



S. RUSSELL SYLVA
Commissioner

The Commonwealth of Massachusetts
Department of Environmental Quality Engineering
Metropolitan Boston - Northeast Region
5 Commonwealth Avenue
Woburn, Massachusetts 01801

935-2160

December 4, 1986

Bird Inc.
Pleasant Street
Norwood, Massachusetts 02602

RE: NORWOOD - Metropolitan Boston/
Northeast Region
Notice of Responsibility
Pursuant to M.G.L. Chapter 21E

Attention: Mr. John Hardy

Gentlemen:

On November 17, 1986, a standard notification of asbestos removal was received by the Department of Environmental Quality Engineering from Marlyn Services Corporation.

On December 4, 1986, personnel from this Office inspected the site owned by Bird, Inc., Pleasant Street in Norwood.

During the inspection Department personnel discovered the following:

- .On December 2, 1986, Marlyn Engineering commenced clean-up operations of the exposed asbestos-containing waste material.
- .On December 4, 1986, personnel from this Office observed asbestos-containing materials which remained exposed to ambient air, and accessible to human contact.
- .On or about October 22, 1985, Bird, Inc. hired Scrap All Inc. (383 Evergreen Street, Pawtucket, RI 02861) to remove asbestos-containing material from the old tank farm located at Bird, Inc., Pleasant Street in Norwood.
- .At some time after October 22, 1985 and before October of 1986 Scrap All Inc. failed to properly wet, bag, and label asbestos-containing material which it had exposed and damaged during demolition operations at the site. Scrap All Inc. ceased operations at the site prior to properly cleaning-up exposed asbestos containing material.
- .Bird Inc. allowed said asbestos-containing material to remain exposed to the ambient air and remain accessible to human contact for an extended period of time.

Be advised that the above condition of the site since October, 1985 until now constitutes a "release" of hazardous material from the site. The prevention and/or mitigation of such a release or threat of release is governed by Massachusetts General Laws, Chapter 21E, the "Massachusetts Oil and Hazardous Material Release Prevention and Response Act."

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Chapter 21E identifies as responsible parties the current owner or operator of a site at which there has been a release or threat of release of oil or hazardous material; the past owner or operator of a site where a release of a hazardous material has occurred; any person who directly or indirectly arranged for the transport, disposal, storage or treatment of hazardous materials to or at such a site; and any person who caused or is legally responsible for a release or a threat of release of oil or hazardous material at such a site. Such parties are liable without regard to fault; the nature of this liability is joint and several.

This letter is to inform you in writing that:

1. The Department has determined that a release or threat of release of asbestos has occurred at the subject site.
2. Additional investigation and assessment is needed to adequately define the impact of this release on public health and the environment, and to determine what, if any, additional remedial/clean-up measures are necessary.
3. Information available to the Department indicates that you as operator/owner of the subject site, are the liable and "responsible" party pursuant to Section 5(a) of Chapter 21 E.
4. Should you fail to implement those actions deemed necessary by this Office, the Department may, pursuant to M.G.L. Chapter 21 E, take or arrange for any and all necessary actions at the site. If public funds are expended under such conditions, Chapter 21 E, Section 11 stipulates that the Attorney General of the Commonwealth of Massachusetts may initiate legal action against the responsible party(s) to recover all costs incurred by the Department in the assessment, containment, and removal of any release or threat of release of oil or hazardous materials.
5. The liability of responsible parties in (4) above includes:
 - a. up to three times the cost of all response costs incurred by the Department due to the release/threat of release, including all contract, administrative, and personnel cost; and
 - b. all damages for any injury to, destruction, or loss of natural resources due to the release/threat of release.

This liability constitutes a debt to the Commonwealth. The debt, together with interest, would constitute a lien on all your property in the Commonwealth. In addition to the foreclosure remedy provided by the lien, the Attorney General may recover that debt or any part of it in an action against you. You may also be liable for additional penalties or damages pursuant to other statutes or common law. (A synopsis of M.G.L. Chapter 21 E is attached for further delineation of the liabilities and penalties contained in this statute. A complete copy of Chapter 21 E, as amended, is available at the State House Bookstore in Boston).

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REQUISITE SITE ACTIONS

- done* 1. You must immediately secure the areas where exposed asbestos has been found. These areas are located near the old tank farm owned by Bird Inc., Pleasant Street in Norwood. The areas must be secured with "Asbestos Caution Tape" to warn against unauthorized entrance to the contaminated zone. The areas must also be posted with signs describing site conditions and prohibiting access. You must provide this level of site security no later than December 8, 1986.
- done* 2. Exposed asbestos must immediately be covered, and the cover in such areas maintained until final remedial actions are completed.
- done* 3. A lockable, leak-tight container must be provided for storage of bagged asbestos-containing material while clean-up operations continue. The container must be properly posted and labeled.
- in progress* 4. Asbestos-containing waste material which is friable, loose and exposed to ambient air must be given priority during clean-up operations (remedial actions).
- in progress* 5. Asbestos containing pipe insulation which is still intact on pipes will be given a secondary priority during clean-up operations (remedial actions). In addition, pipe insulation which is still intact on pipes will be removed using the "glove bag method of removal".
- incomplete part I part II under* 6. All workers within the asbestos areas must maintain proper personal protection at all times. Said workers must be provided with a 3-stage decontamination facility.
7. You must submit a report describing site conditions and site history, to include:
 - a. a brief summary of why, where, and how the release/threat of release occurred; and
 - b. a chronological summary of actions that have been taken for the investigation, assessment, containment, and removal of the asbestos and/or hazardous material; and
 - c. any other pertinent information or any additional "Phase I" information necessary to adequately define site conditions/history. (Refer to attached guidelines).
8. You must submit a plan by December 9, 1986 to the Department for review and approval for remedial actions at the site.

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This letter is formal notificaiton pursuant to M.G.L. Chapter 21E, Section 4, that, if you are:

1. either unable or unwilling to implement any of the above requirements in the specified time frames; or
2. any of your submittals are deemed technically deficient and additional delays to revise said submittals cause further release/or threats of release, that the Department will take the necessary remedial actions at the site and initiate appropriate cost recovery and enforcement proceedings as previously described.

Please inform this office in writing within two days of receipt of this letter, of your intentions, and a timetable to address those items outlined in this correspondence.

Should you have further questions regarding this matter, you may contact Mr. John MacAuley at 935-2160

Very truly yours,



Richard J. Chalpin
Deputy Regional Environmental Engineer

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