



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston - Northeast Regional Office

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EDWARD P. KUNCE
Acting Commissioner

April 2, 2003

Raytheon Company
528 Boston Post Road, MS 1880
Sudbury MA 01776

RE: **WAYLAND**
430 Boston Post Road
RTN 3-22665

Attention: Edwin P. Madera

**NOTICE OF RESPONSIBILITY PER M.G.L. c.21E & 310 CMR 40.0000,
the MCP**

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN
RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL
CONSEQUENCES.

Dear Mr. Madera:

Information contained in a Release Notification Form (RNF) submitted to the Department of Environmental Protection (the Department or DEP) on March 12, 2003 and submitted by Raytheon Company indicates that there is or has been a release of oil and/or hazardous material at the above-referenced property which exceeds a "120 day" reporting threshold (310 CMR 40.0315) and which requires one or more response actions.

Based on this information, the Department has reason to believe that the subject property or portion(s) thereof is a disposal site as defined in the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan, 310 CMR 40.0000 (the MCP). The assessment and cleanup of disposal sites is governed by M.G.L. c. 21E and the MCP.

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171.

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

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The purpose of this notice is to inform you of your legal responsibilities under state law for assessing and/or remediating the subject release. For purposes of this notice, the terms and phrases used herein shall have the meaning ascribed to them by the MCP unless the text clearly indicates otherwise.

STATUTORY LIABILITIES

The Department has reason to believe that you (as used in this letter, "you" refers to Raytheon Company) are a Potentially Responsible Party (a PRP) with liability under M.G.L. c. 21E, § 5, for response action costs. Section 5 makes the following parties liable to the Commonwealth of Massachusetts: current owners or operators of a site from or at which there is or has been a release/threat of release of oil or hazardous material; any person who owned or operated a site at the time hazardous material was stored or disposed of; any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site; any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release/threat of release of such material; and any person who otherwise caused or is legally responsible for a release/threat of release of oil or hazardous material at a site.

This liability is "strict", meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. 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 any other liable parties.

The MCP requires responsible parties to take necessary response actions at properties 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, the Department is authorized by M.G.L. c. 21E to have the work performed by its contractors. By taking such actions, you can avoid liability for response action costs incurred by the Department and its contractors in performing these actions, and any sanctions which may be imposed for failure to perform response actions under the MCP.

You may be liable for up to three (3) times all response action costs incurred by the Department. Response action costs include, without limitation, the cost of direct hours spent by Department employees arranging for response actions or overseeing work performed by persons other than the Department or their contractors, expenses incurred by the Department in support of those direct hours, and payments to the Department's contractors. (For more detail on cost liability, see 310 CMR 40.1200.)

The Department may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually. To secure payment of this debt, the

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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 the Department, you may also be liable to the Commonwealth for damages to natural resources caused by the release. Civil and criminal liability may also be imposed under M.G.L. c. 21E, § 11, and civil administrative penalties may be imposed under M.G.L. c. 21A, § 16 for each violation of M.G.L. c. 21E, the MCP, or any order, permit or approval issued thereunder.

NECESSARY RESPONSE ACTIONS

The subject site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the site 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. In addition, the MCP requires persons undertaking response actions at disposal sites to perform Immediate Response Actions (IRAs) in response to "sudden releases", Imminent Hazards and Substantial Release Migration. Such persons must continue to evaluate the need for IRAs and notify the Department immediately if such a need exists.

The Department has determined that the following response actions are necessary at the subject site:

Initial site investigation activities in accordance with 310 CMR 40.0405 are necessary. In addition, unless an RAO is submitted earlier, a completed Tier Classification Submittal pursuant to 310 CMR 40.0510, and, if appropriate, a completed Tier I Permit Application pursuant to 310 CMR 40.0700, must be submitted to DEP within one year of the initial date notice of a release is provided to the Department pursuant to 310 CMR 40.0300 or from the date the Department issues a Notice of Responsibility (NOR), whichever occurs earlier.

It is important to note that you must dispose of any Remediation Waste generated at the subject location in accordance with 310 CMR 40.0030 including, without limitation, contaminated soil and/or debris. Any Bill of Lading accompanying such waste must bear the seal and signature of an LSP or, if the response action is performed under the direct supervision of the Department, the signature of an authorized representative of the Department.

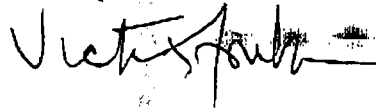
The Department encourages parties with liabilities under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and/or hazardous material. By taking prompt action, you may significantly lower your assessment and cleanup costs and avoid the imposition of, or reduce the amount of, certain permit and

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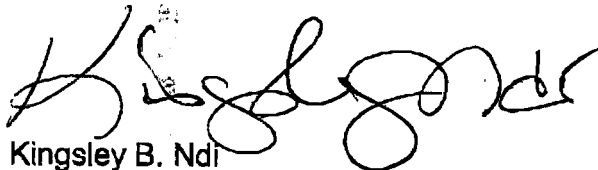
annual compliance fees for response actions payable under 310 CMR 4.00.

If you have any questions relative to this notice, you should contact Victor S. Fonkem at the letterhead address or (978) 661-7600. All future communications regarding this release must reference the Release Tracking Number (RTN) 3-22665 contained in the subject block of this letter.

Very truly yours,



Victor S. Fonkem
Environmental Engineer



Kingsley B. Ndi
Notification & Emergency Response Chief
Bureau of Waste Site Cleanup

cc: DEP data base/file