

**Documents discovered  
at the Massachusetts Department  
of Environmental Protection  
in February, 2003**

50-60 Center Street, Pittsfield  
RTN 1-14395  
Notice of Responsibility  
Page 3 of 3

If you have any further questions, please contact David Slowick at the letterhead address or at (413) 755-2246. All future correspondence communications regarding the disposal site should reference the Release Tracking Number listed in the subject block of this letter.

Sincerely,



Alan Weinberg  
Deputy Regional Director  
Bureau of Waste Site Cleanup

DAS/ds/kml  
14395nor.doc

Enclosure

Certified Mail No. Z 7001 2510 0001 8067 5245; Return Receipt Requested

cc: Pittsfield:  
Health Department  
Mayor's Office  
F. Sydney Smithers- Cain, Hibbard, Myers & Cook, PC  
Robert MacLean- MTI

### ACTIONS UNDERTAKEN TO DATE AT THE SITE

The Release Notification Form (RNF) indicates that soil at the site is contaminated with petroleum. Please submit to the Department, a summary report, which includes a site plan indicating the monitoring well or other sample locations and a summary of any environmental assessment activities performed at the site relative to this release within 20 days of the date of this letter.

### NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES

No disposal site will be deemed to have had all the necessary and required response actions taken for it 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 the Department a RAO Statement prepared by a LSP upon determining that a level of no significant risk already exists or has been achieved at the disposal site.

Unless otherwise provided by the Department, responsible parties have one year from the initial date notice of a release or threat of release is provided to the Department pursuant to 310 CMR 40.0300 or from the date the Department issues a Notice of Responsibility, whichever occurs earlier, to file with the Department one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a RAO Statement; or (3) a Downgradient Property Status Submittal. The one-year anniversary date for this release is May 10, 2003.

In addition, the MCP requires responsible parties and any other person undertaking response actions at a disposal site to perform Immediate Response Actions in response to sudden releases, Imminent Hazards and Conditions of Substantial Release Migration. Such persons must continue to evaluate the need for Immediate Response Actions and notify the Department immediately if such a need exists.

### PROCEDURES TO FOLLOW TO UNDERTAKE RESPONSE ACTIONS

The Department encourages parties having liability under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and hazardous materials. By taking prompt action, liable parties may significantly lower cleanup costs and avoid the imposition of, or reduce the amount of, certain permit and/or annual compliance assurance fees payable under 310 CMR 4.00 (e.g., no annual compliance assurance fee is due for RAO Statements submitted to the Department within 120 days of the initial date of release notification).

You must employ or engage a LSP to manage, supervise or actually perform all response actions which you intend to undertake at this disposal site. You may obtain a list of the names and addresses of LSPs by contacting the Board of Registration of Hazardous Waste Site Cleanup Professionals by telephone at (617) 556-1145 or in person or by mail at One Winter Street, 6th Floor, Boston, Massachusetts 02108. Presently, the Department has listed Robert MacLean of Maxymillian Technologies, Inc. as LSP-of-record for this release.



JANE SWIFT  
Governor

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

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

FILE COPY

BOB DURAND  
Secretary

LAUREN A. LISS  
Commissioner

May 13, 2002

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY  
CERTIFIED MAIL: RETURN RECEIPT REQUESTED

Berkshire Sports and Events, Nominee Trust  
c/o New England Newspapers  
75 Church Street  
P.O. Box 1171  
Pittsfield, Massachusetts 01202

Attn: Andrew Mick, Trustee

Re: Pittsfield  
50-60 Center Street  
RTN 1-14395  
Petroleum Release

NOTICE OF RESPONSIBILITY  
M.G.L. c. 21E, 310 CMR 40.0000

Dear Mr. Mick:

Thank you for submitting the Release Notification Form received by the Department on May 10, 2002. The Release Notification Form indicates that soil at the subject location (the site) has been impacted by a release of petroleum. In light of this information, the Department wishes to ensure that you are aware of your rights and responsibilities under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000.

The information contained in your submittal indicates that the above-referenced property has been subject to a release of petroleum in excess of the applicable reportable quantity or reportable concentration. Based on this information, the Department has reason to believe that the property, or portions thereof, is a disposal site which requires a response action. The cleanup of disposal sites is governed by M.G.L. c. 21E and the MCP.

The information contained in your submittal also indicates that you (as used in this letter "you" refers to the Berkshire Sports and Events, Nominee Trust) are a party with potential liability for response action costs and damages under M.G.L. c. 21E, § 5. The attached summary is intended to provide you with information about liability under Chapter 21E to assist you in deciding what actions to take in response to this notice.

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. The Department encourages you to take any action necessary to protect any such claims you may have against third parties.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

*CD*

BWSC-103

Release Tracking Number

**RELEASE NOTIFICATION & NOTIFICATION RETRACTION FORM**  
Pursuant to 310 CMR 40.0335 and 310 CMR 40.0371 (Subpart C)

1 - 14395

If assigned by DEP

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION  
FIELD  
MAY 10 2002  
WELD

**A. RELEASE OR THREAT OF RELEASE LOCATION:**

Street: 50 Centre Street Location Aid: \_\_\_\_\_  
City/Town: Pittsfield ZP Code: 01201

**B. THIS FORM IS BEING USED TO:** (check one)

- Submit a Release Notification (complete all sections of this form).
- Submit a Retraction of a Previously Reported Notification of a Release or Threat of Release (complete Sections A, B, E, F and G of this form). You MUST attach the supporting documentation required by 310 CMR 40.0335.

**C. INFORMATION DESCRIBING THE RELEASE OR THREAT OF RELEASE (TOR):**

Date and time you obtained knowledge of the Release or TOR. Date: Jan. 18, 2001 Time: \_\_\_\_\_ Specify:  AM  PM

The date you obtained knowledge is always required. The time you obtained knowledge is not required if reporting only 120 Day Conditions.

If KNOWN, record date and time release or TOR occurred. Date: \_\_\_\_\_ Time: \_\_\_\_\_ Specify:  AM  PM

Check here if you previously provided an Oral Notification to DEP (2 Hour and 72 Hour Reporting Conditions only)

Provide date and time of Oral Notification. Date: \_\_\_\_\_ Time: \_\_\_\_\_ Specify:  AM  PM

Check all Notification Thresholds that apply to the Release or Threat of Release: (for more information see 310 CMR 40.0310 - 40.0315)

**2 HOUR REPORTING CONDITIONS**

**72 HOUR REPORTING CONDITIONS**

**120 DAY REPORTING CONDITIONS**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Sudden Release                                | <input type="checkbox"/> Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/2 Inch | <input type="checkbox"/> Release of Hazardous Material(s) to Soil or Groundwater Exceeding Reportable Concentration(s)                 |
| <input type="checkbox"/> Threat of Sudden Release                      | <input type="checkbox"/> Underground Storage Tank (UST) Release                                       | <input checked="" type="checkbox"/> Release of Oil to Soil Exceeding Reportable Concentration(s) and Affecting More than 2 Cubic Yards |
| <input type="checkbox"/> Oil Sheen on Surface Water                    | <input type="checkbox"/> Threat of UST Release  | <input type="checkbox"/> Release of Oil to Groundwater Exceeding Reportable Concentration(s)   |
| <input type="checkbox"/> Poses Imminent Hazard                         | <input type="checkbox"/> Release to Groundwater near Water Supply                                     | <input type="checkbox"/> Subsurface Non-Aqueous Phase Liquid (NAPL) Equal to or Greater than 1/8 Inch and Less than 1/2 Inch           |
| <input type="checkbox"/> Could Pose Imminent Hazard                    | <input type="checkbox"/> Release to Groundwater near School or Residence                              |  |
| <input type="checkbox"/> Release Detected in Private Well              |   |  |
| <input type="checkbox"/> Release to Storm Drain                        |   |  |
| <input type="checkbox"/> Sanitary Sewer Release (Imminent Hazard Only) |   |  |

List below the Oils or Hazardous Materials that exceed their Reportable Concentration or Reportable Quantity by the greatest amount. If necessary, attach a list of additional Oil and Hazardous Material substances subject to reporting.

Name and Quantities of Oils (O) and Hazardous Materials (HM) Released:

O or HM Released	O HM (check one)	CAS # (if known)	Amount or Concentration	Units	Reportable Concentrations Exceeded, if Applicable (RCS-1, RCS-2, RCGW-1, RCGW-2)
Hydraulic oil - C <sub>15</sub> -C <sub>20</sub> Aliphatics	<input checked="" type="checkbox"/>		1120	ppm	RCS-1
- C <sub>11</sub> -C <sub>20</sub> Aliphatics	<input type="checkbox"/>		7450	ppm	
- C <sub>10</sub> -C <sub>20</sub> Aromatics	<input type="checkbox"/>		3480	ppm	

**D. ADDITIONAL INVOLVED PARTIES:**

- Check here if attaching names and addresses of owners of properties affected by the Release or Threat of Release, other than an owner who is submitting this Release Notification (required).
- Check here if attaching Licensed Site Professional (LSP) name and address (optional).

You may write in names and addresses on the bottom of the second page of this form.

1-14395

**Cain Hibbard Myers & Cook PC**  
Counselors at Law

66 West Street, Pittsfield, Massachusetts 01201-5764, 413-443-4771 Fax 413-443-7694  
Direct Dial: 413-629-1304 email: fsmithers@cainhibbard.com



F. Sydney Smithers

May 9, 2002

Massachusetts Department of Environmental  
Protection - Western Region  
Bureau of Waste Site Cleanup  
436 Dwight Street, Suite 402  
Springfield, MA 01103

**Re: Release Notification Form**  
**50-60 Center Street, Pittsfield, Massachusetts**  
**(008004/0009-001)**

Ladies and Gentlemen:

Enclosed is a Release Notification Form with respect to the above site.

Very truly yours,

CAIN HIBBARD MYERS & COOK PC

F. Sydney Smithers

FSS/klm  
Enclosure

cc: Andrew H. Mick, Trustee (w/Enclosure)  
Robert MacLane, LSP (w/Enclosure)  
Michael E. MacDonald, Esquire