

MEMO: COVICH / AIF
BUREAU: 115
OTHER: 55-7632

→ Snow
C
Helen



792-7653

The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Department of Environmental Quality Engineering
Central Region

RECEIVED
MAY 2 12 00 PM '85
"D.E.Q.E."
DEPT. OF SOLID AND
HAZARDOUS WASTE

75 Grove Street, Worcester, Massachusetts 01605

April 30, 1985

401117

Sidney Covich
Main Street
Whitinsville, Massachusetts 01588

Re: Oil/Hazardous Material
Release/Threat of Release
at Main Street, Northbridge,
Massachusetts 01588

WRITTEN NOTICE OF
RESPONSIBILITY

2-112

Dear Mr. Covich:

As a result of an investigation conducted by the Department of Environmental Quality Engineering (DEQE) on April 24, 1985, the Department has determined that there is/has been a release/threat of release of oil/hazardous material including waste oil and mercury, at the former A.T.F. Davidson facility, Main Street, Whitinsville, Massachusetts.

This determination is based on the following information obtained during the site investigation:

- 1) Test pit excavations, along and adjacent to the south side of building #9, contained oil and oil contaminated soils; (In addition one of the test pits contained a small unknown quantity of mercury metal.)
- 2) That a water channel (raceway) transports water from Whitin Pond travels beneath the facility and empties into the Mumford River; (The raceway was used, in prior years, to produce hydroelectric power at the facility and is equipped with a number of water gate locks to control water flow.)
- 3) That the waters of the raceway located down gradient from the power plant (boiler room) at the gate lock in building #9 contained a large accumulation of unknown quantity of oil;
- 4) That the open drainage culvert located in base floor of the power plant contained an accumulation of unknown quantity of oil/water mixture;
- 5) That the raceway is/has discharged oil to the waters of the Mumford River for an unknown period of time;
- 6) That a heavy petroleum odor exists in the buildings and area adjacent to where oil has accumulated; and
- 7) That there are numerous locations at the facility where oil/hazardous materials are deposited or stored in containers at various stages of deterioration.

557632
SDMS DocID

Sidney Covich

WRITTEN NOTICE OF
RESPONSIBILITY

April 30, 1985

Page 2

Such incident is governed by Chapter 21E of the General Laws of Massachusetts (hereinafter "M.G.L.c.21E"), the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, which was enacted on March 24, 1983, through Section 5 of Chapter 7 of the Acts and Resolves of Massachusetts of 1983.

The Department has determined that you are, under the provisions of M.G.L.c.21E, §5(a), responsible for the occurrence of such release/threat of release. This letter is intended to (1) inform you, in writing, of the Department's determination that you are responsible for such release/threat of release; (2) provide you an opportunity immediately to accept such responsibility, and (3) advise you of the potential consequences of your failure to accept such responsibility.

Your acceptance of responsibility for such release/threat of release means that you will (1) enter into a contract with a consultant knowledgeable in hazardous waste site assessment, approved by the Department, to take any necessary remedial and/or preventive response actions (i.e. assessment, containment and/or removal actions) relative to such release/threat of release and (2) pay for (a) all response costs incurred by the Department due to such release/threat of release and (b) all damages sustained from any injury to or destruction or loss of natural resources due to such release/threat of release.

If you fail to accept responsibility for such release/threat of release, the Department will, pursuant to M.G.L.c.21E, §4, take or arrange for any necessary response actions relative thereto, and the Commissioner of the Department will, pursuant to M.G.L.c.21E, §11, request the Attorney General of the Commonwealth of Massachusetts to bring a civil and/or criminal action against you under M.G.L.c.21E. Specifically, the statute subjects any person who is responsible for a release/threat of release of oil/hazardous material to the following civil liability and penalties and criminal fines and sanctions:

- (1) civil liability for (a) all response costs incurred by the Department due to such a release/threat of release and (b) all damages for any injury to or destruction or loss of natural resources due to such a release/threat of release. Such liability is imposed jointly and severally, and without regard to fault, upon any person who is responsible for such a release/threat of release (M.G.L.c.21E, §5(a)); and
- (2) civil liability for up to three (3) times the amount of civil liability for costs and damages as described in paragraph (1) above. Such treble liability is imposed jointly and severally upon any person who is responsible for such a release/threat of release (M.G.L.c.21E, §5(e)); and

Sidney Covich
WRITTEN NOTICE OF RESPONSIBILITY
April 30, 1985

Page 3

- (3) a civil penalty of not more than twenty-five thousand dollars (\$25,000.00) for each violation of M.G.L.c.21E or any ORDER issued or regulation adopted thereunder (M.G.L.c.21E, §11); and/or
- (4) a criminal fine of not more than twenty-five thousand dollars (\$25,000.00) and/or imprisonment for not more than five (5) years for each such violation (M.G.L.c.21E, §11). Each day such violation occurs or continues constitutes a separate violation (M.G.L.c.21E, §11).

The Department advises you to accept responsibility for the aforementioned release/threat of release of oil/hazardous material and, thereby, avoid the financial consequences resulting from a successful legal action brought against you under M.G.L.c.21E by the Commonwealth of Massachusetts.

Your acceptance of responsibility must include the following at a minimum:

- 1) By May 3, 1985, the engaging of a consultant knowledgeable in assessing potential hazardous waste/material sites.
- 2) Attendance at a meeting on May 3, 1985, at 9:00 a.m. in the Central Region DEQE office, to discuss proposed site assessment and clean-up and to establish an acceptable schedule of implementation of this work.
- 3) To conduct, in a timely manner, whatever investigations, sampling, and remedial measures that are deemed appropriate by the Department to prevent a further release or threat of release at said site.
- 4) Your acknowledgement and acceptance of these responsibilities within five (5) days of your receipt of this letter.