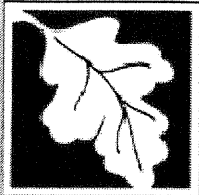


## **APPENDIX A**

**Bureau of Waste Site Cleanup (BWSC) transmittal form BWSC104**



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC104

**RESPONSE ACTION OUTCOME (RAO) STATEMENT**

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

4 - 17786

For sites with multiple RTNs, enter the Primary RTN above.

**A. SITE LOCATION:**

1. Site Name/Location Aid: Barge B120 Spill

2. Street Address: N/A

3. City/Town: Buzzards Bay

4. ZIP Code: N/A

☒ 5. Check here if a Tier Classification Submittal has been provided to DEP for this disposal site.

☒ a. Tier IA ☐ b. Tier IB ☐ c. Tier IC ☐ d. Tier II

6. If a Tier I Permit has been issued, provide Permit Number: W050019

**B. THIS FORM IS BEING USED TO:** (check all that apply)

1. List Submittal Date of RAO Statement (if previously submitted): 05/21/2004

mm/dd/yyyy

☐ 2. Submit a **Response Action Outcome (RAO) Statement**

☐ a. Check here if this RAO Statement covers additional Release Tracking Numbers (RTNs). RTNs that have been previously linked to a Tier Classified Primary RTN do not need to be listed here.

b. Provide additional Release Tracking Number(s) covered by this RAO Statement.

☐ -  ☐ -

☐ 3. Submit a **Revised Response Action Outcome Statement**

☐ a. Check here if this Revised RAO Statement covers additional Release Tracking Numbers (RTNs), not listed on the RAO Statement or previously submitted Revised RAO Statements. RTNs that have been previously linked to a Tier Classified Primary RTN do not need to be listed here.

b. Provide additional Release Tracking Number(s) covered by this RAO Statement.

☐ -  ☐ -

☒ 4. Submit a **Response Action Outcome Partial (RAO-P) Statement**

Check above box, if any Response Actions remain to be taken to address conditions associated with this disposal site having the Primary RTN listed in the header section of this transmittal form. This RAO Statement will record only an RAO-Partial Statement for that RTN. A final RAO Statement will need to be submitted that references all RAO-Partial Statements and, if applicable, covers any remaining conditions not covered by the RAO-Partial Statements.

Also, specify if you are an Eligible Person or Tenant pursuant to M.G.L. c. 21E s.2, and have no further obligation to conduct response actions on the remaining portion(s) of the disposal site:

☐ a. Eligible Person ☐ b. Eligible Tenant

☐ 5. Submit an optional **Phase I Completion Statement** supporting an RAO Statement

☐ 6. Submit a **Periodic Review Opinion** evaluating the status of a Temporary Solution for a Class C-1 RAO Statement, as specified in 310 CMR 40.1051 (Section F is optional)

☐ 7. Submit a **Retraction** of a previously submitted **Response Action Outcome Statement** (Sections E & F are not required)

(All sections of this transmittal form must be filled out unless otherwise noted above)



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC104

RESPONSE ACTION OUTCOME (RAO) STATEMENT

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

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C. DESCRIPTION OF RESPONSE ACTIONS: (check all that apply; for volumes, list cumulative amounts)

- |   |   |
|---|---|
| <input type="checkbox"/> 1. Assessment and/or Monitoring Only                           | <input type="checkbox"/> 2. Temporary Covers or Caps    |
| <input checked="" type="checkbox"/> 3. Deployment of Absorbent or Containment Materials | <input type="checkbox"/> 4. Treatment of Water Supplies |
| <input type="checkbox"/> 5. Structure Venting System                                    | <input type="checkbox"/> 6. Engineered Barrier          |
| <input checked="" type="checkbox"/> 7. Product or NAPL Recovery                         | <input type="checkbox"/> 8. Fencing and Sign Posting    |
| <input type="checkbox"/> 9. Groundwater Treatment Systems                               | <input type="checkbox"/> 10. Soil Vapor Extraction      |
| <input type="checkbox"/> 11. Bioremediation   | <input type="checkbox"/> 12. Air Sparging               |
| <input type="checkbox"/> 13. Monitored Natural Attenuation                              | <input type="checkbox"/> 14. In-situ Chemical Oxidation |

☒ 15. Removal of Contaminated Soils

- ☒ a. Re-use, Recycling or Treatment ☐ i. On Site Estimated volume in cubic yards \_\_\_\_\_
- ☒ ii. Off Site Estimated volume in cubic yards see attached

ii. Facility Name: see attached Town: \_\_\_\_\_ State: \_\_\_\_\_

ii. Facility Name: see attached Town: \_\_\_\_\_ State: \_\_\_\_\_

iii. Describe: see attached

☐ b. Landfill

- ☐ i. Cover Estimated volume in cubic yards \_\_\_\_\_

Facility Name: \_\_\_\_\_ Town: \_\_\_\_\_ State: \_\_\_\_\_

- ☐ ii. Disposal Estimated volume in cubic yards \_\_\_\_\_

Facility Name: \_\_\_\_\_ Town: \_\_\_\_\_ State: \_\_\_\_\_

☐ 16. Removal of Drums, Tanks or Containers:

- a. Describe Quantity and Amount: \_\_\_\_\_

b. Facility Name: \_\_\_\_\_ Town: \_\_\_\_\_ State: \_\_\_\_\_

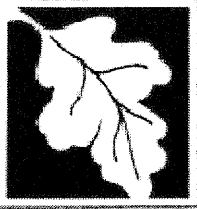
c. Facility Name: \_\_\_\_\_ Town: \_\_\_\_\_ State: \_\_\_\_\_

☒ 17. Removal of Other Contaminated Media:

- a. Specify Type and Volume: see attached

b. Facility Name: see attached Town: \_\_\_\_\_ State: \_\_\_\_\_

c. Facility Name: see attached Town: \_\_\_\_\_ State: \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC104

RESPONSE ACTION OUTCOME (RAO) STATEMENT

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

4 - 17786

C. DESCRIPTION OF RESPONSE ACTIONS (cont.): (check all that apply; for volumes, list cumulative amounts)

☐ 18. Other Response Actions:

Describe: \_\_\_\_\_  
\_\_\_\_\_

☐ 19. Use of Innovative Technologies:

Describe: \_\_\_\_\_

D. SITE USE:

1. Are the response actions that are the subject of this submittal associated with the *redevelopment, reuse* or the *major expansion of the current use* of property(ies) impacted by the presence of oil and/or hazardous materials?

☐ a. Yes ☒ b. No ☐ c. Don't know

2. Is the property a *vacant or under-utilized commercial or industrial* property ("a brownfield property")?

☐ a. Yes ☒ b. No ☐ c. Don't know

3. Will funds from a state or federal brownfield incentive program be used on one or more of the property(ies) within the disposal site?

☐ a. Yes ☒ b. No ☐ c. Don't know If Yes, identify program(s): \_\_\_\_\_

4. Has a Covenant Not to Sue been obtained or sought?

☐ a. Yes ☒ b. No ☐ c. Don't know

5. Check all applicable categories that apply to the person making this submittal: ☐ a. Redevelopment Agency or Authority

☐ b. Community Development Corporation ☐ c. Economic Development and Industrial Corporation

☐ d. Private Developer ☐ e. Fiduciary ☐ f. Secured Lender ☐ g. Municipality

☐ h. Potential Buyer (non-owner) ☐ i. Other, describe: \_\_\_\_\_

**This data will be used by MassDEP for information purposes only, and does not represent or create any legal commitment, obligation or liability on the part of the party or person providing this data to MassDEP.**

E. RESPONSE ACTION OUTCOME CLASS:

Specify the Class of Response Action Outcome that applies to the disposal site, or site of the Threat of Release.  
Select **ONLY** one Class.

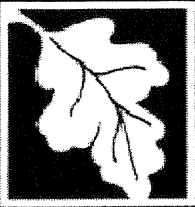
☐ 1. **Class A-1 RAO:** Specify one of the following:

☐ a. Contamination has been reduced to background levels. ☐ b. A Threat of Release has been eliminated.

☒ 2. **Class A-2 RAO:** You **MUST** provide justification that reducing contamination to or approaching background levels is infeasible.

☐ 3. **Class A-3 RAO:** You **MUST** provide an implemented Activity and Use Limitation (AUL) and justification that reducing contamination to or approaching background levels is infeasible.

☐ 4. **Class A-4 RAO:** You **MUST** provide an implemented AUL, justification that reducing contamination to or approaching background levels is infeasible, and justification that reducing contamination to less than Upper Concentration Limits (UCLs) 15 feet below ground surface or below an Engineered Barrier is infeasible. If the Permanent Solution relies upon an Engineered Barrier, you must provide or have previously provided a Phase III Remedial Action Plan that justifies the selection of the Engineered Barrier.



RESPONSE ACTION OUTCOME (RAO) STATEMENT

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

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E. RESPONSE ACTION OUTCOME CLASS (cont.):

☐ 5. Class B-1 RAO: Specify one of the following:

- ☐ a. Contamination is consistent with background levels ☐ b. Contamination is **NOT** consistent with background levels.

☐ 6. Class B-2 RAO: You **MUST** provide an implemented AUL.

☐ 7. Class B-3 RAO: You **MUST** provide an implemented AUL and justification that reducing contamination to less than Upper Concentration Limits (UCLs) 15 feet below ground surface is infeasible.

☐ 8. Class C-1 RAO: You must submit a plan as specified at 310 CMR 40.0861(2)(h). Indicate type of ongoing response actions.

- ☐ a. Active Remedial System ☐ b. Active Remedial Monitoring Program ☐ c. None  
☐ d. Other Specify: \_\_\_\_\_

☐ 9. Class C-2 RAO: You must hold a valid Tier I Permit or Tier II Classification to continue response actions toward a Permanent Solution.

F. RESPONSE ACTION OUTCOME INFORMATION:

1. Specify the Risk Characterization Method(s) used to achieve the RAO described above:

- ☐ a. Method 1 ☐ b. Method 2 ☒ c. Method 3  
☐ d. Method Not Applicable-Contamination reduced to or consistent with background, or Threat of Release abated

2. Specify all Soil Category(ies) applicable. More than one Soil Category may apply at a Site. Be sure to check off all **APPLICABLE** categories:

- ☒ a. S-1/GW-1 ☐ d. S-2/GW-1 ☐ g. S-3/GW-1  
☒ b. S-1/GW-2 ☐ e. S-2/GW-2 ☐ h. S-3/GW-2  
☒ c. S-1/GW-3 ☐ f. S-2/GW-3 ☐ i. S-3/GW-3

3. Specify all Groundwater Category(ies) impacted. A site may impact more than one Groundwater Category. Be sure to check off all **IMPACTED** categories:

- ☐ a. GW-1 ☐ b. GW-2 ☐ c. GW-3 ☒ d. No Groundwater Impacted

4. Specify remediation conducted:

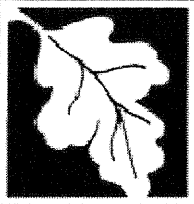
- ☒ a. Check here if soil remediation was conducted.  
☐ b. Check here if groundwater remediation was conducted.

5. Specify whether the analytical data used to support the Response Action Outcome was generated pursuant to the Department's Compendium of Analytical Methods (CAM) and 310 CMR 40.1056:

- ☒ a. CAM used to support all analytical data. ☐ b. CAM used to support some of the analytical data.  
☐ c. CAM not used.

☒ 6. Check here to certify that the Class A, B or C Response Action Outcome includes a Data Usability Assessment and Data Representativeness Evaluation pursuant to 310 CMR 40.1056.

7. Estimate the number of acres this RAO Statement applies to: ~ 160,000



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC104

RESPONSE ACTION OUTCOME (RAO) STATEMENT

Release Tracking Number

Pursuant to 310 CMR 40.1000 (Subpart J)

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G. LSP SIGNATURE AND STAMP:

I attest under the pains and penalties of perjury that I have personally examined and am familiar with this transmittal form, including any and all documents accompanying this submittal. In my professional opinion and judgment based upon application of (i) the standard of care in 309 CMR 4.02(1), (ii) the applicable provisions of 309 CMR 4.02(2) and (3), and 309 CMR 4.03(2), and (iii) the provisions of 309 CMR 4.03(3), to the best of my knowledge, information and belief,

> if Section B indicates that either an **RAO Statement, Phase I Completion Statement and/or Periodic Review Opinion** is being provided, the response action(s) that is (are) the subject of this submittal (i) has (have) been developed and implemented in accordance with the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, (ii) is (are) appropriate and reasonable to accomplish the purposes of such response action(s) as set forth in the applicable provisions of M.G.L. c. 21E and 310 CMR 40.0000, and (iii) comply(ies) with the identified provisions of all orders, permits, and approvals identified in this submittal.

I am aware that significant penalties may result, including, but not limited to, possible fines and imprisonment, if I submit information which I know to be false, inaccurate or materially incomplete.

1. LSP #: 5463

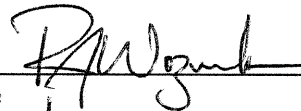
2. First Name: Richard

3. Last Name: Wozmak

4. Telephone: (603) 437-8227

5. Ext.: \_\_\_\_\_

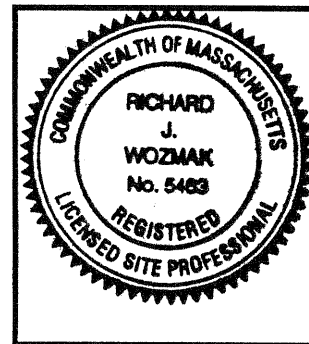
6. FAX: (603) 437-0500

7. Signature: 

8. Date: 7/31/2006

mm/dd/yyyy

9. LSP Stamp:



H. PERSON MAKING SUBMITTAL:

1. Check all that apply: ☐ a. change in contact name ☐ b. change of address ☐ c. change in the person undertaking response actions

2. Name of Organization: Bouchard Transportation Company, Inc

3. Contact First Name: W. Lawrence

4. Last Name: Lopez

5. Street: 58 South Service Road, Suite 150

6. Title: Risk Manager

7. City/Town: Melville

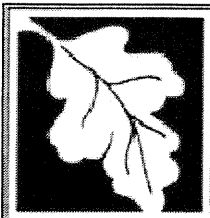
8. State: NY

9. ZIP Code: 11747

10. Telephone: (516) 681-4900

11. Ext.: \_\_\_\_\_

12. FAX: \_\_\_\_\_



**RESPONSE ACTION OUTCOME (RAO) STATEMENT**

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

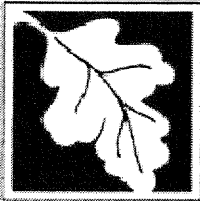
4 - 17786

**I. RELATIONSHIP TO RELEASE OR THREAT OF RELEASE OF PERSON MAKING SUBMITTAL:**

- ☒ 1. RP or PRP    ☐ a. Owner    ☐ b. Operator    ☐ c. Generator    ☒ d. Transporter  
                  ☐ e. Other RP or PRP    Specify: \_\_\_\_\_
- ☐ 2. Fiduciary, Secured Lender or Municipality with Exempt Status (as defined by M.G.L. c. 21E, s. 2)
- ☐ 3. Agency or Public Utility on a Right of Way (as defined by M.G.L. c. 21E, s. 5(j))
- ☐ 4. Any Other Person Making Submittal    Specify Relationship: \_\_\_\_\_

**J. REQUIRED ATTACHMENT AND SUBMITTALS:**

- ☒ 1. Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.
- ☐ 2. Check here to certify that the Chief Municipal Officer and the Local Board of Health have been notified of the submittal of an RAO Statement that relies on the public way/rail right-of-way exemption from the requirements of an AUL.
- ☒ 3. Check here to certify that the Chief Municipal Officer and the Local Board of Health have been notified of the submittal of a RAO Statement with instructions on how to obtain a full copy of the report.
- ☒ 4. Check here to certify that documentation is attached specifying the location of the Site, or the location and boundaries of the Disposal Site subject to this RAO Statement. If submitting an RAO Statement for a PORTION of a Disposal Site, you must document the location and boundaries for both the portion subject to this submittal and, to the extent defined, the entire Disposal Site.
- ☒ 5. Check here to certify that, pursuant to 310 CMR 40.1406, notice was provided to the owner(s) of each property within the disposal site boundaries, or notice was not required because the disposal site boundaries are limited to property owned by the party conducting response actions. (check all that apply)
- ☒ a. Notice was provided prior to, or concurrent with the submittal of a Phase II Completion Statement to the Department.
- ☒ b. Notice was provided prior to, or concurrent with the submittal of this RAO Statement to the Department.
- ☐ c. Notice not required.    d. Total number of property owners notified, if applicable: 1,340
- ☐ 6. Check here if required to submit one or more AULs. You must submit an AUL Transmittal Form (BWSC113) and a copy of each implemented AUL related to this RAO Statement. Specify the type of AUL(s) below: (required for Class A-3, A-4, B-2, B-3 RAO Statements)
- ☐ a. Notice of Activity and Use Limitation    b. Number of Notices submitted: \_\_\_\_\_
- ☐ c. Grant of Environmental Restriction    d. Number of Grants submitted: \_\_\_\_\_
- ☐ 7. If an RAO Compliance Fee is required for any of the RTNs listed on this transmittal form, check here to certify that an RAO Compliance Fee was submitted to DEP, P. O. Box 4062, Boston, MA 02211.
- ☐ 8. Check here if any non-updatable information provided on this form is incorrect, e.g. Site Address/Location Aid. Send corrections to the DEP Regional Office.
- ☒ 9. Check here to certify that the LSP Opinion containing the material facts, data, and other information is attached.



Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup

BWSC104

RESPONSE ACTION OUTCOME (RAO) STATEMENT

Pursuant to 310 CMR 40.1000 (Subpart J)

Release Tracking Number

4 - 17786

K. CERTIFICATION OF PERSON MAKING SUBMITTAL:

1. I, Richard Wozmak, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this transmittal form, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the entity legally responsible for this submittal. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate, or incomplete information.

2. By:

[Signature]  
Signature

3. Title: Licensed Site Professional

4. For:

Agent for Bouchard Transportation Co., Inc.

(Name of person or entity recorded in Section H)

5. Date:

7/31/2006  
mm/dd/yyyy

☐ 6. Check here if the address of the person providing certification is different from address recorded in Section H.

7. Street:

8. City/Town:

9. State:

10. ZIP Code:

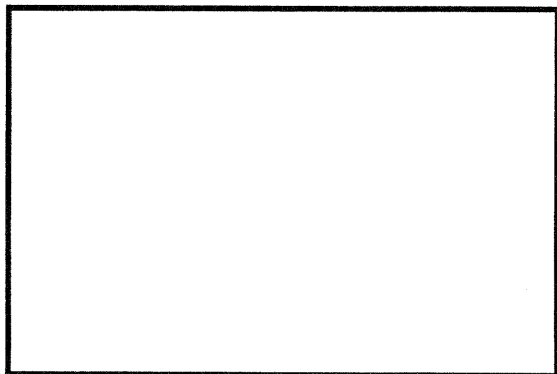
11. Telephone:

12. Ext.:

13. FAX:

YOU ARE SUBJECT TO AN ANNUAL COMPLIANCE ASSURANCE FEE OF UP TO \$10,000 PER BILLABLE YEAR FOR THIS DISPOSAL SITE. YOU MUST LEGIBLY COMPLETE ALL RELEVANT SECTIONS OF THIS FORM OR DEP MAY RETURN THE DOCUMENT AS INCOMPLETE. IF YOU SUBMIT AN INCOMPLETE FORM, YOU MAY BE PENALIZED FOR MISSING A REQUIRED DEADLINE.

Date Stamp (DEP USE ONLY:)





**Supplement to BWSC104**  
Barge B120 Release  
Buzzards Bay, Massachusetts  
4-17786

**Section C – Description of Response Actions**

15. a. Re-Use, Recycling or Treatment

The following volume of oiled stone and sediment was removed during Unified Command cleanup operations and sent off-site to the following facilities for recycling or treatment:

<b>Estimated Volume (yds<sup>3</sup>)</b>	<b>Estimated Weight (tons)</b>	<b>Facility Name</b>	<b>Town</b>	<b>State</b>
220	330.71	Environmental Soil Management, Inc.	Loudon	NH
143	215.82	Aggregate Recycling Corp.	Eliot	ME
1,219	1,829.08	Aggregate Industries	South Dennis	MA

17. Removal of Other Contaminated Media

The following amount of miscellaneous material, including oiled absorbent material and spent personal protective equipment, was removed during Unified Command cleanup operations and sent off-site to the following facility for treatment:

<b>Estimated Weight (tons)</b>	<b>Facility Name</b>	<b>Town</b>	<b>State</b>
2,965.68	SE MASS	Rochester	MA

The following amount of miscellaneous material (including oiled absorbent material and spent personal protective equipment) as well as oiled stone and sediment was removed during Immediate Response Action (IRA) cleanup operations conducted under the MCP and sent off-site to the following facility for treatment:

<b>Estimated Weight (tons)</b>	<b>Facility Name</b>	<b>Town</b>	<b>State</b>
15.73	SE MASS	Rochester	MA

**Section J – Required Attachments and Submittals**

1. Check here if the Response Action(s) on which this opinion is based, if any, are (were) subject to any order(s), permit(s) and/or approval(s) issued by DEP or EPA. If the box is checked, you MUST attach a statement identifying the applicable provisions thereof.

Massachusetts Department of Environmental Protection Orders, Permits, and/or Approvals:

- September 8, 2003 Request for IRA with Interim Deadlines;
- July 27, 2004 Decision to Grant Permit;
- January 18, 2006 Phase II Scope of Work Conditional Approval/Interim Deadline;
- June 27, 2006 Phase II SOW Addendum Approval.

*Bouchard Transportation Co., Inc.*

58 South Service Road, Suite 150  
Melville, New York 11747  
Tel.: (631) 390-4900  
Fax: (631) 390-4905

ATLANTIC COAST • LONG ISLAND SOUND  
GREAT LAKES • GULF COAST

January 29, 2004

Richard J. Wozmak  
GeoInsight, Inc.  
319 Littleton Road, Suite 105  
Westford, MA 01886

RE: B120 Oil Release  
RTN 4-17786  
Buzzards Bay, Massachusetts

Dear Mr. Wozmak:

In accordance with 310 CMR 40.0009 (2), this letter is to serve as written authorization for you to act as an agent for Bouchard Transportation Company, Inc. for the purposes of making written declarations required under 301 CMR 40.0000. This authorization applies to written declarations for the release of oil from Bouchard Barge B120 on April 27, 2003 (release tracking number 4-17786).

Sincerely,



Victor P. Corso, Esq.  
Risk Manager