



Release Tracking Number

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NOTICE OF RESPONSIBILITY
(Pursuant to M.G.L. Chapter 21E)

TO:

1. Name of Organization: _____

2. Individual or Contact First Name: _____ 3. Last Name: _____

4. Street: _____ 5. Title: _____

6. City/Town: _____ 7. State: _____ 8. ZIP Code: _____

9. Telephone: _____ 11. Ext.: _____ 12. Email: _____

On _____ at _____ AM PM, the Massachusetts Department of Environmental Protection (MassDEP) responded to a release or threat of release of oil and/or hazardous material at _____ (the site)

in _____, Massachusetts. MassDEP has determined that there has been a release or threat of release at the site for which an Immediate Response Action (IRA) is required by the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000.

Preliminary indications are that, pursuant to M.G.L.c. 21E, § 5, _____ is/are a potentially responsible party (PRP) for assessment, containment and removal actions necessitated by this release or threat of release. Liability under M.G.L. c. 21E, § 5, is strict, meaning it is not based on fault. It is also joint and several, meaning that you may be liable for all response action costs incurred at the site, regardless of the existence of other liable parties.

By taking the actions checked below in compliance with the MCP, you may avoid liability for response action costs incurred by MassDEP contractors in performing these actions and any sanctions which may be imposed under M.G.L. c.21E, M.G.L. 21A, § 16, or other laws for noncompliance with the MCP:

- Hire a spill cleanup contractor having experience, equipment and ability acceptable to MassDEP to immediately assess and eliminate, abate or mitigate the release, threat of release and/or site conditions as required by the MCP and/or MassDEP. **Note:** Depending on the outcome of these actions, MassDEP may require additional response actions for which a Licensed Site Professional is required. For this reason you may want to hire a spill cleanup contractor with whom a Licensed Site Professional is affiliated.
- Submit a completed Release Notification Form to MassDEP in accordance with 310 CMR 40.0300 within 60 days of the date of release or threat of release notification, or the date of service of this notice, whichever comes first.
- Engage or employ a Licensed Site Professional to perform services required by 310 CMR 40.0000. Required services must ultimately result in a Permanent Solution Statement (310 CMR 40.1000).
- Submit either an IRA Plan (310 CMR 40.0420), an IRA Completion Statement (310 CMR 40.0427) or a Permanent Solution Statement (310 CMR 40.1000) to DEP within 60 days of the date of release notification, or the date of service of this notice, whichever comes first.
- Within 60 days of completion of the Immediate Response Actions as required by MassDEP, submit an IRA Completion Report providing an accurate description of the release or threat of release, response actions taken relative thereto, and conditions at the site.
- Dispose of any Remediation Waste as defined by the MCP, including, without limitation, Contaminated Soil and/or Debris generated at the location in accordance with 310 CMR 40.0030. Any Bill of Lading accompanying such waste must bear the seal and signature of a Licensed Site Professional.
- Other: _____

You should notify MassDEP on or before: _____, if you intend to perform the above checked actions. Depending on the outcome of the above checked actions, MassDEP may require additional response actions.

The MCP requires responsible parties to take the necessary response actions at Sites where there is or has been a release or threat of release of oil and/or hazardous material. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, MassDEP is authorized by M.G.L. c. 21E to perform the work. By taking such actions, you can avoid liability for response action costs incurred by MassDEP and its contractors in performing these actions and any penalties or other sanctions which may be imposed for noncompliance with the MCP.

You may be liable for up to three (3) times all response action costs incurred by MassDEP. Response action costs include the costs of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by PRPs or their contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors. (For more detail on cost liability, see 310 CMR 40.1200: Cost Recovery.)

MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the Commonwealth may place liens on all of your property in the Commonwealth. To recover the debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your liability for up to three (3) times all response action costs incurred by MassDEP, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Additional liability may also be imposed under M.G.L. c. 21E, § 11, and other laws for each violation of M.G.L. c. 21E or other laws, or under M.G.L. c. 21A, § 16 for violations of M.G.L. c. 21E, the MCP, and other statutes, regulations, orders or approvals.

Please direct all communications regarding this matter to the Emergency Response/Notification Section at the _____ Regional Office, _____, Massachusetts, telephone: _____

Name and Title of DEP Official: _____ Name: _____ Title: _____ Sincerely, _____

On _____ at _____ AM PM I, _____

of the above MassDEP Office served _____ personally by mail by email a copy of the above "Notice of Responsibility".

Person on scene agrees does not agree, to take response actions deemed necessary by MassDEP.