

DARTMOUTH MASSACHUSETTS



Office of the Select Board
Shawn McDonald, Chair
David Tatelbaum, Vice-Chair
Frank Gracie
Stanley Mickelson
John Haran



400 Slocum Road
Dartmouth, MA 02747-0985
Telephone: (508) 910-1813
Fax: (508) 910-1839
www.town.dartmouth.ma.us

Shawn MacInnes
Town Administrator

Email: smacinnnes@town.dartmouth.ma.us

PRESS RELEASE

FOR IMMEDIATE RELEASE

TO: Media Outlets & General Public

FROM: Shawn MacInnes
Town Administrator

DATE: May 3, 2021

RE: DEP Notice of Responsibility
Bliss Corner Neighborhood of Dartmouth

In July of 2018, the Massachusetts Department of Environmental Protection (MassDEP) responded to a request to investigate potential environmental hazards on a property in the Bliss Corner area of Dartmouth. Upon request, the Town of Dartmouth provided MassDEP with numerous documents. After review, MassDEP determined that those documents revealed historical dumping in this area of Bliss Corner. The Town of Dartmouth Select Board, along with all municipal departments have been sensitive to the seriousness and complexity of this matter and, through the Board of Health, have been in continuous contact with MassDEP to determine the cause and extent of the environmental issues.

On April 26, 2021, DEP issued the attached Notices of Responsibility letters to the Town of Dartmouth, and the City of New Bedford, in which they state that they have reason to believe that both the Town of Dartmouth and the City of New Bedford have some responsibility for the contamination at some of the locations they have tested. This assessment is primarily based on information from the 1930s which was provided to DEP by the Town. The extent of that responsibility, or the remediation required, has yet to be determined by DEP. However, moving forward, the Town of Dartmouth will be working closely with DEP as they work to complete their investigation, and to identify remediation plans for the contaminated parcels. As new information becomes available from DEP, the Town will update the community.

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Email: smacinnnes@town.dartmouth.ma.us

For more information, please continue to visit the project page created by MassDEP, which can be found by going to:

<https://www.mass.gov/service-details/bliss-corner-neighborhood-dartmouth-ma>

Additionally, the Town of Dartmouth Board of Health has added a link to the above listed information on their department website, which can be found by going to:

<https://www.town.dartmouth.ma.us/board-health/news/bliss-corner-neighborhood-dartmouth-ma-investigation-historic-dumping-residential>

The Town of Dartmouth continues to take this issue very seriously and continue to work closely with MassDEP to keep the public informed of the progress of their investigation. In order to provide accurate and timely information during this process, any questions or concerns should be directed to:

MassDEP

Lori Williamson, Environmental Analyst, MassDEP 508-946-2803

MassDEP Release Hotline 888-304-1133



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

April 26, 2021

Town of Dartmouth
Attn: Mr. Shawn MacInnes, Town Administrator
400 Slocum Road
Dartmouth, MA 02747

RE: **DARTMOUTH - BWSC**
Release Tracking Number: **4-0027620**
Bliss Corner Neighborhood
NOTICE OF RESPONSIBILITY
INTERIM DEADLINE
ENFORCEMENT DOCUMENT NUMBER
00010601

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

Dear Mr. MacInnes:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and hazardous material releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E or Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both Chapter 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

REASON FOR THIS NOTICE

MassDEP has been investigating historic dumping activities in the Bliss Corner neighborhood. Soil sampling conducted in the neighborhood indicates the existence of widespread deposition of waste material containing elevated concentrations of OHM. In particular, MassDEP has detected polychlorinated biphenyls (PCBs), metals, and polycyclic aromatic hydrocarbons (PAHs) at concentrations that exceed the MCP Reportable Concentrations, and at some locations pose a potential Imminent Hazard. MassDEP has reason to believe that the Town of Dartmouth has liability for this release pursuant to Chapter 21E.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release(s) at the properties affected by the releases. For purposes of this Notice of Responsibility (NOR), the terms and phrases used herein shall have the meaning ascribed to them by Chapter 21E and the MCP unless clearly indicated otherwise.

STATUTORY LIABILITY

MassDEP has reason to believe that you, (as used in this Notice, "you" and "your" refers to the Town of Dartmouth) arranged for and/or otherwise caused the historic disposal of waste and fill material at various properties in the Bliss Corner neighborhood. Information provided by the Town of Dartmouth in 2019 and 2020 in response to MassDEP's Requests for Information indicates that in and around the 1950s particular property owners requested to have their lots filled, and that they engaged with the Town Board of Health to source that fill. MassDEP has therefore determined that you are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E § 5, for response action costs

M.G.L. c. 21E § 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

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. Pursuant to M.G.L. c. 21E and the MCP, the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be

imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

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 which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a PRP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs, and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

SITE SPECIFIC INFORMATION

MassDEP's investigation into historic dumping activities in the Bliss Corner neighborhood began in the summer of 2018, when, in response to an odor complaint, MassDEP conducted an inspection of a vacant property on McCabe Street. That inspection determined that waste material, including drums containing unknown materials, had been buried at the property. MassDEP issued a NOR to the property developer. During a subsequent inspection of the neighborhood in the fall of 2018, waste material was observed on three contiguous properties being developed on Kraseman Street and McCabe Street. Sampling results indicated that the soil at 20 Kraseman Street contained PCBs at a concentration that could pose an Imminent Hazard. MassDEP issued NORs to the owner of these properties.

Around this time, it came to MassDEP's attention that newspaper articles from the late 1930s reference dumping activities occurring in the Bliss Corner neighborhood, including McCabe and Sharp Streets. The articles referenced several nuisance dumping areas and asserted the City of New Bedford, among others, was dumping rubbish and fill in various locations.

In January 2019, MassDEP issued Requests for Information (RFIs) to the City of New Bedford and the Town of Dartmouth requesting any information relative to the waste material found in the Bliss Corner area, and the property ownership at the time of waste deposition. The Town of Dartmouth provided documents and information in response to this request. MassDEP issued a second RFI to the Dartmouth Board of Selectmen in August 2019 seeking information related to former junkyards in the Bliss Corner area. The Town of Dartmouth provided additional documents and information in response to this second request. The Town's efforts to gather and produce documents assisted MassDEP with its understanding of the historic dumping in the area, including the identification of areas of significant concern. The City of New Bedford stated, in response to MassDEP's RFIs, that it found no responsive records.

In May and June 2019, MassDEP installed soil borings and monitoring wells in Town-owned rights-of-way and collected soil and groundwater samples from these locations. During this assessment, a fill layer

ranging in depth from a few inches to two feet below the ground surface was observed. Coal ash, clinkers, glass, and brick were identified in the fill layer. Analytical results for soil samples collected from this material indicated the presence of PCBs and lead at concentrations above the Reportable Concentration established in the MCP for residential settings. Groundwater sampling results indicated that the concentrations of contaminants in groundwater were below the MCP Reportable Concentrations.

In July 2019, to better define the boundaries of the preliminary investigation area, MassDEP began collecting soil samples from private properties. Between July 2019 and December 2019, MassDEP sampled approximately 30 residential properties within the investigation area. In July and October 2020, the U.S. Environmental Protection Agency (EPA), working with MassDEP, collected soil samples from an additional 37 residential properties within the investigation area. Soil sampling results have indicated the presence of PCBs and lead above the applicable MCP Reportable Concentrations at a number of the properties sampled. As of the date of this Notice, MassDEP and EPA are coordinating to conduct further sampling and response actions.

ADDITIONAL ACTIONS REQUIRED

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions to assess and remediate the releases at and within the disposal Site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>.

Pursuant to 310 CMR 40.0336, you must submit a Release Notification Form to MassDEP's Southeast Regional Office within sixty (60) days of receipt of this Notice of Responsibility.

Unless otherwise provided by MassDEP, PRPs have one year from the date MassDEP issues a Notice of Responsibility to file one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement; or, if applicable, (3) a Downgradient Property Status. The deadline for any of these submittals is **April 26, 2022**. **The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of notification.**

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. The MCP requires persons undertaking response actions at a Disposal Site to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at the Site.

Please contact MassDEP by **May 7, 2021** to provide potential dates for a meeting with MassDEP to discuss the required response actions. It is MassDEP's expectation that such a meeting occur in May or June 2021. **This date and time is an enforceable Interim Deadline established pursuant to 310 CMR 40.0167.** MassDEP's decision to establish one or more Interim Deadlines in accordance with 310 CMR 40.0167 is not subject to Chapter 30A or any other law governing adjudicatory proceedings.

If you have any questions relative to this Notice, please contact me at me at the letterhead address or at (508) 946-2799. All future communications regarding this release must reference the following Release Tracking Number: **4-0027620**.

Sincerely,

A handwritten signature in green ink, appearing to read "Gerard M.R. Martin".

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

GM/LW/lg

Enclosures: Department's guide to hiring a Licensed Site Professional

CERTIFIED MAIL # 7019 2280 0002 2137 0833

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

McKayla McDermott, Asst. City Solicitor

Town of Dartmouth
Board of Health
Attn: Christopher Michaud, Director

Anthony Savastano, Town Counsel

Legislators
The Honorable Edward Markey, United States Senate
The Honorable William Keating, United States House of Representatives
The Honorable Mark Montigny, State Senator, 2nd Bristol & Plymouth District
The Honorable Christopher Markey, State Representative, 9th Bristol District

DEP-SERO
Lori Williamson, BWSC
Andrew Fowler, Regional Counsel



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

April 26, 2021

City of New Bedford
Attn: Mr. Jonathan Mitchell, Mayor
133 William Street
New Bedford, MA 02740

RE: **DARTMOUTH - BWSC**
Release Tracking Number: **4-0027620**
Bliss Corner Neighborhood
NOTICE OF RESPONSIBILITY
INTERIM DEADLINE
ENFORCEMENT DOCUMENT NUMBER
00010602

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

Dear Mr. Mitchell:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. c. 21E or Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both Chapter 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

REASON FOR THIS NOTICE

MassDEP has been investigating historic dumping activities in the Bliss Corner neighborhood of Dartmouth, Massachusetts. Soil sampling conducted in the neighborhood indicates the existence of widespread deposition of waste material containing elevated concentrations of OHM. In particular, polychlorinated biphenyls (PCBs), metals, and polycyclic aromatic hydrocarbons (PAHs) have been detected in soil samples at concentrations that exceed the MCP Category RCS-1 Reportable Concentrations, and at some locations pose a potential Imminent Hazard. MassDEP has reason to believe that the City of New Bedford has liability for this release pursuant to Chapter 21E.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release(s) at the properties affected by the releases. For purposes of this Notice of Responsibility (NOR), the terms and phrases used herein shall have the meaning ascribed to them by Chapter 21E and the MCP unless clearly indicated otherwise.

STATUTORY LIABILITY

MassDEP has reason to believe that you, (as used in this Notice, "you" and "your" refers to the City of New Bedford) transported and/or otherwise caused the historic disposal of waste and fill material at various properties in the Bliss Corner neighborhood. According to documents provided by the Town of Dartmouth in 2019 and 2020 in response to MassDEP's Requests for Information, as well as archived newspaper articles, the City of New Bedford filled vacant and residential lots with waste and ash between the 1930s and the 1960s. MassDEP has therefore determined that you are a Potentially Responsible Party (PRP) with liability under M.G.L. c. 21E § 5 for response action costs.

M.G.L. c. 21E § 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

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. Pursuant to M.G.L. c. 21E and the MCP, the term disposal site means anywhere OHM has come to be located.

MassDEP encourages parties with liability under M.G.L. c. 21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions.

You may be liable for up to three (3) times all Response Action Costs incurred by MassDEP. Response Action Costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all Response Action Costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be

imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

By taking prompt actions you may also avoid the imposition of, the amount of or reduce certain annual compliance assurance fees payable under 310 CMR 4.00.

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 which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

If you are a PRP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify the Department in writing of your inability in accordance with MGL c. 21E, subsection 5(e), and 310 CMR 40.0172. If you assert or demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the Department's response action costs, and 310 CMR 40.0172 provides you with a limited defense to the Department's assessment of civil administrative penalties.

Please refer to M.G.L. c. 21E for a complete description of potential liability.

SITE SPECIFIC INFORMATION

MassDEP's investigation into historic dumping activities in the Bliss Corner neighborhood began in the summer of 2018, when, in response to an odor complaint, MassDEP conducted an inspection of a residential property at 85 McCabe Street. That inspection determined that waste material, including drums containing unknown materials, had been buried at the property. MassDEP issued a Notice of Responsibility (NOR) to the property developer. A subsequent inspection of the neighborhood in the fall of 2018 observed waste material on three contiguous properties being developed: 20 Kraseman Street, 21 Kraseman Street and 31 McCabe Street. MassDEP requested that the property developer collect soil samples from the lots. Sampling results indicated that the soil at 20 Kraseman Street contained PCBs at a concentration that could pose an Imminent Hazard. MassDEP issued a NOR to the owner of the property.

Around this time, it came to MassDEP's attention that newspaper articles from the late 1930s reference dumping activities occurring in the Bliss Corner neighborhood, including McCabe and Sharp Streets. The articles referenced several nuisance dumping areas and asserted the City of New Bedford, among others, was dumping rubbish and fill in various locations.

In January 2019, MassDEP issued Requests for Information (RFIs) to the City of New Bedford and the Town of Dartmouth requesting any information relative to the waste material found in the Bliss Corner area, and the property ownership at the time of waste deposition. The City of New Bedford stated, in response to MassDEP's RFIs, that it found no responsive records. MassDEP issued a second RFI to the Dartmouth Board of Selectmen in August 2019 seeking information related to former junkyards in the subject area. The Town of Dartmouth provided documents in response to both requests. Documents from the Town Board of Health indicate that the City dumped fill materials onto many parcels in the Bliss Corner neighborhood.

In May and June 2019, MassDEP installed soil borings and monitoring wells in Town-owned right-of-ways and collected soil and groundwater samples from these locations. During this assessment, a fill layer ranging in depth from a few inches to two feet below the ground surface was observed. Coal ash, clinkers, glass, and brick were identified in the fill layer. Soil sampling results indicated the presence of PCBs and lead. Groundwater sampling results indicated that the concentrations of contaminants in groundwater were below MassDEP's Standards.

In July 2019, to better define the boundaries of the preliminary investigation area, MassDEP began collecting soil samples from private properties. Between July 2019 and December 2019, MassDEP sampled approximately 30 residential properties within the investigation area. In July and October 2020, the U.S. Environmental Protection Agency (EPA), working with MassDEP, collected soil samples from an additional 37 residential properties within the investigation area. Soil sampling results have indicated the presence of PCBs and lead above the applicable MCP Reportable Concentrations at a number of the properties sampled. As of the date of this Notice, MassDEP and EPA are coordinating to conduct further sampling and response actions.

ADDITIONAL ACTIONS REQUIRED

You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions to assess and remediate the releases at and within the disposal Site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>.

Pursuant to 310 CMR 40.0336, you must submit a Release Notification Form to MassDEP's Southeast Regional Office within sixty (60) days of receipt of this Notice of Responsibility.

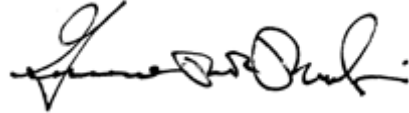
Unless otherwise provided by MassDEP, PRPs have one year from the date MassDEP issues a Notice of Responsibility to file one of the following submittals: (1) a completed Tier Classification Submittal; (2) a Permanent or Temporary Solution Statement; or, if applicable, (3) a Downgradient Property Status. The deadline for any of these submittals is **April 26, 2022**. **The MCP requires that a fee of \$1,470.00 be submitted to MassDEP when a Permanent Solution Statement is filed greater than 120 days from the date of notification.**

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. The MCP requires persons undertaking response actions at a Disposal Site to submit to MassDEP a Permanent Solution Statement prepared by an LSP in accordance with 310 CMR 40.1000 upon determining that a level of No Significant Risk already exists or has been achieved at the Site.

Please contact MassDEP by **May 7, 2021** to provide potential dates for a meeting with MassDEP to discuss the required response actions. It is MassDEP's expectation that such a meeting occur in May or June 2021. **This date and time is an enforceable Interim Deadline established pursuant to 310 CMR 40.0167.** MassDEP's decision to establish one or more Interim Deadlines in accordance with 310 CMR 40.0167 is not subject to Chapter 30A or any other law governing adjudicatory proceedings.

If you have any questions relative to this Notice, please contact me at me at the letterhead address or at (508) 946-2799. All future communications regarding this release must reference the following Release Tracking Number: **4-0027620**.

Sincerely,



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

GM/LW/lg

Enclosures: Department's guide to hiring a Licensed Site Professional

CERTIFIED MAIL # 7019 2280 0002 2137 0819

ec: City of New Bedford
Office of Environmental Stewardship
Attn: Michele Paul, Director

McKayla McDermott, Asst. City Solicitor

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

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

Anthony Savastano, Town Counsel

Legislators
The Honorable Edward Markey, United States Senate
The Honorable William Keating, United States House of Representatives
The Honorable Mark Montigny, State Senator, 2nd Bristol & Plymouth District
The Honorable Christopher Markey, State Representative, 9th Bristol District

DEP-SERO
Lori Williamson, BWSC
Andrew Fowler, Regional Counsel