
California

San Francisco
California

Tucson
Arizona

Washington
District of Columbia

Sincerely yours,
HALEY & ALDRICH, INC.

A handwritten signature in cursive script, appearing to read "Jennifer L. Gilbert".

Jennifer L. Gilbert
Environmental Engineer

Enclosure

G:\12671\121\BDHLTH.DOC

**NOTICE OF AN INITIAL SITE INVESTIGATION AND
TIER IC CLASSIFICATION**

**207 MARSTON STREET
RELEASE TRACKING NUMBER 3-18126, 3-18431**

Pursuant to the Massachusetts Contingency Plan (310 CMR 40.0480), an Initial Site Investigation has been performed at the above referenced location. A release of oil and/or hazardous materials had occurred at this location which is a disposal site (defined by M.G.L. c. 21E, Section 2). This site has been classified as Tier IC, pursuant to 310 CMR 40.0500. Response actions at this site will be conducted by **AMERICAN RECYCLING OF MASS., INC. d/b/a JOHN C. TOMBARELLO & SONS** who has employed **ELLIOT I. STEINBERG** to manage response actions in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000).

M.G.L. c. 21E and the Massachusetts Contingency Plan provide additional opportunities for public notice of and involvement in decisions regarding response actions at disposal sites: 1) The Chief Municipal Official and Board of Health of the community in which the disposal site is located will be notified of major milestones and events, pursuant to 310 CMR 40.1403; and 2) Upon receipt of a petition from ten or more residents of the municipality in which the disposal site is located, or of a municipality potentially affected by a disposal site, a plan for involving the public in decisions regarding response actions at the site will be prepared and implemented, pursuant to 310 CMR 40.1405.

To obtain more information on this disposal site and the opportunities for public involvement during its remediation, please contact **MR. PETER PRINZ, PRESIDENT, AMERICAN RECYCLING, INC., d/b/a JOHN C. TOMBARELLO & SONS, 207 MARSTON STREET, LAWRENCE, MASSACHUSETTS 01841 at 978-682-5226.**