

FBI copy: CSU 18504C/RL
Rec. 8/31/98 1011/D. Kincaid
to 1012/HKM for
action
coord. w/
LSP



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347

126

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

NORTHERN DIVISION
101 INDUSTRIAL HWY
LESTER, PA 19113-2090

Attn: DAWN KINCAID

August 21, 1998

RTN: 4-0013390
CHILMARK
NOMANS LAND

RE: 310 CMR 40.0000, Notice of Due
Date for Tier Classification Submittal.

Dear DAWN KINCAID,

On 09/26/1997 the Department of Environmental Protection (DEP) was notified of a release or threat of release of Oil and Hazardous Material at NOMANS LAND, CHILMARK. This release constitutes a 120 DY release condition pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (MCP), and Chapter 21E of the Massachusetts General Laws.

The purpose of this letter is to remind you that the one year period, following the date of notification, for you to submit either a Response Action Outcome (RAO) Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal is about to expire. This letter describes the significance of this deadline so that you can take appropriate action to minimize your cleanup costs, maintain compliance with the MCP, and avoid possible DEP enforcement action for failing to submit an RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal to DEP.

PLEASE BE ADVISED that, as of the date of this letter, DEP has not received either a RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal for the above listed site. The one year period for submitting one of these documents will expire on 09/26/1998.

The MCP requires, among other provisions, that a location affected by a release (i. e., the site) meet one of the following milestones within one year of notification:

August 21, 1998

Page 2

- Conditions at the site meet the requirements of a Response Action Outcome, and an RAO Statement and supporting documentation are submitted to the appropriate regional office. If you submit an RAO Statement more than 120 days after the date of notification and prior to Tier Classification, you must also pay DEP an RAO Compliance Fee of \$750.00; or
- A Downgradient Property Status is established for the site, and a Downgradient Property Status Transmittal Form and supporting documentation are submitted to the appropriate regional office. You must also pay DEP a Downgradient Property Status Compliance Fee of \$1000.00; or
- The site is Tier Classified as either a Tier I or Tier II site, and a Tier Classification Transmittal Form and supporting documentation are submitted to the appropriate regional office. For Tier I sites, you must also include a Tier I Initial Permit Application and pay a Permit Application Fee of \$3,550; Tier II sites do not require a Permit and do not pay a Permit Application Fee. If a site is Tier Classified within one year of notification, the DEP will not assess an Annual Compliance Fee for the first year. After Tier Classification, Comprehensive Response Actions must then be undertaken to assess and clean up that site.

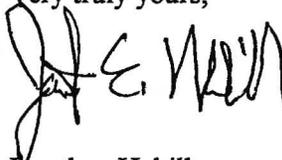
Please note that if you fail to submit either an RAO Statement, a Downgradient Property Status Submittal or a Tier Classification Submittal to DEP by 09/26/1998, the above referenced site will be categorically classified as a Tier IB Disposal Site and, unless otherwise exempt, you will be assessed a Tier IB Annual Compliance Fee for the first year, for response actions which you carried out.

Licensed Site Professional (LSP):

In order to clean up and/or address a release or threat of release, the services of a Licensed Site Professional (LSP) are required. LSPs are professionals licensed by the Commonwealth of Massachusetts to issue Waste Site Cleanup Activity Opinions in connection with response actions at sites. The MCP requires the preparation of one or more Waste Site Cleanup Activity Opinions for every release reported to DEP. For a list of LSP names please contact the Board of Registration at (617) 556-1145.

You and your Licensed Site Professional (LSP) may obtain copies of all DEP forms and applications by contacting your regional service center at (508) 946-2714. You may direct other questions to the MCP Hotline at (617) 338-2255 from the 617 area code and outside Massachusetts or to (800) 462-0444 from the 413 and 508 area codes.

Very truly yours,



Jonathan Hobill
Regional Engineer
Bureau of Waste Site Cleanup
Southeast Regional Office