



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
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URGENT LEGAL MATTER: PROMPT ACTION NECESSARY
CERTIFIED MAIL

May 13, 2003

Mr. Kent Gonser, Program Manager
Department of the Army
US Army Environmental Center
Impact Area Groundwater Study Program Office
1803 West Outer Road
Camp Edwards, MA 02542-5003

RE: BOURNE - BWSC
Northwest Corner of Camp Edwards
RTN# 4-17811

NOTICE OF RESPONSIBILITY
M.G.L. c. 21E, 310 CMR 40.0000

ATTENTION: Mr. Kent Gonser:

On Wednesday, May 7, 2003 at 1:04 PM, the Department of Environmental Protection (the "Department") received oral notification of validated analytical data that identified the presence of perchlorate at a concentration of 1.75 micrograms per liter (ug/L) in a water sample obtained from a private water supply well at the above referenced site. The detection was reported to the Department by the US Army Environmental Center, Impact Area Groundwater Study Program Office (the "IAGWSP") at Camp Edwards on the Massachusetts Military Reservation (MMR). The detection was revealed as part of a groundwater investigation by the IAGWSP for explosives and propellants in groundwater in the Northwest Corner of Camp Edwards. Be advised that the detection of perchlorate in a private water supply well constitutes a release of a hazardous material resulting in a Condition of Substantial Release Migration (SRM) and a Critical Exposure Pathway (CEP) pursuant to 310 CMR 40.0000 et seq, the Massachusetts Contingency Plan (the "MCP").

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

The Department has reason to believe that the release that has been reported is or may be a disposal site as defined by the MCP. The Department also has reason to believe that you (as used in this letter, "you" refers to the US Army Environmental Center, Impact Area Groundwater Study Program Office) are a

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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Potentially Responsible Party (a "PRP") with liability under M.G.L. c. 21E §5. This liability includes, but is not limited to, liability for response action activities and associated costs. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c. 21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties.

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

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

ACTIONS REQUIRED AND APPLICABLE DEADLINES

The Department has reason to believe that a Condition of Substantial Release Migration exists resulting in a Critical Exposure Pathway at the site for the following reason: perchlorate, a component of propellants used in rockets, missiles and fireworks, has been detected in a private water supply well located at 5 Foretop Road in Bourne Massachusetts and also within groundwater in the vicinity of the private water supply well. A Condition of Substantial Release Migration as defined at 310 CMR 40.0006 (page 1477) includes a release to the groundwater that has been or is within one year likely to be detected in a public or private water supply well. A CEP, as defined in the MCP, are those routes by which oil and/or hazardous material(s) released at a site are transported or likely to be transported to human receptors via ingestion, dermal adsorption or inhalation of measurable concentrations of oil and/or hazardous materials from a drinking water supply well located at an occupied residential dwelling. Therefore, in accordance with 310 CMR 40.0412(3) and 310 CMR 40.0414(3), an Immediate Response Action (IRA) is required to be conducted to eliminate or mitigate the exposure pathway to the residents at 5 Foretop Road created by the presence of perchlorate in the private water supply well. In addition, an Imminent Hazard Evaluation must be performed in accordance with 310 CMR 40.0426 as part of the IRA. Further, in accordance with 310 CMR 40.0427(1)(c), the IRA cannot be considered complete until actions to address the CEP have been taken. An IRA Plan designed to address this condition must be prepared in accordance with 310 CMR 40.0424, and must be submitted to the Department in writing for approval no later than **June 10, 2003**. **This deadline constitutes an enforceable interim deadline established pursuant to M.G.L. c. 21E §3A(j) and 310 CMR 40.0167.** Failure to meet this deadline may result in enforcement actions by the Department.

The Department's "*MCP Question and Answer Volume 7, Number 1*", dated January 2001, (the Q&A) provides guidance on types of remedial measures that should be considered when evaluating the feasibility of eliminating or mitigating a CEP to a drinking water supply well at an occupied residence. As stated in the Q&A, feasibility evaluations should be based on the costs of one or a combination of measures and the likely effectiveness of such measures. Generally, measures that have a high likelihood of effectively eliminating, preventing, or mitigating a CEP and are cost-effective or are likely to complement or be incorporated into the long-term cleanup approach for a disposal site should be considered feasible. For CEPs involving the migration of contaminants to a private drinking water supply well, one or a combination of the following should be considered:

- Connecting to a public drinking water supply system;
- Installing a point of use treatment system;
- Providing bottled water; and
- Implementing a groundwater treatment system.

A CEP may be rebutted, pursuant to 310 CMR 40.0414(3), based upon a preponderance of evidence that: a) the CEP does not present an Imminent Hazard either at the present time or for the time period likely to be required to complete the Comprehensive Response Actions; b) it is not feasible to eliminate the CEP; and c) in cases where it is not feasible to eliminate the CEP, it is not feasible to mitigate the CEP.

You should notify the Department in writing no later than **May 27, 2003**, if you intend to undertake response actions to address the CEP. If you fail to provide a response to this notice as requested, or fail to undertake the necessary response actions in accordance with the MCP, the Department may perform the necessary response actions and take appropriate legal action against you. If the Department conducts these response actions, you may be liable for up to three times the response action costs incurred by the Department. Please refer to the summary of liability under M.G.L. c. 21E attached to this notice.

Additional submittals are necessary with regard to this notification including, but not limited to, the filing of an IRA Completion Statement and/or an RAO statement. Specific approval is required from the Department for the implementation of all IRAs pursuant to 310 CMR 40.0420. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103, attached) be submitted to the Department within sixty (60) calendar days of **May 7, 2003**. **This deadline constitutes an enforceable interim deadline established pursuant to 310 CMR 40.0167.**

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1145 or visiting <http://www.state.ma.us/lsp>.

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

Please incorporate this document into the Administrative Record for the Camp Edwards MMR Impact Area Groundwater Study. If you have any questions relative to this Notice, please contact me at the letterhead address or at (508) 946-2871. All future communications regarding this release must reference the following Release Tracking Number: **4-17811**.

Sincerely,

Leonard J. Pinaud, Chief
Federal Facilities Remediation Section

CERTIFIED MAIL #7002 2410 0006 3768 1713

Attachments: Release Notification Form; BWSC-103 and Instructions
Summary of Liability under M.G.L. c.21E
Department's guide to hiring a Licensed Site Professional

Cc: DEP-SERO

ATTN: Paul A. Taurasi, P.E., Regional Director
Millie Garcia-Surette, Deputy Regional Director
Kevin Kiernan, Senior Regional Counsel
Data Entry
Regional Enforcement Office (2 copies)

Distributions: SERO
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Residents of 5 Foretop Road