



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

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November 18, 2022

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Town of Shutesbury  
c/o Ms. Rebecca Torres, Town Administrator  
P.O. Box 276  
1 Cooleyville Road  
Shutesbury, MA 01072

RE: BWSC, Shutesbury  
Shutesbury Fire Department  
42 Leverett Road  
Release Tracking # 1-0021340

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### NOTICE OF RESPONSIBILITY

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Dear Ms. Torres:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) performed a Site Discovery Assessment (SDA) at the Shutesbury Fire Department located at 42 Leverett Road in Shutesbury (the "Site"), which involved collecting and analyzing soil and groundwater samples for the presence of per- and polyfluoroalkyl substances (PFAS). As a result of this investigation, PFAS compounds were detected in groundwater and soil, which requires one or more response actions to be performed in accordance with the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000.

Specifically, groundwater sample results from monitoring wells at the Shutesbury Fire Department reported PFAS concentrations of up to 733 nanograms per liter (ng/L) [or parts per trillion (ppt)], which exceeds the MCP groundwater Reportable Concentration (RCGW-1) of 20 ppt for the individual or sum of the six regulated PFAS compounds, abbreviated as "PFAS6". In addition, PFAS concentrations in soil samples collected from soil borings at the Site exceed PFAS Reportable Concentrations (RCS-1). The source of PFAS in soil and groundwater at the Shutesbury Fire Department is suspected to be from Class B AFFF Fire Fighting Foam used for fire training practices at the Fire Department property.

The purpose of this letter is to provide you ("you" or "your" hereinafter refers to the Town of Shutesbury) with notice of your legal responsibilities under state laws and regulations to address this release. Below is a summary to provide you with information about your liability under Massachusetts General Law Chapter 21E (M.G.L. c. 21E) and to assist you in deciding what actions to take in response to this notice.

This information is available in alternate format. Contact Glynis Bugg at 617-348-4040.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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### **Statutory Liabilities**

The Department has reason to believe that you, as the owner of record, are a potentially responsible party (PRP) with liability under Section 5A of M.G.L. c. 21E. This is due to the release of oil and/or hazardous materials at the Site which is attributed to the Shutesbury Fire Department. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in said Section 5A. This liability is also "joint and several", meaning that you are liable for all response costs incurred at a disposal site even if there are other liable parties.

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.

### **Actions Undertaken to Date at the Site**

In August 2021, MassDEP's residential well sampling program, in partnership with the University of Massachusetts, identified the detection of PFAS6 in Shutesbury private drinking water supplies greater than the Massachusetts Maximum Contaminant Level (MMCL) of 20 ppt. Due to the presence of PFAS6 above MMCLs, MassDEP initiated a site/source discovery program to identify potential properties at risk and to identify potential sources of PFAS, which included the Shutesbury Fire Department. In September 2021, the Department sampled two drinking water supply wells located at the Shutesbury Fire Department as well as at other residential/Town properties on Leverett Road. PFAS6 was detected at a concentration of 104 ppt and 140 ppt for the drinking water supply wells that serve off-Site properties located on Leverett Road. These drinking water sample results are above the MMCL of 20 ppt and above the Imminent Hazard (IH) level of 90 ppt. As an immediate response, the Town of Shutesbury (Town) provided bottled water to impacted properties with IH levels located at 42, 50, and 59 Leverett Road. In addition, the Town installed Point of Entry Treatment (POET) systems to remove PFAS from drinking water at these properties.

On July 15, 2022, and August 24, 2022, MassDEP conducted a subsurface investigation at the Shutesbury Fire Department advancing ten soil borings with three borings completed as groundwater monitoring wells. Soil borings, SB-2 through SB-7, are located around the fire tower training area in the central portion of the property. Soil samples were collected and submitted to a Massachusetts certified laboratory and analyzed for 18 PFAS compounds using EPA Method 537.1.

Laboratory analytical results for soil samples identified perfluoroheptanoic acid (PFHpA), perfluorooctanoic acid (PFOA), perfluorononanoic acid (PFNA), and perfluorodecanoic acid (PFDA) in soil samples from SB-2 through SB-6 above MassDEP reportable concentrations (RCS-1). See Table Below.

| Table PFAS in Soil (NG/G or ppb) |       |       |       |       |      |      |       |       |      |       |      |       |       |      |
|----------------------------------|-------|-------|-------|-------|------|------|-------|-------|------|-------|------|-------|-------|------|
| Parameter                        | RCS-1 | SB-2  |       | SB-3  |      | SB-4 |       | SB-5  |      |       | SB-6 |       |       |      |
|                                  |       | 0-6"  | 2-3'  | 0-6"  | 2-3' | 0-6" | 4-5'  | 0-6"  | 2-3' | 4-5'  | 0-6" | 1-2'  | 4-5'  | 6-7' |
| Perfluoroheptanoic acid (PFHpA)  | 0.5   | 1.71  | 0.865 | 0.924 | 1.58 | 1.17 | BRL   | 0.859 | BRL  | BRL   | 1.43 | 0.976 | BRL   | BRL  |
| Perfluorooctanoic acid (PFOA)    | 0.72  | 1.12  | 0.305 | 2.02  | 2.49 | 1.46 | BRL   | 1.89  | BRL  | BRL   | 1.86 | 1.1   | 1.96  | BRL  |
| Perfluorononanoic acid (PFNA)    | 0.32  | 0.612 | BRL   | 4.39  | 1.09 | 1.72 | 0.408 | 5.56  | 1.37 | 0.416 | 3.3  | 1.88  | 0.713 | 3.69 |
| Perfluorodecanoic acid (PFDA)    | 0.3   | BRL   | BRL   | 0.613 | BRL  | 1.19 | BRL   | 1.82  | BRL  | BRL   | 4.16 | 1.51  | 0.407 | BRL  |

Notes:  
BRL = Below Laboratory Reporting Limits  
Yellow Highlight = Exceeds RCS-1 Reportable Concentration  
NG/G = nanogram per gram or parts per billion ppb)

Groundwater samples were collected from three MassDEP-installed monitoring wells (MW-100/SB-4, MW-101/ SB-6, MW-102/ SB-7) and four existing site monitoring wells associated with Release Tracking Number (RTN) 1-16996. Groundwater samples were analyzed for 18 PFAS compounds by EPA Method 537.1. Laboratory analytical results for groundwater samples reported PFAS compounds at concentrations of up to 733 ppt which exceeds the applicable RCGW-1 of 20 ppt for individual or sum of PFAS6.

Please note that a summary of the above referenced SDA as well as the laboratory test results and other Site-related information has been uploaded to MassDEP’s Waste Site/Reportable Release File Viewer under RTN 1-0021340 at: [https://eeaonline.eea.state.ma.us/DEP/wsc\\_viewer/main.aspx](https://eeaonline.eea.state.ma.us/DEP/wsc_viewer/main.aspx).

Response actions to address the contamination at this Site have not been completed.

**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.

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 Permanent Solution or Temporary Solution Statement; or (3) a Downgradient Property Status Submittal.

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.

The Department requires the following:

1. Submittal of a Release Notification Form (BWSC-103) for PFAS compounds detected in Site soil and groundwater within 60 calendar days of this Notice.
2. Sampling of the existing POET systems at pre-treatment (influent) and post-treatment (effluent) locations and the associated water supply well within 30 calendar days of this Notice.
3. Submittal of an Immediate Response Action (IRA) Plan within 60 calendar days of this Notice that includes quarterly sampling of the existing POET systems at pre-treatment (influent) and post-treatment (effluent) locations and the associated water supply well; a schedule for maintenance of the existing POET systems; and a plan for assessment of private drinking water wells in the immediate proximity to the Site.

Specific approval is required from the Department for the implementation of an IRA with the exception of assessment activities, the construction of a fence, and/or posting of signs. IRA Status Reports are required to be submitted within 120 days of the date of notification and every six months thereafter, unless an IRA Completion Statement and/or a Permanent or Temporary Solution Statement has been filed prior to the IRA submittal due dates. The MCP requires that a fee of \$1470.00 be submitted to the Department when a Permanent or Temporary Solution Statement is filed greater than 120 days from the date of initial notification.

#### **Procedures to Follow to Undertake Response Actions**

You must employ or engage a Licensed Site Professional (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) 556-1091 or via the following internet link:

<https://eeaonline.eea.state.ma.us/portal#!/search/lsp>. All submittals for this release that require an LSP Opinion must be submitted through e-DEP, MassDEP's electronic document and form submittal repository. For more information on electronic submittal of forms and reports, please visit MassDEP's website, <http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html>.

Please contact Caprice Shaw at (413) 755-2222 or [Caprice.Shaw@mass.gov](mailto:Caprice.Shaw@mass.gov) if you have any questions concerning this Notice. All future correspondence and communications regarding this disposal site should reference RTN 1-0021340.

Sincerely,

/s/ John Ziegler

John Ziegler  
Acting Deputy Regional Director  
Bureau of Waste Site Cleanup

Encl: 21E Liability Summary

Certified Mail #: 7022 0410 0000 4639 8998 RRR and Standard Mail Delivery

Ecc/cc: Town of Shutesbury:

Fire Department  
Board of Health  
Mr. Bowen and Ms. Valentine, 50 Leverett Road, Shutesbury, MA. (cc)  
Denise Andler, BWSC, WERO