



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

CERTIFIED MAIL: RETURN RECEIPT REQUESTED

FEB - 3 1989

WELLS G & H  
11.9  
291693



SDMS DocID

291693

Ruth Whitney  
Whitney Barrel Company, Inc.  
256 Salem Street  
Woburn, MA 01801

Re: Notice of Liability to property once owned by Whitney Barrel Company, Inc. at 60 Olympia Avenue, Woburn, Massachusetts, hereinafter referred to as "the facility."

Dear Ms. Whitney:

NOTICE OF POTENTIAL LIABILITY

This letter is to notify you of potential liability which Whitney Barrel Company, Inc. may incur or may have incurred with respect to the Wells G & H Site; to make a formal demand for reimbursement of the costs, including interest thereon, that have been incurred in response to the environmental problems at the Site; and to notify you of forthcoming cleanup response activities at the Site which you will be asked at a later date to perform or finance.

The United States Environmental Protection Agency (EPA) has documented the release and/or threatened release of hazardous substances, pollutants and contaminants at the above referenced Site from the facility. EPA has spent and is considering spending public funds on actions to investigate and control such releases or threatened releases at the Site. Unless EPA reaches an agreement under which a responsible party or parties will properly perform or finance such actions, EPA will itself perform these actions pursuant to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act 42 U.S.C. §9601 et seq. (CERCLA), as amended by the Superfund Amendment and Reauthorization Act of 1986 (SARA).

Under Section 106(a) of CERCLA, Section 107(a) of CERCLA, 42 U.S.C. §9606(a) and §9607(a), Section 7003 of the Resource Conservation and Recovery Act, 42 U.S.C. §6973 (RCRA), and other laws, responsible parties may be obligated to implement relief actions deemed necessary by EPA to protect the public health, welfare or environment and may be liable for all costs incurred by the government in responding to any release or threatened release at the Site. Such costs may include, but are not limited to, expenditures for investigation, planning, response and enforcement activities.

Responsible parties under CERCLA include current and former owners and operators of facilities as well as persons who

arranged for disposal of hazardous substances found at any facility or persons who accepted hazardous substances for transport to the facility.

EPA has evaluated a large body of evidence in connection with its investigation of the Site, including data collected from soil and groundwater sampling, the United States Geological Survey's aquifer test, federal, state and local records, corporate records, deeds, and court transcripts.

Based on this evidence, EPA has information indicating that Whitney Barrel Company, Inc. is a potentially responsible party with respect to this Site. By this letter, EPA notifies you of your potential liability with regard to this matter and encourages you, as a potentially responsible party, to reimburse EPA for the costs incurred to date and to voluntarily perform or finance the response activities described below that EPA has determined are required at the Site.

#### DEMAND FOR PAYMENT OF COSTS INCURRED TO DATE

In accordance with CERCLA and other authorities, EPA has already undertaken certain actions and incurred certain costs in response to conditions at the Site. These response actions include, but are not limited to, removal actions, monitoring, assessing and evaluating the release or threat of release of hazardous substances, and related investigations, planning and enforcement activities. The cost to date of the response actions performed through EPA funding at the Site is currently approximately \$2.1 million. The Agency anticipates expending additional funds for response activities described below. In accordance with Section 107(a)(4)(D) of CERCLA, as amended by Section 107(b) of SARA, demand is hereby made for payment of the above amount plus any and all interest authorized to be recovered under that Section or under any other provisions of law. Demand is also hereby made under these authorities for payment of interest on all future costs that EPA may accrue in regard to the Site.

#### FORTHCOMING RESPONSE ACTIVITIES AT THE SITE

EPA is planning to conduct the following studies and/or activities at the Site:

1. Design and implementation of the remedial action selected and approved by EPA for the Site;
2. Operation, maintenance and monitoring necessary at the Site.

In addition to those enumerated above, EPA may, pursuant to its authorities under CERCLA and other laws, decide that other clean-up activities are necessary to protect public health, welfare or the environment.

## ADMINISTRATIVE RECORD

The EPA is assembling an Administrative Record which contains all documents that form the basis for the Agency's decision on the selection of remedy. The record is open to the public for inspection and comment, and is currently maintained at the Woburn Public Library, and at EPA, at 90 Canal Street, Boston. The Record will be continually updated until a decision on a remedy has been made.

### TIMING AND FORM OF RESPONSE TO THIS LETTER

At an appropriate point in the future, you will receive additional notice that one or more of the above activities is pending and that your cooperation is being requested to negotiate the terms of an agreement to perform or finance those activities. In the interim, as a potentially responsible party, you should notify EPA in writing within twenty (20) days from receipt of this letter of your willingness to perform or finance the activities described above. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of its liabilities in connection with the Site and that you have declined any involvement in performing the response activities.

Your letter should indicate the appropriate name, address, and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in voluntary clean-up action, or involved in a lawsuit regarding this Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

Your response letter should be sent to:  
Barbara Newman, Project Manager  
Massachusetts Superfund Section  
Waste Management Division  
U.S. Environmental Protection Agency  
JFK Federal Building, HRS-CAN3  
Boston, MA 02203  
Telephone: (617) 573-5736

If you have an attorney representing you in this matter, please direct his or her questions to M. Gretchen Muench of the EPA, Office of Regional Counsel at (617) 565-3433.

### INFORMATION TO ASSIST RESPONSIBLE PARTIES

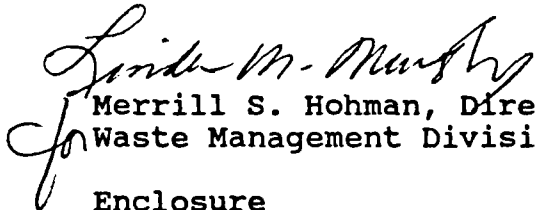
EPA would like to encourage good faith negotiations between you and the Agency and among you and other parties potentially

responsible for the Site. To assist responsible parties in preparing a proposal and in negotiating with EPA concerning this matter, EPA is providing a list of the names and addresses of potentially responsible parties to whom this notification is being provided. This list represents EPA's preliminary findings on the identities of potentially responsible parties. Inclusion on or exclusion from the list does not constitute a final determination by the Agency concerning the liability of any party for the hazard or contamination at the Site.

The factual and legal discussions in this letter are intended solely to provide notice and information, and such discussions are not to be construed as a final agency position on any matter set forth herein. Due to the seriousness of the environmental and legal problems posed by conditions at the Site, EPA urges that immediate attention and a prompt response be given to this letter.

By copy of this letter, EPA is notifying the Commonwealth of Massachusetts and the Federal Natural Resource Trustee(s) of our intent to perform or enter into negotiations for the performance or financing of response actions at the Site.

Sincerely,

  
Merrill S. Hohman, Director  
Waste Management Division

Enclosure

cc: Michael Deland, Regional Administrator  
Alice Corley, Office of Waste Programs Enforcement  
Edward Reich, Office of Enforcement and Compliance Monitoring  
M. Gretchen Muench, Office of Regional Counsel  
Bruce Marshall, Chief, Superfund Enforcement Support Section  
Barbara Newman, Project Manager  
Anne Bingham, Office of General Counsel, DEQE  
Nancy Preis, MA Attorney General's Office  
Rodine DeRice, DEQE  
Ken Finkelstein, NOAA  
Ken Carr, Fish and Wildlife Service



UNITED STATES POSTAL SERVICE

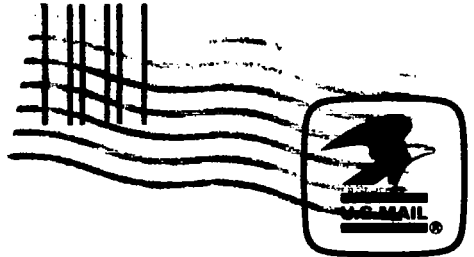
OFFICIAL BUSINESS



**SENDER INSTRUCTIONS**

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE USE, \$300

RETURN TO



Print Sender's name, address, and ZIP Code in the space below.

Barbara Newman  
Waste Mgmt. Div.  
JFK Federal Bldg.  
Boston, MA 02203  
(HRS-CAN3)

P-624 562 989

Ruth Whitney

U.S. POST OFFICE  
FEB 3 1989  
U.S. POST OFFICE  
FEB 3 1989

FEB - 3 1989

**STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE,  
CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES. (see front)**

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier. (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry.