



**MASSACHUSETTS CONTINGENCY PLAN
PHASE I SITE INVESTIGATION ADDENDUM**

**FORMER LEWIS CHEMICAL CORPORATION
12-24 FAIRMONT COURT
HYDE PARK, MASSACHUSETTS**

DEP Site Number: 3-1616

May 16, 2005

Prepared for:

City of Boston Public Facilities Commission
Acting through its Department of Neighborhood Development
26 Court Street, 9th Floor
Boston, MA 02108

Prepared by:

Environmental Strategies & Management, Inc.
184 West Main Street
Norton, Massachusetts 02766

CONTENTS

1.0 INTRODUCTION	1
2.0 ADDITIONAL SITE INFORMATION	1

FIGURES

- 1 Locus Map
- 2 Site Scoring Map

TABLES

- 1 Soil Analytical Results – High and Low Concentrations
- 2 Sediment Analytical Results – High and Low Concentrations
- 3 Groundwater Analytical Results – High and Low Concentrations
- 4 Surface Water Analytical Results – High and Low Concentrations

APPENDICIES

- A OHM Use and Storage Information
- B Waste Management History Information
- C Environmental Compliance History Information

1.0 INTRODUCTION

The City of Boston Public Facilities Commission, through its Department of Neighborhood Development (DND) retained Environmental Strategies & Management, Inc. (ES&M) to complete a Phase I Initial Site Investigation and Tier Classification package for the former Lewis Chemical site, 12-24 Fairmount Court, Hyde Park, Massachusetts.

A Phase I Brownfields site investigation was conducted at the site in 2002 by ES&M under the direction of the Massachusetts Department of Environmental Protection (DEP). The Phase I site investigation included most of the elements of a Phase I Site Investigation, as required by the Massachusetts Contingency Plan (MCP), 310 CMR 40.0483. The purpose of this Phase I Addendum is to present additional site information to fulfill the remaining MCP Phase I requirements.

2.0 ADDITIONAL SITE INFORMATION

The following is site specific information required by 310 CMR 40.0483 that was not included in the Phase I Brownfield site investigation report:

310 CMR 40.0483 (1)(a)(2) – Geographical location

The approximate center of the site is located at Latitude 42° 15' 11.5" (42.253027); Longitude 71° 7' 13.0" (-71.119645). The UTM Coordinates are N 4679831.549; E 325144.453. The "site" includes land formerly owned by Lewis Chemical Corporation and currently owned by the City of Boston (through tax foreclosure); and land adjacent to the Neponset River owned by the Massachusetts Department of Conservation and Recreation ("DCR", formerly known as Metropolitan District Commission or "MDC").

310 CMR 40.0483 (1)(a)(3) – Locus map

See Figure 1 for Site Locus Map.

310 CMR 40.0483 (1)(a)(4) – Number of on-site workers

No on-site workers. The site is fenced off and is currently vacant.

310 CMR 40.0483 (1)(a)(5) – Estimated residential population

The estimated residential population within ½ mile radius of the site is 10,667 people.

310 CMR 40.0483 (1)(a)(7) – Institutions

The only institution within 500 feet of the site is the Fairmount Rest Home, located at

172 Fairmount Ave.

310 CMR 40.0483 (1)(a)(8) – Natural resource areas

Natural resources in the vicinity of the site are shown on the MADEP Bureau of Waste Site Cleanup Site Scoring Map (Figure 2). The Neponset River and associated protected open space is within 500 feet of the site.

310 CMR 40.0483 (1)(b)(1) – Boundary of disposal site

Based on the results of the Phase I, the limits of the disposal site are not defined at this time.

310 CMR 40.0483 (1)(c)(1) – Owner and operations history

The Phase I described the operations history of the site as a leather manufacturing facility from circa 1940 to 1960, and as the Lewis Chemical Corporation facility from 1963 to 1983. From 1983 to 2000, the property was leased to a variety of tenants, but was not used during this time period for chemical storage or handling. Since 2000, the property has been vacant.

City of Boston records were further reviewed to provide additional details of the ownership history. The records revealed the following:

- Parcel 18-10598-000; assessed owner Laurie A. McKeown, Trustee of Citadel Realty Trust (just prior to tax foreclosure)
- Tax taking on 10/06/1987; tax foreclosure on 10/18/2000
- Assessors maps reviewed were dated 10/1974, 11/15/1946 and 3/13/1928. Ownership information was not included on these maps.
- Mortgage information for the years after 1983 indicated a number of mortgage holders and/or owners, including: Carl Sutura (officer of Lewis Chemical); Ronald Gerhard/High Plains Mortgage Company; Segal Mortgage Company; Adrienne Smith; and Laurie A. McKeown/Citadel Realty Trust. Specific uses of the property during this timeframe were not specified.

310 CMR 40.0483 (1)(c)(3) – OHM use and storage history

Lewis Chemical was involved in the collection, storage, treatment and repackaging of oil and hazardous materials. Appendix A includes information from local and State sources pertaining to the types of chemicals handled, the quantities that were allowed under their storage permit, and storage tank/vessel locations.

310 CMR 40.0483 (1)(c)(4) – Waste management history

The files reviewed by ES&M contained little information regarding waste management practices at the Lewis Chemical facility. Observations from the previous field

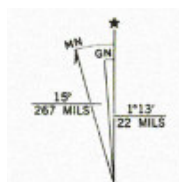
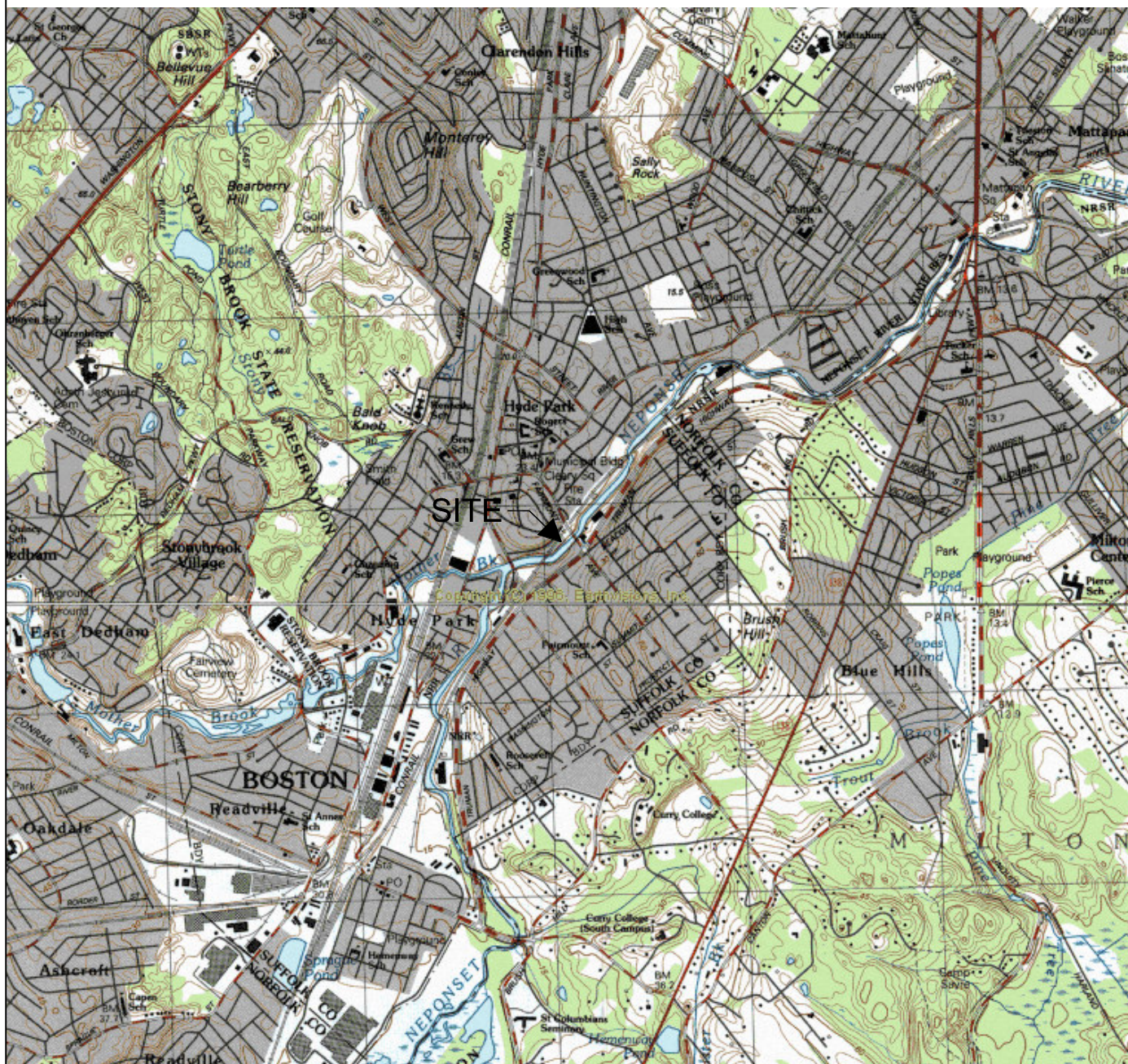
investigation indicated a potential fill/burial area in the southern corner of the site. This area was initially investigated during the Phase I, and will be assessed in more detail during the Phase II.

310 CMR 40.0483 (1)(c)(5) – Environmental permits and compliance history

The local and State files contained many documents related to permit violations and non-compliance at the facility (see Appendix C). The violations were numerous, and generally related to poor waste handling practices, spills of hazardous materials, and neighborhood complaints. There were numerous government agencies involved, included the Board of Health, Conservation Commission, Boston Environmental Strike Team, and the Massachusetts DEP. The actions of these agencies led to the cease and desist order, which eventually forced Lewis Chemical to stop their operation in 1983.

310 CMR 40.0483 (1)(e)(2)(c) – Minimum and maximum concentrations

A series of tables are included to summarize the contaminants that were detected during the Phase I, and the minimum and maximum concentrations that were detected.

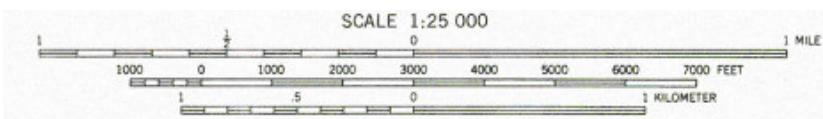


SOURCE: U.S.G.S. 7.5 x 15 MINUTE
TOPOGRAPHIC QUADRANGLE
BOSTON SOUTH, MASS. (1987)

SITE COORDINATES:

LAT: 42° 15' 10" N

LON: 71° 07' 13" W



**Environmental
Strategies
& Management, Inc.**

184 West Main Street
Norton, MA 02766
(508) 285-9700
(508) 285-9957 fax
info@esm-inc.com

GAUGING DATE: NA	DRAWING DATE: 03/24/05	ACAD FILE: LEWIS2/SLM
---------------------	---------------------------	--------------------------

SITE LOCUS MAP

CLIENT:	DND - FORMER LEWIS CHEMICAL		PM:	DH
LOCATION:	12 - 24 FAIRMOUNT CT. HYDE PARK, BOSTON, MA		LSP:	DH
DESIGNED:	DWG:	PROJECT NO.:	FIGURE:	
-	AF	2004-301	1	

MA DEP - Bureau of Waste Site Cleanup

Site Scoring Map: 500 feet & 0.5 Mile Radii

SITE NAME:

Former Lewis Chemical
12 to 24 Fairmount Ct
Hyde Park
BOSTON, MA 02136
421510n 710713ew

Site Location



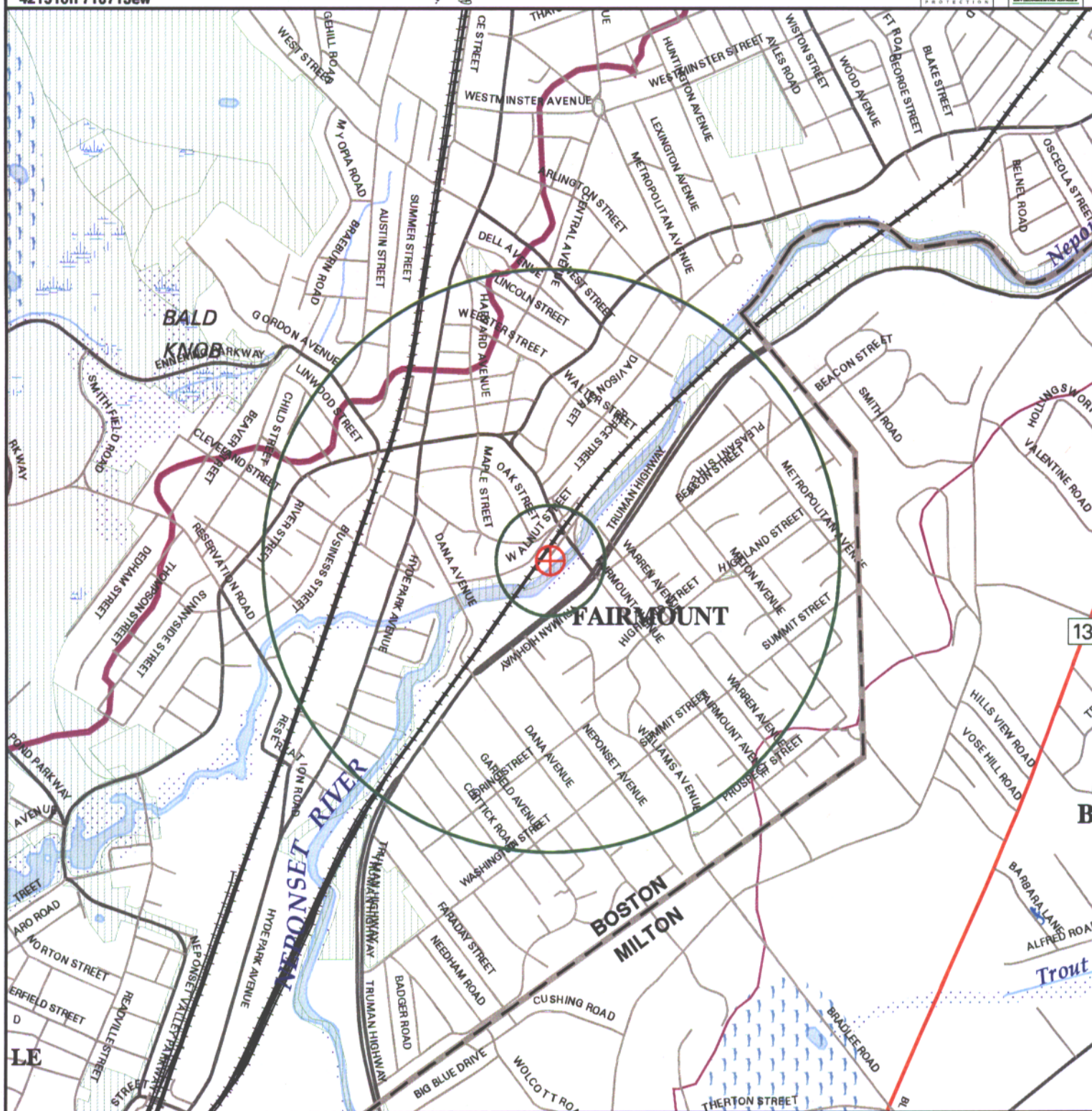
The information shown on this map is the best available at the date of printing. Please refer to the data source descriptions document.



Massachusetts
Geographic
Information
System

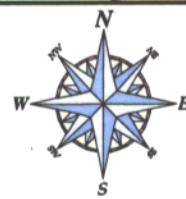


Massachusetts Executive Office of Environmental Affairs - 2004



Roads: Limited Access, Divided, Major Road, Connector, Street, Track, Trail
Boundaries: Town, County, DEP Region; Train; Powerline; Pipeline; Aqueduct
Basins: Major, Sub; Streams: Perennial, Intermittent, Man Made Shore, Dams
Potentially Productive Aquifers: Medium, High Yield
Non-Potential Drinking Water Source Area: Medium, High Yield

EPA Sole Source Aquifer; FEMA 100-year floodplain
Public Water Supplies: Ground, Surface, Non Community
Approved Zone2; NWPA; Surface Water Supply Zone A
Hydrography: Water Features, Public Surface Water Supply
Wetlands: Fresh, Salt, NHEPS Wetlands Habitat
Protected Open Space; ACEC
DEP Permitted Solid Waste Facilities; Certified Vernal Pools



SCALE 1:15000

0 1/2 1 KILOMETERS

December 10, 2004

Table 1
Former Lewis Chemical
Soil Analytical Results
High and Low Concentrations
(mg/kg)

PCBS	High Result		Low Result	
aroclor-1248	68	TANKFARMMDR	0.078P	ESM-07
aroclor-1254	0.16P	ESM-01 (DUP)	0.15P	ESM-01
METALS	High Result		Low Result	
Arsenic	5.3	ESM-10	0.81B	ESM-01 (DUP)
Barium	241	Drain-01	12.6	ESM-07
Cadmium	6.3	Drain-01	0.15B	ESM-10
Chromium	101	Drain-02	6.5	ESM-07
Lead	416	Drain-01	2.0*	ESM-01 (DUP)
Lead (surfical)	2640	C-80-100	250	C-140-120
Mercury	1.7	Drain-02	0.029B*N	ESM-05
Silver	15	Drain-01	0.27B	ESM-01 (DUP)
Cyanide	0.52B	Drain-01		
PESTICIDES	High Result		Low Result	
alpha-BHC	0.0035	ESM-08	0.0022	ESM-06
beta-BHC	0.130	Drain-01	0.046	Drain-02
gamma-BHC (lindane)	0.0057P	ESM-03	0.004P	ESM-08
heptachlor epoxide	0.055P	TANKFARMMDR	0.0023P	ESM-06
endosulfan I	0.043P	TANKFARMMDR	0.0025P	ESM-06
dieldrin	0.074P	Drain-02	0.058P	Drain-01
4,4'-DDE	0.33	TANKFARMMDR	0.0041	ESM-01
4,4'-DDD	0.063	Drain-02	0.037	Drain-01
4,4'-DDT	0.044P	Drain-01		
endrin ketone	0.055	Drain-02		
gamma-chlordane	0.14P	TANKFARMMDR	0.0034P	ESM-06
endrin aldehyde	0.025P	Drain-01		
SEMI VOLATILES	High Result		Low Result	
phenol	0.071J	ESM-10		
1,4-dichlorobenzene	1.1J	ESM-03	0.19J	TANKFARMMDR
1,2-dichlorobenzene	24	ESM-03	0.058J	ESM-06
2-Methylphenol	0.062J	ESM-10		
4-methylphenol	0.84	ESM-10	0.039J	ESM-05
2,4-dimethylphenol	0.33J	ESM-10		
1,2,4-trichlorobenzene	0.490J	Drain-01		
naphthalene	2.8J	ESM-03	0.081J	ESM-01
2-methylnaphthalene	0.43J	ESM-03	0.059J	ESM-08
2,4,6-trichlorophenol	0.270DJ	Drain-02DL		
2,4,5-trichlorophenol	0.430J	Drain-02	0.07J	ESM-05
acenaphthylene	0.056J	Drain-02		
acenaphthene	0.82J	ESM-03	0.11J	ESM-08
dibenzofuran	0.140J	Drain-02		
fluorene	82J	ESM-08	0.046J	ESM-10
pentachlorophenol	0.34J	ESM-08		
phenanthrene	6.4	ESM-03	0.044J	ESM-07
anthracene	1.3J	ESM-03	0.074J	ESM-08
carbazole	1.1J	ESM-03	0.200J	Drain-02
di-n-butylphthalate	14.000	Drain-01	9.8	ESM-03
fluoranthene	7.6	ESM-03	0.097J	ESM-05
pyrene	7.6	ESM-03	0.1J	ESM-05
butylbenzylphthalate	3.700J	Drain-01		
benzo(a)anthracene	3.4J	ESM-03	0.058J	ESM-06
chrysene	3.5J	ESM-03	0.042J	ESM-05
bis(2-ethylhexyl)phthalate	63.000	Drain-01	0.043J	ESM-04
di-n-octylphthalate	4.000J	Drain-01		
benzo(b)fluoranthene	4	ESM-03	0.078J	ESM-02
benzo(k)fluoranthene	1.6J	ESM-03	0.069J	ESM-10
benzo(a)pyrene	3.2J	ESM-03	0.065J	ESM-02
indeno(1,2,3-cd)pyrene	2J	ESM-03	0.12J	ESM-08
benzo(g,h,i)perylene	2J	ESM-03	0.082J	ESM-10

Notes:

Only one detection where only high concentration is presented.
See Data Qualifiers list for explanations.

Table 1
Former Lewis Chemical
Soil Analytical Results
High and Low Concentrations
(mg/kg)

VOLATILES	High Result		Low Result	
Dichlorodifluoromethane	0.016	ESM-03		
Vinyl Chloride	1.200E	ESM-03	0.006	ESM-05 & ESM-06
Chloroethane	0.004	ESM-06		
Trichlorofluoromethane	1.600E	ESM-03		
1,1-Dichloroethene	14.000D	ESM-03 DL	0.019	ESM-09
Acetone	2.700J	Drain-01	0.034	ESM-09
Carbon Disulfide	0.080	ESM-08	0.003J	ESM-09
Methylene Chloride	4.100E	TANKFARM DR	0.009B	ESM-07
trans-1,2-Dichloroethene	0.030	ESM-08	0.002J	ESM-06, ESM-04
Methyl tert-butyl ether	0.003J	ESM-05	0.002J	ESM-04, ESM-06, ESM-07, ESM-09
1,1-Dichloroethane	4.300DJ	ESM-03 DL	0.022	ESM-07
2-Butanone	0.170D	ESM-09 DL	0.005	ESM-04
cis-1,2-Dichloroethene	11.000DJ	ESM-03 DL	0.058DJ	ESM-04 DL
1,1,1-Trichloroethane	120.000D	ESM-03 DL	0.010	ESM-04
1,2-Dichloroethane	1.800D	TANKFARM DR DL	0.001J	ESM-07
Trichloroethene	190.000	Drain-01	0.009	ESM-04
4-Methyl-2-pentanone	0.140	ESM-05		
Toluene	300.000	ESM-03 DL	0.031	ESM-04
1,1,2-Trichloroethane	0.041	ESM-05		
Tetrachloroethene	340.000D	ESM-03 DL	0.004J	ESM-09
Chlorobenzene	0.270J	Drain-02	0.005	ESM-06
Ethylbenzene	46.000	ESM-10, ESM-08 DL	0.003J	ESM-09
Xylene (Total)	83.000D	ESM-08 DL	0.008	ESM-07
Styrene	0.120	ESM-03		
Bromoform	0.006	ESM-04	0.004J	ESM-07
Isopropylbenzene	0.640E	ESM-03	0.004J	ESM-07, ESM-06
1,1,2,2-Tetrachloroethane	0.017	ESM-05		
n-Propylbenzene	2.700E	ESM-03	0.013	ESM-06
1,3,5-Trimethylbenzene	3.600	Drain-02	0.028	ESM-06
tert-Butylbenzene	0.160	ESM-03		
1,2,4-Trimethylbenzene	6.900DJ	ESM-03 DL	0.003J	ESM-09
sec-Butylbenzene	0.630E	ESM-03	0.010	ESM-08
4-Isopropyltoluene	3.300D	ESM-08 DL	0.019	ESM-05
1,4-Dichlorobenzene	1.200E	ESM-03	0.013	ESM-06
n-Butylbenzene	0.130DJ	TANKFARM DR DL		
1,2-Dichlorobenzene	16.000D	ESM-03 DL	0.014	ESM-04
1,2,4-Trichlorobenzene	0.240E	ESM-03	0.006	ESM-06
Naphthalene	1.900E	ESM-03	0.002J	ESM-09

Notes:

Only one detection where only high concentration is presented.
See Data Qualifiers list for explanations.

Table 2
Former Lewis Chemical
Sediment Analytical Results
High and Low Concentrations
(mg/kg)

METALS	High Result		Low Result	
Arsenic	12.7	SED-SH	3.4	SED-DUP
Barium	164	SED-SH	40.2	SED-DUP
Cadmium	3.6	SED-SH	0.49	SED-DS
Chromium	100	SED-SH	18.2	SED-DUP
Lead	296	SED-SH	105	SED-DUP
Mercury	2.1	SED-US	0.15B	SED-DUP
Selenium	4.3	SED-SH		
Silver	2.3	SED-SH	0.49B	SED-DUP
SEMI VOLATILES	High Result		Low Result	
1,2-dichlorobenzene	0.320J	SED-SH		
naphthalene	0.410J	SED-MC		
2-methylnaphthalene	0.280J	SED-MC		
acenaphthylene	0.210J	SED-MC		
acenaphthene	1.000J	SED-DS	0.760J	SED-MC
dibenzofuran	0.620J	SED-DS	0.420J	SED-MC
fluorene	0.950J	SED-DS & SED-DUP	0.240J	SED-SH
phenanthrene	10.000	SED-DS	2.700	SED-SH
anthracene	2.000J	SED-DS	0.490J	SED-SH
carbazole	1.100J	SED-DS	0.440J	SED-SH
fluoranthene	11.000	SED-DS	4.600	SED-SH
pyrene	13.000	SED-DS & SED-DUP	6.400	SED-SH
benzo(a)anthracene	4.900J	SED-DS & SED-DUP	2.000J	SED-SH
chrysene	6.200	SED-DUP	3.400	SED-SH
bis(2-ethylhexyl)phthalate	11.000	SED-DUP	2.200J	SED-DS
di-n-octylphthalate	1.800J	SED-SH	0.420J	SED-MC
benzo(b)fluoranthene	6.500	SED-DS	4.000	SED-SH
benzo(k)fluoranthene	2.800J	SED-DUP	1.800J	SED-SH & SED-US
benzo(a)pyrene	4.700J	SED-DUP	2.300	SED-SH
indeno(1,2,3-cd)pyrene	2.200	SED-MC	1.400J	SED-US
benzo(g,h,i)perylene	2.200J	SED-DUP	1.400J	SED-SH

Notes:
There is only one detection where only high result is presented.
See Data Qualifier list for explanations.

Table 3
Former Lewis Chemical
Groundwater Analytical Results
High and Low Concentrations
(ug/l)

METALS	High Result		Low Result	
Arsenic	9.7B	ESM-05	3.2B	ESM-08
Barium	260	ESM-04	42.1B	ESM-07
Lead	4.4B	B1/OW1	1.5B	ESM-07
Selenium	9.0B	ESM-10		
Silver	2.9B	ESM-05	2.3B	ESM-DUP*
SEMI VOLATILES	High Result		Low Result	
phenol	37	ESM-05	3J	ESM-01
bis(2-chloroethyl)ether	350	ESM-09	12	ESM-10
1,3-dichlorobenzene	18J	ESM-03		
1,4-dichlorobenzene	93	ESM-06	2J	ESM-02
1,2-dichlorobenzene	1400	ESM-06	8J	ESM-DUP
2-Methylphenol	180	ESM-03	3J	ESM-09
4-methylphenol	96J	ESM-03	1J	ESM-02
isophorone	280E	ESM-05		
2,4-dimethylphenol	19J	ESM-08	1J	ESM-10
1,2,4-trichlorobenzene	15	ESM-02	1J	ESM-05
naphthalene	110	ESM-03	5J	ESM-01
2-methylnaphthalene	2J	ESM-01	1J	ESM-05
2,4,5-trichlorophenol	140	ESM-05		
acenaphthylene	3J	ESM-01		
dibenzofuran	4J	ESM-01		
diethylphthalate	2J	ESM-05		
fluorene	3J	ESM-01		
pentachlorophenol	8J	ESM-08		
phenanthrene	43DJ	ESM-01DL	2J	ESM-05 & ESM-04
anthracene	9DJ	ESM-01DL	8J	ESM-01
carbazole	6J	ESM-01		
di-n-butylphthalate	10J	ESM-03		
fluoranthene	43DJ	ESM-01DL	1J	ESM-10 & ESM-05
pyrene	35DJ	ESM-01DL	1J	ESM-10 & ESM-05
butylbenzylphthalate	3J	ESM-01		
benzo(a)anthracene	20DJ	ESM-01DL	1J	ESM-04
chrysene	27J	ESM-06	1J	ESM-04
bis(2-ethylhexyl)phthalate	960D	ESM-01DL	1J	ESM-04
di-n-octylphthalate	9J	ESM-01		
benzo(b)fluoranthene	23	ESM-01	2J	ESM-04 & DUP (ESM-4)
benzo(k)fluoranthene	10DJ	ESM-01DL	1J	ESM-DUP
benzo(a)pyrene	17J	ESM-01	1J	ESM-04
indeno(1,2,3-cd)pyrene	8J	ESM-01		
benzo(g,h,i)perylene	9J	ESM-01		

Notes:

There is only one detection where only high result is indicated.

ESM-Dup is ESM-04.

See data qualifier sheet for explanations.



Table 3
Former Lewis Chemical
Groundwater Analytical Results
High and Low Concentrations
(ug/l)

VOLATILES	High Result		Low Result	
Vinyl Chloride	340	ESM-04	130J	ESM-01
Chloroethane	190	B1/0W1		
1,1-Dichloroethene	15000	ESM-05	5J	ESM-07 & B1/0W1
Methylene Chloride	2300	ESM-01	14J	ESM-10
trans-1,2-Dichloroethene	130J	ESM-09	3J	ESM-07 & ESM-02
Methyl tert-butyl ether	9J	ESM-07		
1,1-Dichloroethane	5500J	ESM-05	10J	ESM-10
cis-1,2-Dichloroethene	60000	ESM-03	63	ESM-10
1,1,1-Trichloroethane	210000	ESM-05	14J	ESM-10
1,2-Dichloroethane	5500J	ESM-05	6J	B1/0W1
Trichloroethene	250000	ESM-05	13	ESM-02
Toluene	77000	ESM-05	70	ESM-10
Tetrachloroethene	18000	ESM-06	4J	ESM-02
Ethylbenzene	2300	ESM-08	3J	B1/0W1
Xylene (Total)	7100	ESM-03	7J	B1/0W1
Isopropylbenzene	2J	ESM-02		
n-Propylbenzene	4J	ESM-02		
1,3,5-Trimethylbenzene	11	ESM-02		
1,2,4-Trimethylbenzene	34	ESM-02		
sec-Butylbenzene	12	ESM-02		
4-Isopropyltoluene	81J	ESM-01	25	ESM-10
1,4-Dichlorobenzene	3J	ESM-02		
1,2-Dichlorobenzene	1600J	ESM-06	98J	ESM-01
1,2,4-Trichlorobenzene	21	ESM-02		
Naphthalene	13	ESM-02		

Notes:

There is only one detection where only high result is indicated.

ESM-Dup is ESM-04.

See data qualifier sheet for explanations.

Table 4
Former Lewis Chemical
Surface Water Analytical Results
High and Low Concentrations
(ug/L)

METALS	High Result		Low Result		
Barium	53.6B	SW-US	39.6B	SW-DS	
Lead	1.9B	SW-SH	1.3B	SW-DS & SW-MC	
VOLATILES	High Result		Low Result		
Vinyl Chloride	3J	SW-SH			
Chloroethane	3J	SW-SH			
1,1-Dichloroethane	4J	SW-SH			
cis-1,2-Dichloroethene	12	SW-SH	1J	SW-DS	
1,1,1-Trichloroethane	5	SW-SH			
Toluene	1J	SW-SH			

Notes:
There is only one detection where only low result is presented.
See Data Qualifier list for explanations.

Data Qualifiers Used

P flag is used for pesticide/PCB/herbicide compound when there is a greater than 40% difference for detected concentration between the two GC columns used for Primary and Confirmation analysis. The difference typically indicates an interference, causing one value to be unusually high. The lower of the two values is reported in the Analysis Report.

B indicates a "trace" concentration below the reporting limit and equal to or above the detection limit.

N indicates the matrix spike recovery falls outside of the control limit.

B indicates that the compound was also detected in the method blank.

J indicates an estimated value due to a detection below the reporting limit or an estimated concentration for Tentatively Identified Compound.

E indicates that the compound concentration exceeded the Calibration Range.

D indicates that the compound concentration was obtained from a diluted analysis.
(Duplicate sample is identified with a DL.)



APPENDIX A

This license to be renewed with the Fire Department on or before April 30th of each year.



CITY OF BOSTON—BUILDING DEPARTMENT
ROOM 901, CITY HALL ANNEX
BOSTON 8, MASSACHUSETTS

PUBLIC SAFETY COMMISSION—COMMITTEE ON LICENSES

LICENSE NO. **CC 543**

Date issued: **May 9, 1963**

THIS IS TO CERTIFY THAT A LICENSE HAS BEEN GRANTED ON **April 22, 1963** IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 148, SECTION 13, OF THE GENERAL LAWS TO USE THE LAND HEREIN DESCRIBED FOR THE KEEPING, STORAGE AND SALE OF:

2,500 Gallons of Fuel Oil, 1,000 gallons of Toluol, 500 gallons Acetone, 200 gallons Ethyl Acetate, 200 gallons of Xylol, 500 gallons of Isopropyl Alcohol, 500 gallons of Ethyl Alcohol, 500 gallons of Methyl Ethyl Ketone, 500 gallons of Isopropyl Acetate, 500 gallons of Butyl Acetate, 500 gallons of Isobutyl Acetate, 500 gallons of Mineral Spirit, 500 gallons of Naphthas and 150 gallons of Benz Ether. Total: 8,550 gallons of Flammable Liquids.

in the building (s) or other structure (s) which is/ are or is/ to be situated thereon and as described on the plan filed with the application for this license.

Location of Land: **12-14 Fairmount Court, Hyde Park, Mass., Ward 18.**

Lessee

~~Owner~~ } of land **Lewis Chemical Co. Inc.**

Address **12-14 Fairmount Court, Hyde Park,**

RS-388.41

Dimensions of Land Ft. Front **167**

Ft. Deep **LS-250.72**

Area Sq. Ft. **20,144**

Number of buildings or structures on land, the use of which requires land to be licensed **one building, at drums, metal cans and tank underground.**

Manner of keeping: **Solvents to be kept in steel drums and metal cans. Fuel Oil in tank underground.**

All materials to be stored and handled in accordance with Ch. 148, G. L. Rules and Regulations of the Board of Fire Prevention Regulations and the Boston Fire Prevention Code.

VOTED: All provisions of this license must be exercised on or before six months from date of issuance otherwise said license will be revoked.

NOTICE: This license or a photostatic copy thereof **MUST BE POSTED** in a conspicuous place on the land for which it has been granted.

ROBERT E. YORK, Chairman
THOMAS J. GRIFFIN
THOMAS F. CARTY

} Committee on
Licenses

Committee on Licenses

ATTEST: _____

Secretary

CITY OF BOSTON

To the Public Safety Commission
Committee on Licenses
Building Department

Boston, April 5, 1963
(Date)

APPLICATION

For the lawful use of the herein-described building and other structure, application is hereby made in accordance with the provisions of Chapter 148 of the General Laws (Ter. Ed.), for a license to use the land which such building or other structure is/are or is/are to be situated for the ~~KEEPING-STORAGE~~ ~~KEEPING-STORAGE~~ and SALE of: 2,500 Gallons of Fuel Oil, 1,000 gallons of Toluol, 500 gallons of Acetone, 200 gallons of Ethyl Acetate, 200 gallons of Xylol, 500 gallons of Isopropyl Alcohol, 500 gallons of Ethyl Alcohol, 500 gallons of Methyl Ethyl Ketone, 500 gallons of Isopropyl Acetate, 500 gallons of Butyl Acetate, 500 gallons of Isobutyl Acetate, 500 gallons of Spirits, 500 gallons of Naphthas and 150 gallons of Ether. TOTAL: 8,550 gallons of Fl

Location of land 12-24 Fairmount Court, Hyde Park, Mass. Ward 18
(Street and Number)
Owner of land Leather Mfg. Co. Inc. Address 20 Fairmount Court, Hyde Park, Ma

Dimensions of land: Ft. front 167 Ft. deep 18-250.72 Area sq. ft. 20,114
Number of buildings or structures on land, the use of which requires land to be licensed one building, etc
Manner of keeping solvents to kept in steel drums and metal cans. Fuel Oil in tank underground.

LEWIS CHEMICAL COMPANY, INC.

April 5, 1963 By: Walter F. Peters
(Hand of Fire Dept.) Det. Chief Dist 10
400 Northampton Street, Boston 1

City of Boston. In Public Safety Commission, Committee on Licenses.

In the foregoing petition, it is hereby ORDERED, that notice be given by the petitioner to all parties interested in the application. Committee will on day of at o'clock A.M. consider the expediency of granting the prayer of the above petition when any parties who object thereto may appear and be heard. Said notice is to be given by publication of a copy of said petition and this order thereon in the at least 7 days before said hearing and also by registered mail, not less than 7 days such hearing to all owners of real estate abutting on said land.

A true copy.
Attest:

Secretary.

Action Taken:

NOTE—A certified plat-plan of land to be licensed must be submitted with this application; the plan to be drawn to scale and clearly showing:

Boundaries of the land to be licensed; all buildings or other structures to be situated thereon the use of which requires land to be licensed; and from boundary lines; also of each building or structure.

April 5, 1963

<u>NAME</u>	<u>LOCATION</u>	<u>WARD</u>	<u>PETITIONING FOR:</u>
Lewis Chemical Co. Inc.	12-24 Fairmount Ct. Hyde Park	18	A license for the storage and sale of Gals. Fuel Oil, 100 Toluol, 500 Acetone Ethyl Acetate, 200 Isopropyl Alcohol, Alcohol, 500 Methyl Ketone, 500 Isoprop Acetate, 500 Butyl 500 Isobutyl Acetat Mineral Spirits, 50 and 150 gals. Ether 8,550 gals. of flam

2,500 fuel ✓
 1,000 Toluol ✓
 500 acetone ✓
 200 Xylol ✓
 500 ethyl acetate ✓
 500 methyl acetate ✓
 500 acetone ✓
 500 Butyl ✓
 500 Isobutyl acetate ✓
 FOR THE BOSTON FIRE DEPARTMENT
 500 Isopropyl alcohol ✓
 500 naphthalene ✓
 150 ether ✓
 7850 Isopropyl alcohol ✓
 7500
 8350

4500
 2000
 7000
 11000
 8000
 3000
 5000
 8500
 1500
 8500

TAKEN TO B.F.D. ON 4-5-63
HJC

NAMELOCATIONWARDPETITIONING FOR:

Lewis Chemical Co. Inc.

12-24 Fairmount Ct.
Hyde Park

18

A license for the k
storage and sale of
Gals. Fuel Oil, 100
Toluol, 500 Acetone
Ethyl Acetate, 200
Isopropyl Alcohol,
Alcohol, 500 Methyl
Ketone, 500 Isoprop
Acetate, 500 Butyl
500 Isobutyl Acetat
Mineral Spirits, 50
and 150 gals. Ether
8,550 gals. of flam

2,500 fuel ✓
1,000 Toluol ✓
500 Acetone ✓
500 Xylol ✓
500 Ethyl Alcoh ✓
500 Methyl ✓
500 Isopropyl ✓
500 Acetone ✓
500 Butyl ✓
500 Isobutyl ✓
500 Methyl acetate ✓

FOR THE BOSTON FIRE DEPARTMENT

500 Spirit ✓
500 naphthalene ✓
150 ether ✓
7850 Isopropyl and
500
8350

4500
5000
8000
11200
8000
3000
5000
8500
8550

TAKEN TO B.F.D. ON 11-5-62
HJC

12 Fairmount Ct.		Hyde Park 02136		18
LOCATION	ADDRESS	SUITE	CITY	WARD
Lewis Chemical Corp.		7200		#2 oil
NAME		SUITE	CAPACITY	TYPE FUEL
				5014
				NUM
BURNER				
Cleaver Brooks		Cleaver Brooks Co.		
NAME		MANUFACTURED BY		
Air Atomizing	CB200-150	789		
TYPE	MODEL NO. OR SIZE	MASS APPROVAL NO.		
STORAGE TANK				
Steel-oval	Outside - Underground			
TYPE	LOCATION	APPROVAL DATE		
INSTALLER				
Readville Construction Co.		28 Walcott St., Readville, Mass.		
NAME		ADDRESS		
INSPECTED BY		DATE		
T. M. Fitzsimmons		4/29/81		

12-24 Fairmount Ct.		Hyde Park 02136		18
LOCATION	ADDRESS	SUITE	CITY	WARD
Lewis Chemical Corp.		1,534 c.f. var. gases		501441
NAME		SUITE	CAPACITY	TYPE FUEL
				NUM
2 tanks oxygen - 488 cu. ft.				
2 " acetylene 646 " "				
BURNER				
		3 " helium	400	" "
NAME		MANUFACTURED BY		
TYPE		MODEL NO. OR SIZE		MASS APPROVAL NO.
STORAGE TANK				
TYPE		LOCATION		APPROVAL DATE
INSTALLER				
NAME		ADDRESS		
INSPECTED BY		DATE		
T. Fitzsimmons		6/22/81		

License

10/28/00

Find Record

Print Record

Exit

TYPE LIC ACC 17795 No Fee

No NO CC

ORIGDT 4/22/63 DIST 12 WAR 18

QTY	UNIT	ITEM
150	LBS	ETHER
1000	GAL	TOLUOL
500	GAL	ACETONE
200	GAL	ETHYL ACETATE
200	GAL	XYLOL
500	GAL	ISOPROPAL ALCOHOL
500	GAL	ETHYL ALCOHOL
500	GAL	METHYL ETHYL KETONE
2500	GAL	FUEL OIL
500	GAL	ISOPROPYL ACETATE
500	GAL	ISOBUTYL ACETATE
500	GAL	NAPTHA
500	GAL	MINERAL SPIRITS

USE

LOC	ST#	ST Name	Other	Zip
	12	FAIRMONT CT	12-14	02136

Owner	GERHARD RONALD H
Occupant	

MAIL1	12 FAIRMONT CT
MAIL2	BOSTON MA 02136

INSP

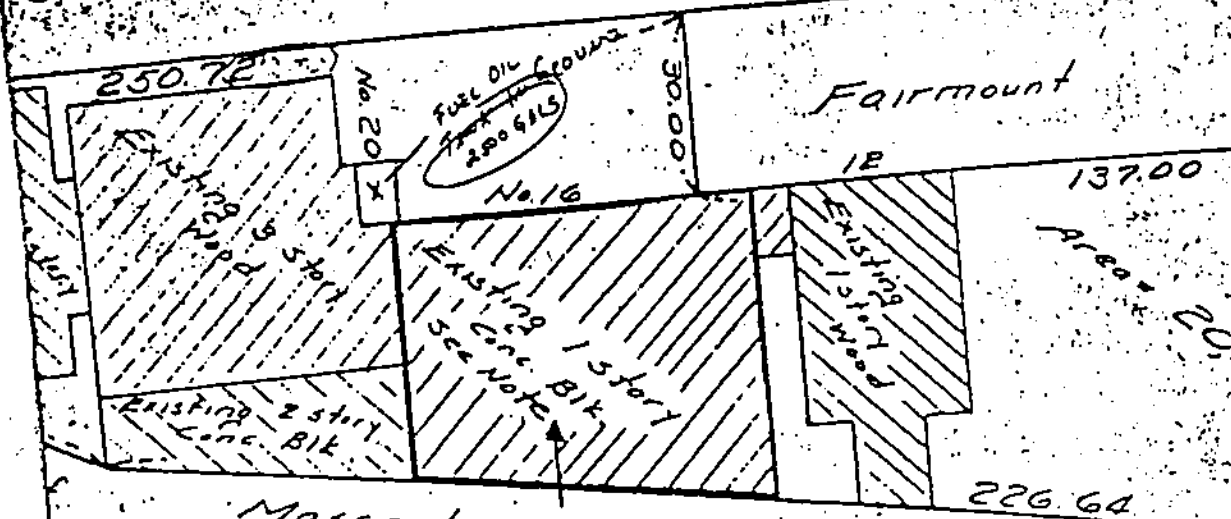
INSPOT

Billed:	4/12/99
Paid	
AckStat	
AckSent	
Lastpaid	4/19/83
Exdate	4/30/96

Total Fee	\$201.25
Curr	201.25
Past	172.50
Total:	373.75

Amount paid in 99	
-------------------	--

Haven & Hartford Railroad (Boston L
54 Meadows St. New Haven, Conn.



Massachusetts

(M.D.C.) 20 Somerset St
Boston Mass

Note	
To be stored in Basement of No. 16 Fairmount St. West of in 55 Gal. Drums - Next to	
1000 Gal.	Toluol
500 Gal.	Acetone
200 Gal.	Ethyl Acetate
200 Gal.	Xylol
500 Gal.	Isopropyl Alcohol
500 Gal.	Ethyl Alcohol
500 Gal.	Methyl Ethyl Ketone
500 Gal.	Isopropyl Acetate
500 Gal.	Butyl Acetate

BOSTON FIRE DEPARTMENT

May 27, 1983

FROM: Lt. Thomas Scavitto, Fire Prevention

TO: THE FIRE COMMISSIONER

Subject: Inspection of the Lewis Chemical Co. 12 Fairmount Court.

Sir:

The following materials were found at the Lewis Chemical Co.

Location: "Pump Room" in the basement this a sprinklered location in which virgin flammable and non flammable solvents are stored in 55 gal. drums. The following were found in this location:

- 4 drums detergent - Alfonic Ethoyleate (non-flammable)
- 27 drums - M - Pyrol (N-Methyl 2 Pyrrolidone (non-flammable)
- 13 drums - Methylene Chloride (mod. flammable)
- 1 drum - Chloro Blend (non-flammable)
- 22 drums - 1,1,1 Trichloroethane (mod. flammable)
- 3 drums - Straight freon (non-flammable)
- 1 drum - (½ full) Trichloro ethylene (mod. flammable)
- 21 drums - Tert. Buryl Alcohol (flammable)
- 10 drums - Acetone (flammable) -
- 4 drums - Xylene (flammable)
- 2 drums - Naptha (flammable)
- 1 drum - Toluene (flammable)
- 1 drum - Ethyl Alcohol (flammable)
- 3 drums - Isopropyl Acetate (flammable)
- 2 drums - Methyl Iso Butyl Ketone (flammable)
- 1 drum - Isopropyl Alcohol (flammable)
- 12 drums - Partly filled with flammable mixtures
- 2 drums - N-Butyl Acetate (flammable)
- 3 drums - Petroleum Naptha (flammable)
- 4 drums - Cleaning Thinner (flammable)

Location: Storage Room, Basement, sprinklered for storage of re-claimed solvents (55 gal. drums)

- 28 drums - Perchloro ethane (mod. flammable)
- 85 drums - Oil with some flammable solvents mixed.
- Tank #3 - 5000 gals. - Perchloro ethylene (mod. flammable)
- #4 - 1000 gals. - Tricoethylene (mod. flammable)
- #5 - 3000 gals. - Ethylene Glycol Non-flammable)
- #6 - 800 gals. - Chlorinated mix (non-flammable)
- #7 - 400 gals. - Cleaning thinner (flammable)
- #8 - 8000 gals. - 90% water 10% solvent (slightly flammable)
- #9 - 1500 gals. - Methylene Chloride (mod. flammable)

Location : Tank Farm (rear of building)

Tank # 11 - 800 gals. - Ethylene Dichloride (flammable)
12 - 3000 gals. - water
14 - Empty
15 - 2200 gals. Methyl Ethyl Ketone (flammable) —
16 - 1500 gals. - Morpholine (flammable)
18 - 3000 gals. - Water
19 - 2000 gals. - Freon (non-flammable)

Location: Basement Dryer Room (Fire Location)
Not Sprinklered - Polar Foam System
not in operation at time of fire.

Location: Lab. 2nd floor - sprinklered - small samples of flammable solvents
(approx. 20 gals.) one tank of Oxygen.

Location: Maintenance Room - three tanks Oxygen
One tank Helium, two tanks Acetylene.

Location: Outside in trailer trucks (2)

Truck #1 - contained 44 - 55 gallon drums of Acetylene (flammable)

Truck #2 - contained 44 - 55 gallon drums of Cleaning solution (fl

Both trucks were parked approx. 25 feet from the building.

Slightly Flammable - 8,000 gallons

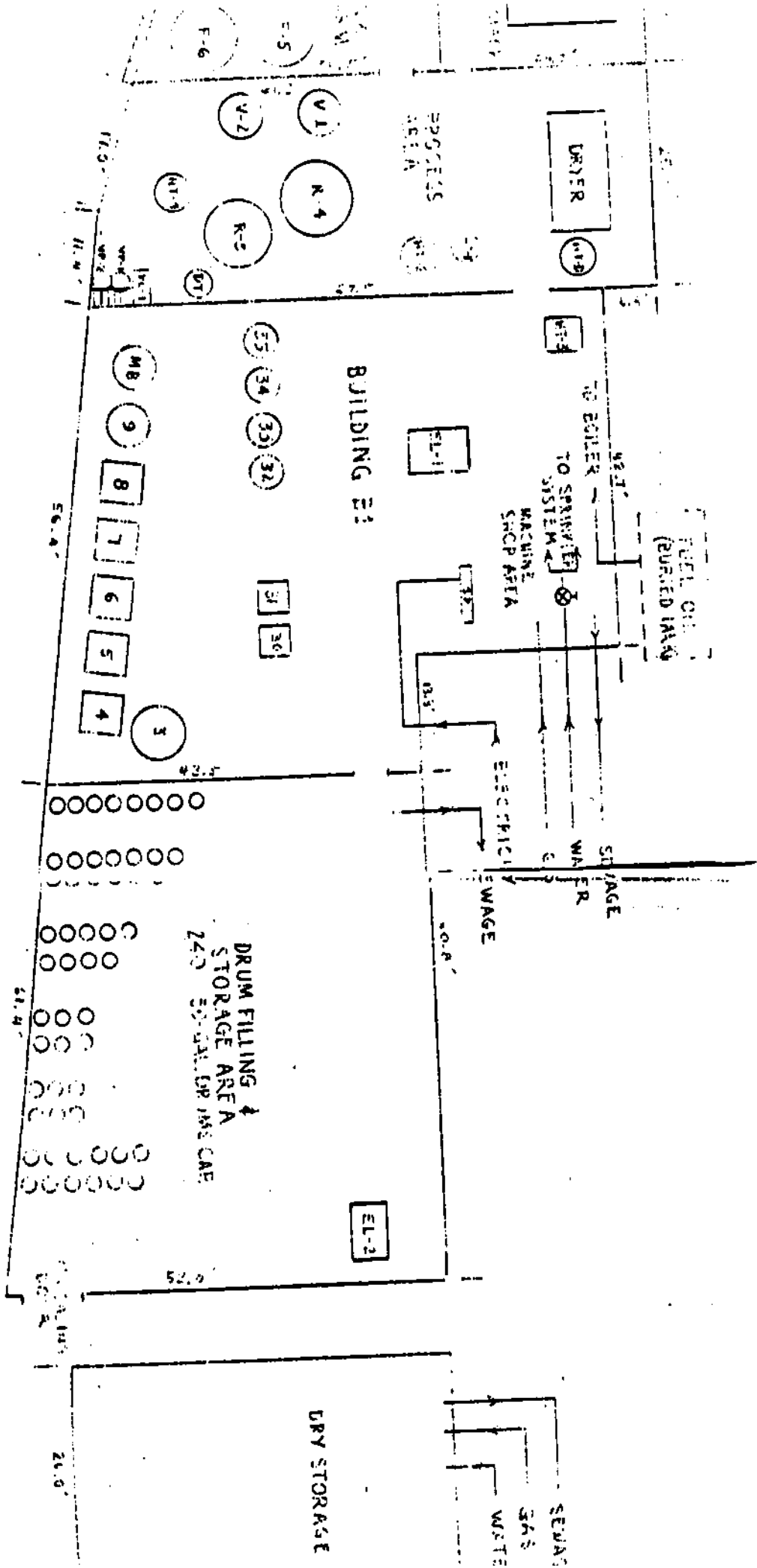
Moderately Flammable - 16,355 gallons

Flammable - 10,810 gallons

Respectfully,

Thomas C. Scavitto
Lt. Thomas C. Scavitto
Lab. Safety Officer

pjs



7' LOADING
DOOR

61.4'

PLANT EQUIPMENT & EQUIPMENT

ITEM	DESCRIPTION
BOILER	100 H.P. , OIL - FIRED
STACK	12" DIA. x 30'
DRYER	ROTARY DRUM TYPE
HT-0	HOLDING TANK FOR DRYER - 500 GAL. S.S.
R-4	CHEMICAL REACTOR
R-3	" "
HT-1	HOLDING TANK - 100 GAL. , S.S.
HT-2	" " - 500 GAL. , S.S.
HT-3	" " - 2000 GAL. , C.S.
FUEL T'K.	# 2 FUEL OIL - 7200 , GAL. , C.S. BURIED
SP	SWITCH & BREAKER PANEL - ELECTRICITY
EL-1	FREIGHT ELEVATOR - 4 FLOORS,
EL-2	" " - 2 " "
MB	MIXER BLUNDER
DT	DISTILLATION COLUMN - 15" DIA. x 30'
HT-4	HOLDING TANK - 500 GAL. , S.S.
V-1 & V-2	VAC. RECEIVER TANKS - 1500 GAL. EA. S.S.
PL-1	PLATFORM & LADDER FOR VAC. PUMP
VP-1 & -2	VAC. PUMP TANKS 30 GAL'S. EA. C.S.



APPENDIX B

NOTES RELATIVE TO

SUBJECT: Lewis Chemical Company, Hyde Park-Complaint Response

BY: Brooke Monroe

DATE: June 2, 1981

On the above date, the writer, accompanied by Jim Jordan, an inspector from the Division of Air Quality visited the above-referenced site in response to a complaint (log # 139). The complaint was that there was a large tank located behind the Lewis Chemical Company building which was overflowing and thus leaking a liquid material into the Neponset River.

We spoke with Mr. Carl Sutera, president of the company, informed him of the complaint and he showed us around the facility.

Lewis Chemical has been located at their present address since 1963. They are in the business of recovering used solvents (primarily chlorinated, i.e. per-chloroethylene, methylene chloride, etc.) and then selling them back to companies and businesses who can utilize them.

Mr. Sutera indicated that the process used at the facility is what is called a "flash distillation" process. The used solvent is put into a distillator and heated to its flash point. Water is then added so that the solvent mixture can flow through the enclosed system. Any solids are settled out and separated from the liquid and what remains is the almost pure solvent. The type of solvent being reclaimed determines whether further separation or reprocessing treatment is necessary.

The settled solids (still bottoms), which contain traces of the solvent, are put in drums and taken to Indiana and/or Alabama to an approved site. Lewis is in the process now of modifying a previously used system so that it will take the still bottoms, dry them out and separate the solvent from the inert material. Apparently, what results from this process is a black, almost tar-like material which Mr. Sutera indicated has been tested and passes the E.P. toxicity test. If the system is approved it will save the company the expense of having to dispose of the material.

There are 4 steel tanks located behind the main building which are used to store the reclaimed solvents. The tanks all appeared to be in good condition and it was evident that no material was leaking from them. They are located in a cement diked area so anything that does spill is kept contained. There are 2 old rusting tanks located beyond the diked area and closer to the river. However, they had obviously been discarded and were empty.

The company also accumulates some waste oil from their processes. This is stored in a 5-6000 gallon steel tanks located in the front of the building. When this gets full the oil is picked up by Cyn Oil, a company licensed to handle waste oils.

During the visit it was observed that there was black smoke coming from the stack located on the building Mr. Sutera indicated that they recently purchased a new boiler so they've been having some trouble with it. It runs on #2 fuel, waste gas or solvents. He indicated they normally obtain about 80% efficiency. Jimmy Jordan informed him that they would need approval from the Department for this new system.

BM/lmm



APPENDIX C

Form 9

DEP File No.

*Commonwealth
of Massachusetts*

City/Town Boston

Applicant Ronald H. Gerhard

Enforcement Order
Massachusetts Wetlands Protection Act, G.L. c. 131, §. 40

From Boston Conservation Commission (BCC) Issuing Authority

To Ronald H. Gerhard, President, Hy-Plains Mortgage Company, Inc.

Date of Issuance June 8, 1998

Property lot/parcel number, address 12-26 Fairmont Court, Hyde Park, MA 02136

Extent and type of activity:

Filling or altering a River Front Protection Area and/or Land Under a River and/or a River Bank and/or Buffer Zone with trash, debris, and equipment.

The BCC has determined that the activity described above is in violation of the Wetlands Protection Act, G.L.c.131, s. 40, (The Act) and the Regulations promulgated pursuant thereto, 310 CMR 10.00, because:

- ☒ Said activity has been/is being conducted without a valid Order of Conditions.
☐ Said activity has been/is being conducted in violation of an Order of Conditions issued to _____, dated _____,
File number _____, Condition number(s) _____.
☐ Other (specify)

Said activities occurred outside the area identified on submitted plans.

The Boston Conservation Commission hereby orders the following:

- ☐ The property owner, his agents, permittees and all others shall immediately cease and desist from further activity affecting the wetland portion of this property. SEE ATTACHMENT A
- ☐ Wetland alterations resulting from said activity shall be corrected and the site returned to its original condition.

Issued by Boston Conservation Commission

☐ Completed application forms and plans as required by the Act and Regulations shall be filed with the BCC

on or before _____ (date),

and no further work shall be performed until a public hearing has been held and an order of conditions has been issued to regulate said work. Application forms are available at:

City of Boston Environment Department, Room 805, Boston City Hall, Boston, MA 02201

- ☒ The property owner shall take every reasonable step to prevent further violations of the act.
- ☒ Other (specify)

SEE ATTACHMENT A

Failure to comply with this order may constitute grounds for legal action, Massachusetts General Laws Chapter 131, Section 40 provides:

Whoever violates any provision of this section shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years or both. Each day or portion thereof of continuing violation shall constitute a separate offense.

Questions regarding this Enforcement order should be directed to Chris Busch, Acting Executive Secretary, Boston Conservation Commission, Room 805, Boston City Hall, Boston, MA 02201 phone: 635-4417

Issued by Boston Conservation Commission

Signature(s) Chris Busch, Acting Executive Secretary

(Signature of delivery person
or certified mail number)



ANTHONY D. CORTESE, Sc. D.
Commissioner

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Department of Environmental ~~Quality Engineering~~

Division of Hazardous Wastes

Winter Street, Boston, MA 02108

June 1, 1983
DEPT. OF ENVIRONMENTAL
QUALITY ENGINEERING

Lewis Chemical Corp.
12 Fairmont Court
Hyde Park, Massachusetts 02136

Dear Mr. Sutera:

On May 25, 1983, there was an explosion and fire at your facility. As a result of this explosion and fire, and pursuant to a cease and desist order issued by the Boston Fire Commissioner, operations were stopped at your facility.

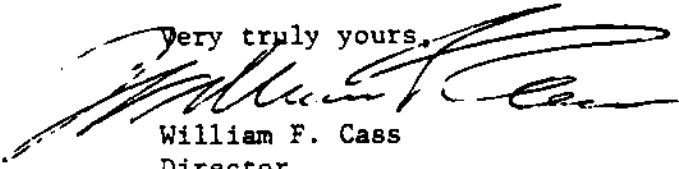
310 CMR 30.524(6)(e)4 says that whenever a facility stops operations in response to a potential or actual fire, explosion, or other release:

Operations shall not resume at the facility until the owner or operator notifies the Department and appropriate local authorities that the facility is in compliance with 310 CMR 30.524(6)(e)(3) and the Department determines in writing that there is no longer a threat to public health, safety, or welfare, or the environment.

You are hereby notified that the Department has not made a determination pursuant to the above quoted regulation and therefore that, until further written notice, any additions to hazardous waste in storage as of this date and all treatment and handling of hazardous waste at your facility is forbidden pursuant to the above-quoted regulations.

This notice does not relieve you of any responsibility to comply with any orders, notifications, or other directions given you by any local authority or by this Department on May 27, 1983.

Very truly yours,


William F. Cass
Director

cc: Dick Chalpin
George Paul, Boston Fire Commissioner
Ron Jones, CHWC
Howard Speicher, Assistant Corporation Counsel, City of Boston
Anthony Pepicelli, Commissioner of Inspectional Service Department
Sheldon Drucker

Notes Relative to: Lewis Chemical Inc.
12 Fairmount Ct.
Boston, MA

Date: March 8, 1983

Time: 12:42 p.m. to 1:50 pm

By: Chris Isiotos

Inspection was conducted due to a complaint of a liquid spill lodged by Ms. Geri Sheehan. Ms. Sheehan claimed she saw a liquid foamy substance spill from the top of a green tank truck onto the ground. The overflowing condition continued for about 2 minutes, many gallons of this liquid were spilled onto the ground. The tank truck had the logo CWH written upon its cab. The box-trailer was parked just inside the front gate of Lewis Chemical. It has been parked in this location for a long time.

Ms. Sheehan, also, averred that she saw hoses being extracted from the box-trailer to the tank-truck. Liquid was leaking from the hoses while they were being returned to the green tank-truck. There were two employees present during this unloading process.

At Lewis Chemical Inc., I interviewed Mr. Mukund Mehta, Chemical Engineer. Mr. Mehta did confess that they did have a spill. The spilled substance was a water waste composed of approx. 90% water, 5% latex, and 5% alcohol. Mr. Mehta claimed that less than one quart of this material spilled to the ground. Since such a small amount of this waste water was spilled, they did not contact DEQE.

Mr. Mehta averred that the spill occurred in the following manner: The "Connecticut Waste Oil Co" tank truck was making a hazardous waste pick-up. A tank truck was vacuuming water waste from approx. 20, 55 gal drums, stored in the box-trailer into its tank. When the tank trucks' hose were returned to their station on the tank truck, the water waste still in the hose spilled onto the ground. Speedy-dry was then placed upon the spilled water waste.

At the spill site, I found the box-trailer still parked inside Lewis Chemical's front gate. The tank-truck was not in site. An inspection of the river running adjacent to Lewis Chemical revealed no pollution in the river.

On the ground, in front of the rear-door of the box-trailer, Speedy-dry covered approx. 6 ft. by 5 ft. area. Also, along one side of the box-trailer, Speedy-dry covered a 1 ft wide by 10 ft long area. I could not determine the actual amount of water waste that spilled. The ground surrounding the Speedy-dry appeared to the same color as the area where no spill allegedly occurred.

Initially, I informed Mr. Mehta to segregate the waste from the spill for possible testing. Later, I informed him that DEQE did not wish to test the waste, and that the spilled water should be disposed of properly.

1. I spoke via phone to Mr. Mehta's secretary about disposal.

2 etc. missing Chris & Siobhan report

Lewis Chemical Inc.
Page Two

In conclusion, a spill incident did occur. Lewis Chemicals cleaning operation of applying Speedy-Dry was an adequate response to clean the spill. Dick Chalpin, Deputy Regional Engineer, concurred with this conclusion.

not
reported
however

CT/rm
4/11/83



*Executive Office of Environmental Affairs
Department of Environmental Management
Bureau of Solid Waste Disposal
Loearett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202*

MEMORANDUM

TO: John Shortsleeve
FROM: Norman Beecher
DATE: January 25, 1982
SUBJECT: Application of Chapter 21D to Lewis Chemical Company

On December 30, 1981 Commissioner Hicks sent a letter to Lewis Chemical Company informing them that they would have to enter the Siting Process because of adding to storage and processing capacity and changing the character of the waste stream.

The following specific actions by Lewis Chemical are the basis for the above statement.

1. Lewis Chemical has added a rotary drum distillation unit and begun to process flammable solvents in large quantities in the past year. They did not on May 1, 1980 have the capability for processing flammable solvents of the type they are now extensively treating. They did not then have in operation the rotary drum distillation system which is now the equipment principally used. They did not have explosion proof wiring, without which it would have been highly unsafe (and not permissible) to have processed flammable solvents.

Further support for this statement is that Ms. Debra Sanderson and Messrs. Glen Gilmore, Steven deGabriel and Norman Beecher visited the facility on February 19, 1981. We observed that the installation of the rotary drum distillation system was not completed and we were told by plant personnel that they never processed flammable solvents. Mr. Beecher, in particular, closely questioned this point, because of his concern that such operation would be highly unsafe.

Lewis Chemical's contention is that they have previously processed flammable solvents and that this is no change. A summary of their processing reports is attached. Indeed, some flammable solvents were processed, but if this had been noted, they would have been ordered to stop because of fire hazard. They also contend that the project for installation of the rotary drum distillation unit was started before May 1, 1980, but it is clear it was not completely installed or in operation before that deadline.

2. Lewis Chemical installed three large storage tanks with total capacity of 21,600 gallons since May 1, 1980. This Mr. Sotera admitted to Suzanne Chaewsky and Norman Beecher on a visit to the plant on January 14, 1982. Mr. Sotera stated on January 25 that total tankage capacity is 47,000 gallons and total drum storage is 50,000 gallons.
3. Lewis Chemical has added a 1000 gallon still and a 27 foot fractionating column since May 1, 1980. Again, they state this project was initiated earlier.

An inspection report by Brian Kelliher on September 4, 1980, clearly states that Lewis Chemical is expanding (a copy is attached).

Because of the vagueness of DEQE licenses granted until recently, the 1979 Hazardous Waste Collection and Disposal License does not distinguish between flammable and non-flammable solvents nor does it specify any processing rates.

Lewis Chemical has clearly increased its capacity to treat hazardous wastes and its storage capacity since May 1, 1980. It has also changed the capability to process flammable wastes by installing explosion proof wiring and the equipment mentioned.

The project for these changes was apparently initiated without Lewis Chemical seeking building permits or any review of plans by DEQE or DEM. The situation with respect to local permits is as listed below.

Local Permits

Site Assignment from Board of Health - none, Building Permit - initially not applied for; city issued a cease construction and vacate premises order when construction discovered dated 2/2/81; last week 5 days of court hearings were held to establish whether facility is out of compliance with zoning ordinance; building permit will be issued if zoning O.K., decision in 2-3 weeks. Flammable Storage Permit - issued annually since 1963 for 8,500 gallons from Licensing Committee: Fire Commissioner, Building Commissioner, Traffic and Safety Commissioner.

NB:dc

INSPECTION REPORT

SUBJECT: Hyde Park, Lewis Chemical, 12 Fairmount Court

BY: Edward Pawlowski *EP*

DATE: June 9, 1982

On March 22, 1982 the writer inspected the subject site in response to a report that a spill had occurred. The writer arrived at Lewis at 4 P.M. and met briefly with Anthony Benvenuto. Mukund Mehta, plant chemist, was summoned to show the writer where and how the spill had occurred.

Mr. Mehta related the following sequence of events while showing the writer where the spill had occurred. Lewis Chemical was using a tank truck provided by Suffolk Services to transfer waste flammable liquids from 55 gallon drums to a 7,000 gallon storage tank (see attached diagram). An employee was on top of the tank as it was being filled. When he saw that the tank was nearly full he went to have the pumping stopped. The tank, however, overflowed before the pumping was stopped. The excess liquid was forced up and out of the tank through a metal vent pipe. The waste apparently splashed down on to the top of the tank; some of it ran down the side of the tank and was retained within the dike, while the remainder splashed over the dike and saturated soil outside of the dike. A small amount of liquid ran over the side of the embankment and into the Neponset River. This flow to the river resulted from liquid running off of a large piece of plywood that was lying flat on the ground at the edge of the embankment.

By the time the writer arrived at the facility, most of the estimated 25 to 30 gallons of spilled liquid had been cleaned up by absorbing it with speedy-dry. The liquid saturated speedy-dry had been placed in two 55 gallon drums for transport to a disposal site by licensed transporter. The writer requested that further cleanup efforts be made on the area outside of the dike since some saturated soils remained.

The spilled liquid was described by Mr. Mehta as "waste flammable liquid NOS". This is the description used by Lewis Chemical on manifests for the liquid when it is transported from Lewis. The waste is a mixture of flammable non-halogenated hydrocarbons generated at various companies and transported to Lewis in 55 gallon drums for consolidation. Several manifests describing these wastes were viewed by the writer. All of the wastes fall into the waste categories F003, F004 or F005. Finally, in addition to the described waste oil mixtures, the writer was informed that the 7,000 gallon tank also contained 1,300 gallons of methanol (F005). Once consolidated in the tank, the wastes are shipped out of state, in bulk, for incineration.

This most recent leak from the bulk liquid storage area at Lewis Chemical reinforces the writers opinion that the in place dike system is not adequate to contain the various types of leaks possible. (see Note Relative to dated August 13, 1981) Several of the bulk storage tanks nearly touch the dike, which means that any liquid overflow at the top of a tank can easily splash over the dike. Should a crack develop in the side of one of these tanks, the pressure of the liquid within the tank could send the resulting leaking liquid in a stream over the dike, and possibly into the Neponset River. The volume of such a spill would vary depending on where on the tank the leak occurred and how full the tank was at the time of the leak. A loss of 4 to 5 thousand gallons of liquid could be possible.

As an immediate measure, the writer recommends that the over flow-pressure relief pipes on top of the tanks be piped down the side of the tanks to the base of the tank. This will insure that any overflowing liquid is carried directly to the diked area where it can all be recovered. Loss beyond the dike due to splashing of overflowing liquids on top of the tanks will be prevented. Steps should also be taken to reduce or eliminate the possibility that a tank could be overfilled. Such steps could include installation of high level alarms or implementation of better means of communication between personel observing the tank as it fills and personel operating pumps.

With regard to catastrophic rupture of one or more tanks, loss of waste liquid can only be avoided by moving the dike away from the tanks, or removing from service those tanks that are too close to the dike.

EP/lmm

Hyde Par

LEWIS CHEMICAL

C SPILL

3/22/82

FAIRMOUNT AVENUE

← FLOW NEPONSET RIVER

7' CHAIN LINK

LEWIS
CHEMICAL

ACCESS
ROAD

TANK
TRUCK

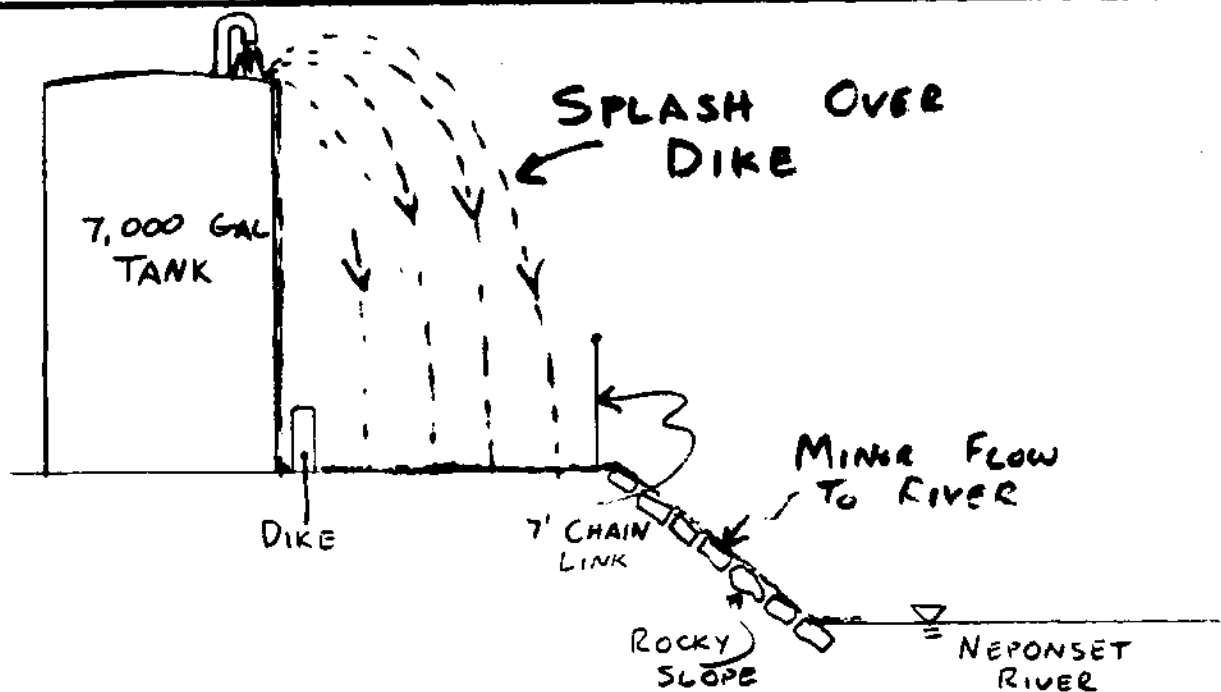
DIKE (2.5')

BULK LIQUID
STORAGE
AREA
(NO ROOF)

● TANK OVERFLOW

● SPILL AREA

SITE PLAN - NOT TO SCALE



SEC. A-A NOT TO SCALE



ANTHONY D. CORTESE, Sc. D.
Commissioner

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Department of Environmental Quality Engineering

Division of Hazardous Wastes

One Winter Street, Boston 02108

NORTHEAST REGION

July 24, 1981

JUL 30 1981

Carl M. Sutera, President
Lewis Chemical Corp.
12 Fairmount Court
Hyde Park, MA 02136

Re: Hazardous Waste License No. 105

Dear Mr. Sutera:

I am writing to bring to your attention various problems which have arisen as the result of the actions of Lewis Chemical Corp. in the handling and control of hazardous wastes at its Hyde Park facility.

In a letter dated June 12, 1981, The Division of Hazardous Waste requested from Lewis Chemical information regarding an apparent spill which occurred on April 27, 1981 at the Hyde Park facility. In response, Lewis Chemical, by letter dated June 16, 1981, indicated that a spill of approximately 75 to 100 gallons of water did occur on April 27. Lewis contends that water overflowed from a tank which was being flushed in order to remove all vapors prior to welding the tank. A problem exists because this incident demonstrates that an overflow of this tank may result in material spilling onto the dike (retaining wall) and potentially entering the Neponset River. Lewis also indicates that DEQE and the Massachusetts Health Department have been notified of several spills at the facility. Department records in this office and the Metropolitan Boston/Northeast Region of DEQE indicate no such notifications were made by Lewis Chemical.

The Division's letter dated June 12, 1981 further requested Lewis Chemical to provide specific information to the Department as required of all licensees currently operating facilities in Massachusetts. This information included engineering plans, operation and maintenance procedures, a waste analysis plan, a contingency plan and a closure plan. This information was to be submitted within two weeks. The Division has not received the required information as of this date.

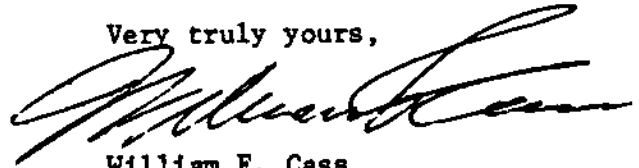
Information obtained from a review of hazardous waste manifests submitted to the Department indicates that on June 16, 1981, Lewis Chemical (listed as the generator of various hazardous waste types) transferred custody of these wastes to Pat Perreti Freight (listed as the primary transporter) for delivery to Chemical Waste Management of Emile, Alabama. Pat Perreti Freight of Hopatcong, N.J. is not licensed to transport hazardous waste in Massachusetts. General Laws, Chapter 21C, Section 5, states, in part, that no person who generates or who otherwise comes into possession of hazardous waste shall transfer custody or possession of such waste to any person who does not have a valid hazardous waste license. Lewis Chemical is in violation of this provision of the law by its action.

Accordingly, Lewis Chemical Corp. shall do the following:

1. Effective immediately, Lewis Chemical Corp. shall not store any hazardous materials in the subject stainless steel upright tank. Lewis Chemical may be authorized in the future to store in the tank upon submission of a proposal for corrective measures to prevent any discharge outside the dike and written approval by the Department.
2. Effective immediately, Lewis Chemical Corp. shall not transfer custody or possession of hazardous waste to any person who does not have a valid hazardous waste license for handling such waste.
3. Lewis Chemical Corp. shall submit to the Department the information required by the Department's June 12, 1981 letter within seven (7) days of receipt of this letter.
4. Lewis Chemical Corp. shall submit to the Department a written explanation, including appropriate documentation, of the shipment of hazardous waste described by Hazardous Waste Manifest and Shipping Paper MA 0011782 within seven (7) days of receipt of this letter.
5. Lewis Chemical Corp. shall submit to the Department a written report of all spills at its plant during 1981, to include the type of material spilled, amount, exact procedure used to notify this Department of each spill, clean-up measures taken, and procedures implemented to prevent further spills. This report shall be submitted within seven (7) days of receipt of this letter.

The Department will consider these problems cited above and your compliance with this request in the review of the Lewis Chemical Corp. hazardous waste license application pending before the Division of Hazardous Waste. Further, failure to comply with this request or any further violations may result in the revocation or suspension of the existing hazardous waste license issued to Lewis Chemical Corp. or initiation of civil or criminal legal action as deemed appropriate.

Very truly yours,



William F. Cass
Director

cc: Edward MacDonald, RHWC
Dr. Edward Clougherty, Boston Fire Dept.
Ronald Jones, LHWC

WFC/SDe/jp

CITY OF BOSTON
PUBLIC HEALTH COMMISSION
OFFICE OF ENVIRONMENTAL HEALTH

1010 Massachusetts Avenue
Boston, MA 02118

(617) 534-5965
FAX (617) 534-2372

June 11, 1998

High Plains Mortgage Co. Inc.
1000 E. Williams Street
Carson City, Nevada 91300

Re: Notice of Health Hazards, Non-compliance, and Abatement Orders; M.G.L.c. 111, section 150A, 310 CMR 16.00 & 19.00 (DEP Solid Waste Facility Regulations), 105 CMR 410.602A (DPH Sanitary Code), M.G.L.c. 21C & 21E, 310 CMR 30.000 (DEP Hazardous Waste Regulations), and the creation of nuisances (M.G.L.c. 111, section 122 et seq.).

THIS IS A LEGAL DOCUMENT. PUBLIC HEALTH COMMISSION ORDERS ARE CONTAINED HEREIN. READ CAREFULLY. YOUR RIGHTS MAY BE AFFECTED.

Dear Sir::

Following is a report of an inspection performed by personnel of the City of Boston, Public Health Commission, Office of Environmental Health (OEH). You will also find an explanation of the pertinent laws and regulations and Commission correction orders.

DATE: June 4, 1998.

ADDRESS: 12-24 Fairmount Court, Hyde Park

AREA: Buildings and Outdoor Lot.

INSPECTION BY: Jack Tracy, and other members of BEST.

FINDINGS UPON INSPECTION; Authorized by M.G.L.c. 111, section 122 et. seq. and M.G.L.c. 111, section 30:

1. The Office of Environmental Health (OEH) has observed that ABC rubble, large tree stumps, brush, wood, metal, household trash, pallets, junk auto parts, shingles, sheet metal, plywood and other debris have been disposed at 12-24 Fairmount Court in Hyde Park.
2. OEH observed construction supplies and equipment stored throughout the facility. Mr. Ronald Gerhard is the president of Design Construction Inc.
3. OEH observed food processing equipment stored in the basement of 12-24 Fairmount Court. Lhu Family Trust is the alleged owner of the stored equipment.
4. The site is littered with solid waste and is in an unclean and unsanitary condition. Such conditions constitute a nuisance and threat to the public health.
5. Solid waste contains incidental hazardous materials. In addition, sites that have a prolonged history of uncontrolled illegal solid waste dumping often have also been the site of hazardous waste dumping.
6. The site is near and affecting residential property.
7. The site is near and affecting a wetlands area.
8. No site assignment for a waste disposal site has been issued by the Board of Health for 12-24 Fairmount Court Street pursuant to M.G.L.c. 111, section 150A.
9. A solid waste facility permit has not been issued by the Massachusetts Department of Environmental Protection for 12-24 Fairmount Court pursuant to 310 CMR 19.020.
10. Authorization to construct a solid waste facility at 12-24 Fairmount Court pursuant to 310 CMR 19.041 has not been granted by the Massachusetts Department of Environmental Protection.
11. Authorization to operate a solid waste facility at 12-24 Fairmount Court pursuant to 310 CMR 19.041 has not been granted by the Massachusetts Department of Environmental Protection.
12. No authorization to store solid waste on-site has been granted by the Zoning Board of Appeals.
13. OEH observed approximately 50 gallons of paints, lacquers, strippers, thinners, and acetone stored on metal shelves. The material was not properly stored in a UL approved cabinet for the storage of flammables as is required by the Boston Fire Department. OEH further observed three boxes, stored on the ground, holding approximately 15 gallons of paints, lacquers and thinners, and several rusted compressed gas cylinders.
14. Inspectional Services Inspector Jim Kennedy cited the owner for building code violations.
15. Inspectional Services Inspector Angela Hayes cited the owner for health division violations.
16. Fire Inspector Phillip Marsh cited the owner for fire code violations.
17. Animal Control Inspector Diane Mollaghan removed several reptiles from the premises.

18. Conservation Commission inspector Chris Bush cited the owner for wetlands violations.
19. OEH observed large sections of automobiles and automotive parts scattered throughout the property. Police Department participants requested that the Governor's Auto Theft Strike Force respond to investigate stolen vehicles on site.
20. Police Department participants confiscated money, drugs, ammunition and weapons from the premises.
21. OEH has contacted the MA DEP Waste Site Clean up Bureau. Helen Waldorf has indicated that the site is a 21E default site, with potential extensive contamination present.

VIOLATIONS AND HEALTH HAZARDS:

These findings are indicative of violations, health hazards and/or nuisances pursuant to the following legislation, ordinances and regulations:

1. M.G.L.c. 111, section 150A states in pertinent part:

"facility", a sanitary landfill, a refuse transfer station, a refuse incinerator rated by the department (DEP) at more than one ton of refuse per hour, a resource recovery facility, a refuse composting plant, a dumping ground for refuse or any other works for treating or disposing of refuse.

"Refuse", all solid or liquid waste materials, including garbage and rubbish and sludge, but not including sewage..."

"No place in any city or town shall be established or maintained or operated by any person, including any political subdivision of the commonwealth, as a site for a facility, or as an expansion of an existing facility, unless, after a public hearing, such place has either been assigned by the board of health of such city or town in accordance with the provisions of this section, or, in the case of an agency of the commonwealth, such place has been assigned by the department after a public hearing and unless public notice of such assignment has been given by the board of health or department, whichever is applicable."

"Any person including any subdivision of the commonwealth who violates this section, or any order issued pursuant thereto, or any rule or regulation promulgated hereunder (1) shall be subject to a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than two years in a house of correction, or both, for each such violation; or (2) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separate offense,"

2. 310 CMR 19.000: DEP SOLID WASTE MANAGEMENT REGULATIONS

19.003: Applicability

310 CMR 19.000 shall apply to all solid waste management activities and facilities including, without limitation, landfills, dumping grounds, transfer stations, solid waste combustion facilities, solid waste processing and handling facilities, recycling

facilities, refuse composting facilities and other works or sites for the storage, transfer, treatment, processing or disposal of solid waste and the beneficial use of solid waste.

19.006: Definitions

Handling Facility means any facility that is not a disposal facility, for example transfer stations, storage facilities and other facilities used primarily for the storage, processing or treatment of solid waste. ("Handling facility" includes recycling facilities and composting facilities that are required to obtain a site assignment pursuant to 310 CMR 16.05.)

Person(s) means any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit) or any other entity responsible in any way for an activity subject to 310 CMR 19.000.

Site means any building, structure, place or area where solid waste is or will be stored, transferred, processed, treated, disposed, or otherwise come to be located.

Site Assignment means a determination by a board of health or by the Department as specified in M.G.L. c. 111, § 150A that:

- (a) designates an area of land for one or more solid waste uses subject to conditions with respect to the extent, character and nature of the facility that may be imposed by the assigning agency after a public hearing; or
- (b) establishes that an area of land was utilized as a site for the disposal onto land of solid waste or as a site for a refuse disposal incinerator prior to July 25, 1955 as provided in St. 1955, c. 310, § 2. The area of land determined to be site assigned under this subsection shall be limited to the lateral limits of the waste deposition area (footprint) or the area occupied by the incinerator on July 25, 1955, except as approved by the Department in approved plans. Said assignment shall apply only to uninterrupted solid waste disposal activities within the footprint or plan approved area and shall have no legal force or effect at any time after the commencement of non-disposal activities.

Solid Waste or Waste means useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include;

- (a) hazardous wastes as defined and regulated pursuant to 310 CMR 30.000;
- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00;
- (c) waste water treatment facility residuals and sludge ash from either publicly or privately owned waste water treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83, §§ 6 & 7 and/or M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste water treatment residuals and/or sludge ash are co-disposed with solid waste;

- (d) septage and sewage as defined and regulated pursuant 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310 CMR 15.00, as may be amended, provided that 310 CMR 19.000 do apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
- (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, § 150A;
- (f) solid or dissolved materials in irrigation return flows;
- (g) source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;
- (h) those materials and by-products generated from and reused within an original manufacturing process; and
- (i) compostable or recyclable materials when composted or recycled in an operation not required to be assigned pursuant to 310 CMR 16.05(2) through (5).

19.020: Permit Requirements for Solid Waste Management

Permit Requirements for Construction and Operation of Solid Waste Management Facilities. Except as allowed under 310 CMR 19.021, no person shall construct, operate or maintain a facility to store, process, transfer, treat or dispose of solid waste except in accordance with:

- (1) a valid site assignment;
- (2) a solid waste management facility permit (hereafter permit), issued in accordance with 310 CMR 19.000;
- (3) an authorization to construct the facility issued by the Department in accordance with 310 CMR 19.041; and
- (4) an authorization to operate the facility issued by the Department in accordance with 310 CMR 19.042.

19.041: Authorization to Construct

(1) General. The following shall not be constructed except in accordance with a valid authorization to construct issued by the Department in writing:

- (a) a facility for which a permit has been issued;
- (b) modifications to a facility for which a permit modification has been issued; or
- (c) a new phase in the case of a landfill being developed in phases.

(6) Deed Notice. M.G.L. c. 111, § 150A requires that notice of the Permit be recorded in the registry of deeds or, if the site is registered land, in the registry section of the land court for the district wherein the land lies.

19.042: Authorization to Operate

(1) General. No person shall operate a facility, or if a new or existing facility is developed in phases, operate in any new phase of a facility, without a valid authorization to operate issued by the Department in writing.

19.208: Access Facilities

- (1) The operator shall provide and maintain in good repair access roads at the facility. Such access roads shall be paved to minimize dust and designed and constructed so that traffic will flow smoothly and will not be interrupted by inclement weather.
- (2) The operator shall limit access to the facility to such periods of time as an attendant is on duty and to those persons authorized to use the facility for the disposal of refuse.
- (3) The operator shall prominently post at the entrance to the facility the hours of operation and all limitations and conditions of access.
- (4) The operator shall provide suitable barrier or fencing and gates to limit unauthorized persons from access to the facility and for the gate to be open only when an attendant or equipment operator is on duty. The gate shall be closed and locked at all other times.

19.210: Control of Wind-blown Litter

- (1) The operator shall take measures to prevent the scattering of refuse and wind-blown litter.
- (2) The operator shall provide for routine maintenance and general cleanliness of the entire transfer station area. Such provisions are to be detailed on the engineering plans or written operating procedures.

9.217: Insect and Rodent Control

- (1) The operator shall cause routine refuse transfer station facility operations to be carried out promptly in a systematic manner and shall take preventative measures to maintain conditions unfavorable for the production of insects and rodents.

3. 105 CMR 410.000 the state Sanitary Code, promulgated by the Massachusetts Department of Public Health states in pertinent part:

Section 410.602(A) Land. "The owner of any parcel of land, vacant or otherwise, shall be responsible for maintaining such parcel of land in a clean and sanitary condition and free from garbage, rubbish or other refuse. The owner of such parcel of land shall correct any condition by or on such parcel or its appurtenance which affects the health or safety, and well-being of the occupants of any dwelling or of the general public."

4. 310 CMR 30.030: Presumption of Irreparable Harm

Any violation of M.G.L. c. 21C or 310 CMR 30.000 or any order, license, or approval issued thereunder, shall be presumed to constitute irreparable harm to the public health, safety, and welfare, and to the environment....

5. M.G.L.c. 111, s122 REGULATIONS RELATIVE TO NUISANCES, EXAMINATIONS

The board of health shall examine into all nuisances, sources of filth and causes of sickness within its town, or on board of vessels within the harbor of such town, which may, in its opinion, be injurious to the public health, shall destroy, remove or prevent the same as the case may require, and shall make regulations for the public health and safety relative thereto and to articles capable of containing or conveying infection or contagion or of creating sickness brought into or conveyed from the town or into or from any vessel. Whoever violates any such regulation shall forfeit not more than one hundred dollars (\$100).

DEPARTMENT ORDERS; PURSUANT TO M.G.L. c111 sections 150A, 122 et seq., and 30:


High Plains Mortgage Co. Inc is hereby required by the Boston Public Health Commission to comply with the following orders:

1. The premises shall be restored to a clean and sanitary condition free from refuse within 30 days of service of these abatement orders, and thereafter be maintained in a clean and sanitary condition.
2. No establishment, maintenance or operation of a site for disposing of refuse shall take place at 12-24 Fairmount Court or any other site in Boston without an assignment of site from the Board of Health and all necessary permits from the Massachusetts Department of Environmental Protection.
3. Within thirty days of service of this notice, establish a contract with a licensed site professional (LSP), to perform a comprehensive site assessment of the property, following all guidelines from the Massachusetts Contingency Plan (MCP).
4. Remedy violations issued by Inspectional Services Department within time specified by ISD.
5. Remedy Fire Department Violations within time specified by BFD.
6. Remedy Conservation Commission Violations within time specified by Conservation Commission.

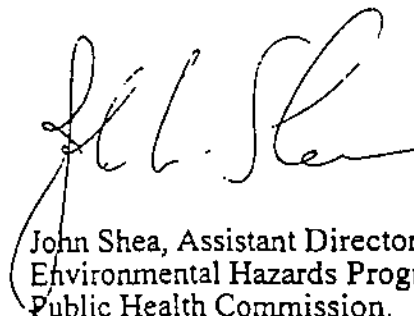
The cited violations have been referred to the Law Department for enforcement of orders.

If you have any questions regarding compliance with these orders, please contact me at 534-5965 or Atty. Rob Cohen at 635-4030.

Sincerely,



Jack Tracy
Sr. Health Inspector
Public Health Commission



John Shea, Assistant Director
Environmental Hazards Program
Public Health Commission.

[illegible]

BOSTON POLICE DEPARTMENT
CONTINUATION SHEET

Page 2 of 3

1. District 21.8
2. Complaint No. 80279108

3. Report Date 6-4-98

4. Nature of Incident Seized Drugs

Room Marked 3-4 - 2 Bongs (1 Round

and 1 Long marked "Reward")

Room Marked 3-6 - 1 Purple Bong

Room Marked 3-9 - 1 Bong (with Turtle Shell

base) 1 - ^{Dalys}B-B Rifle (Brown Butt, Black Barrel)

LOT # 7H04517 - 3Bs in Rifle removed.

Room Marked 3-10 - 3 potted Marijuana Plants

(1 marked Hecke, 1 marked Jackle)

1 - .22 Bolt Action Rifle (Brown Body and

Butt, Black Barrel) 42 M(b) 82 S-L-L-B

1 - Remington Shotgun - 12 GA. Single Barrel

(Brown Butt, Brown pump, Black Barrel)

Serial # - V423635V

1 - Winchester 30-30 Pump Action (Brown

Butt, Black Barrel) Serial # 5235084

1 - 12 GA. SHOTGUN BARREL - Black in Color

1 - Plastic Black Beretta .45 Replica

hanger in holster.

1 - Butterfly Knife - Silver (mock pens)

1 - Butterfly Knife - Black

1 - Chip Buck Knife

1 - Black Swiss Army Knife.

1 - Pair of Smith and Wesson Handcuffs

11 - Boxes of .22 shells

1 - Box of 30-30 shells } in Green

1 - Box of .45 shells } Ammo Box

1 - Drink Container w/ Assorted Shells.

1st Floor Room on Right - \$80 US CURRENCY - 4 \$20 Bills

w/note

Boston Police INCIDENT REPORT

HANDPRINT

1. TYPE OF INCIDENT <input type="checkbox"/> CRIME <input type="checkbox"/> CIVIL <input type="checkbox"/> COMPLAINT <input type="checkbox"/> OTHER		2. COMPLAINT NO. 980279245		3. REPORT NO. E-18		4. CLEARANCE NO.		5. PAGE 1 OF 2	
6. TYPE OF INCIDENT Stolen Car/ Rec. IN		7. DATE OF OCCUR 06/04/93		8. TIME OF OCCUR 1400 hrs.		9. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		10. PHONE 3-4430	
11. NAME OF SUSPECT Castaldi, Ciro A.		12. ADDRESS 19 Ledgewood Rd. Braintree		13. OCCUPATION A.T.U.		14. AGE		15. SEX	
16. PERSON REPORTING Sgt. Det. K. Lamb		17. ADDRESS A.T.U.		18. PHONE 3-4430		19. NAME OF SUSPECT		20. ADDRESS	
21. TYPE OF INCIDENT Stolen Car/ Rec. IN		22. DATE OF OCCUR 06/04/93		23. TIME OF OCCUR 1400 hrs.		24. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		25. PHONE 3-4430	
26. NAME OF SUSPECT Castaldi, Ciro A.		27. ADDRESS 19 Ledgewood Rd. Braintree		28. OCCUPATION A.T.U.		29. AGE		30. SEX	
31. PERSON REPORTING Sgt. Det. K. Lamb		32. ADDRESS A.T.U.		33. PHONE 3-4430		34. NAME OF SUSPECT		35. ADDRESS	
36. TYPE OF INCIDENT Stolen Car/ Rec. IN		37. DATE OF OCCUR 06/04/93		38. TIME OF OCCUR 1400 hrs.		39. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		40. PHONE 3-4430	
41. NAME OF SUSPECT Castaldi, Ciro A.		42. ADDRESS 19 Ledgewood Rd. Braintree		43. OCCUPATION A.T.U.		44. AGE		45. SEX	
46. PERSON REPORTING Sgt. Det. K. Lamb		47. ADDRESS A.T.U.		48. PHONE 3-4430		49. NAME OF SUSPECT		50. ADDRESS	
51. TYPE OF INCIDENT Stolen Car/ Rec. IN		52. DATE OF OCCUR 06/04/93		53. TIME OF OCCUR 1400 hrs.		54. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		55. PHONE 3-4430	
56. NAME OF SUSPECT Castaldi, Ciro A.		57. ADDRESS 19 Ledgewood Rd. Braintree		58. OCCUPATION A.T.U.		59. AGE		60. SEX	
61. PERSON REPORTING Sgt. Det. K. Lamb		62. ADDRESS A.T.U.		63. PHONE 3-4430		64. NAME OF SUSPECT		65. ADDRESS	
66. TYPE OF INCIDENT Stolen Car/ Rec. IN		67. DATE OF OCCUR 06/04/93		68. TIME OF OCCUR 1400 hrs.		69. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		70. PHONE 3-4430	
71. NAME OF SUSPECT Castaldi, Ciro A.		72. ADDRESS 19 Ledgewood Rd. Braintree		73. OCCUPATION A.T.U.		74. AGE		75. SEX	
76. PERSON REPORTING Sgt. Det. K. Lamb		77. ADDRESS A.T.U.		78. PHONE 3-4430		79. NAME OF SUSPECT		80. ADDRESS	
81. TYPE OF INCIDENT Stolen Car/ Rec. IN		82. DATE OF OCCUR 06/04/93		83. TIME OF OCCUR 1400 hrs.		84. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		85. PHONE 3-4430	
86. NAME OF SUSPECT Castaldi, Ciro A.		87. ADDRESS 19 Ledgewood Rd. Braintree		88. OCCUPATION A.T.U.		89. AGE		90. SEX	
91. PERSON REPORTING Sgt. Det. K. Lamb		92. ADDRESS A.T.U.		93. PHONE 3-4430		94. NAME OF SUSPECT		95. ADDRESS	
96. TYPE OF INCIDENT Stolen Car/ Rec. IN		97. DATE OF OCCUR 06/04/93		98. TIME OF OCCUR 1400 hrs.		99. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		100. PHONE 3-4430	
101. NAME OF SUSPECT Castaldi, Ciro A.		102. ADDRESS 19 Ledgewood Rd. Braintree		103. OCCUPATION A.T.U.		104. AGE		105. SEX	
106. PERSON REPORTING Sgt. Det. K. Lamb		107. ADDRESS A.T.U.		108. PHONE 3-4430		109. NAME OF SUSPECT		110. ADDRESS	
111. TYPE OF INCIDENT Stolen Car/ Rec. IN		112. DATE OF OCCUR 06/04/93		113. TIME OF OCCUR 1400 hrs.		114. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		115. PHONE 3-4430	
116. NAME OF SUSPECT Castaldi, Ciro A.		117. ADDRESS 19 Ledgewood Rd. Braintree		118. OCCUPATION A.T.U.		119. AGE		120. SEX	
121. PERSON REPORTING Sgt. Det. K. Lamb		122. ADDRESS A.T.U.		123. PHONE 3-4430		124. NAME OF SUSPECT		125. ADDRESS	
126. TYPE OF INCIDENT Stolen Car/ Rec. IN		127. DATE OF OCCUR 06/04/93		128. TIME OF OCCUR 1400 hrs.		129. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		130. PHONE 3-4430	
131. NAME OF SUSPECT Castaldi, Ciro A.		132. ADDRESS 19 Ledgewood Rd. Braintree		133. OCCUPATION A.T.U.		134. AGE		135. SEX	
136. PERSON REPORTING Sgt. Det. K. Lamb		137. ADDRESS A.T.U.		138. PHONE 3-4430		139. NAME OF SUSPECT		140. ADDRESS	
141. TYPE OF INCIDENT Stolen Car/ Rec. IN		142. DATE OF OCCUR 06/04/93		143. TIME OF OCCUR 1400 hrs.		144. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		145. PHONE 3-4430	
146. NAME OF SUSPECT Castaldi, Ciro A.		147. ADDRESS 19 Ledgewood Rd. Braintree		148. OCCUPATION A.T.U.		149. AGE		150. SEX	
151. PERSON REPORTING Sgt. Det. K. Lamb		152. ADDRESS A.T.U.		153. PHONE 3-4430		154. NAME OF SUSPECT		155. ADDRESS	
156. TYPE OF INCIDENT Stolen Car/ Rec. IN		157. DATE OF OCCUR 06/04/93		158. TIME OF OCCUR 1400 hrs.		159. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		160. PHONE 3-4430	
161. NAME OF SUSPECT Castaldi, Ciro A.		162. ADDRESS 19 Ledgewood Rd. Braintree		163. OCCUPATION A.T.U.		164. AGE		165. SEX	
166. PERSON REPORTING Sgt. Det. K. Lamb		167. ADDRESS A.T.U.		168. PHONE 3-4430		169. NAME OF SUSPECT		170. ADDRESS	
171. TYPE OF INCIDENT Stolen Car/ Rec. IN		172. DATE OF OCCUR 06/04/93		173. TIME OF OCCUR 1400 hrs.		174. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		175. PHONE 3-4430	
176. NAME OF SUSPECT Castaldi, Ciro A.		177. ADDRESS 19 Ledgewood Rd. Braintree		178. OCCUPATION A.T.U.		179. AGE		180. SEX	
181. PERSON REPORTING Sgt. Det. K. Lamb		182. ADDRESS A.T.U.		183. PHONE 3-4430		184. NAME OF SUSPECT		185. ADDRESS	
186. TYPE OF INCIDENT Stolen Car/ Rec. IN		187. DATE OF OCCUR 06/04/93		188. TIME OF OCCUR 1400 hrs.		189. PLACE OF OCCUR 12-24 Fairmont Ct. H.P.		190. PHONE 3-4430	
191. NAME OF SUSPECT Castaldi, Ciro A.		192. ADDRESS 19 Ledgewood Rd. Braintree		193. OCCUPATION A.T.U.		194. AGE		195. SEX	
196. PERSON REPORTING Sgt. Det. K. Lamb		197. ADDRESS A.T.U.		198. PHONE 3-4430		199. NAME OF SUSPECT		200. ADDRESS	

SEE INSTRUCTIONS ON BACK OF THIS FORM
PLEASE TYPE OR PRINT EXCEPT WHERE SIGNATURE IS REQUIRED

CIVIL ACTION COVER SHEET

**Trial Court of Massachusetts
SUPERIOR COURT DEPARTMENT**



DOCKET NUMBER

Division

PLAINTIFF(S)

City of Boston

DEFENDANT(S)

Ronald H. Gerhard, Individually and as
President of Hy-Plains Mortgage Co and Thom
ATTORNEY(S) (if known) Haga

ATTORNEY(S) FIRM NAME, ADDRESS AND TEL)

Kabrina Krebel, City of Boston, Rm. 615
City Hall, Boston, Massachusetts 02201

Board of Bar Overseers # (Required) 634021

ORIGIN CODE AND TRACK DESIGNATION

Place an ☒ in one box only:

- ☒ 1. F01 Original Complaint
- ☐ 2. F02 Removal to Sup. Ct. c231, s. 104 (F)
- ☐ 3. F03 Retransfer to Sup. Ct. c231, s. 102C (X)

- ☐ 4. F04 District Ct. Appeal c231, s. 97 (X)
- ☐ 5. F05 Reactivated after Rescript; Relief from judgment/order (Mass. R Civ. P. 60 (X)
- ☐ 6. E10 Summary process appeal (X)

TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.
E99

TYPE OF ACTION (specify)
Environmental Enforcement

TRACK
(F)

IS THIS A JURY CASE?
☐ Yes ☒ No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

This is an environmental enforcement action seeking preliminary and permanent injunctive relief requiring the Defendants, among other things, to cease and desist from storing and disposing solid wastes at 12-24 Fairmont Court, to make safe or raze the buildings situated thereon, and to cease from continuing violations of fire prevention regulations, wetlands regulations, building code violations, and to comply with the Massachusetts Contingency Plan relating to the clean up and remediation of sites contaminated with hazardous wastes.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED \$25,000:

n/a

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

n/a

SIGNATURE OF ATTORNEY OF RECORD OR PLAINTIFF

DATE

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

DISPOSITION

RECEIVED

A. Judgment Entered

B. No Judgment Entered

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOSTON HOUSING
COURT

APPLICATION FOR SEARCH WARRANT
G.L. C.21C, s.14, G.L. C.140, s.66, G.L. C.111 s.122,
G.L. C.148 s. 4 AND G.L. C.143, ss.3, 3A

Applicant: Jack Tracy

Position of Applicant: Coordinating Inspector
Boston Environmental Strike Team

I, Jack Tracy, being duly sworn, depose and state that:

1. I have the following information based upon the attached affidavit consisting of a total of one page.
2. Based upon this information, there is probable cause to believe that hazardous materials may be stored at the property.
3. There is also probable cause to believe that the building is structurally unsound and that the building is currently being occupied and used as a sound recording studio.
4. I am seeking the issuance of a warrant to:
 - (a) conduct an inspection of the controlled premises, including the buildings and yard thereon, operating at the legal address of Ward 18, Parcel 10598.
 - (b) investigate and sample any material on the premises which the Boston Environmental Strike Team has reason to believe may be hazardous material or hazardous waste; and
 - (c) photograph any evidence of improper management of solid waste and hazardous waste on the premises including, but not limited to evidence of leaking or corroded containers, ruptured containers, oil stains, stained soil, crystallized chemicals, spilled chemical and residual wastes; and
 - (d) inspect and photograph any evidence of unsound structural conditions of the building; and
 - (e) inspect or seize any records of generation, accumulation, storage, transport or disposal of hazardous waste on the premises; and

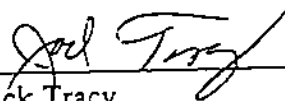
Michael
6/04/98
[Signature]

(f) inspect or seize any records otherwise pertaining to the management of hazardous waste or hazardous materials on the premises.

5. Based on the information contained in the attached affidavit there is probable cause to believe that the property listed in paragraph three above may pose a threat to the public health and safety and to the environment unless a search warrant is issued allowing BEST to enter the premises in order to locate, identify, and cause to be removed, if necessary, if any hazardous wastes and materials found at the premises and to assess the structural soundness of the building so as to assure the safety of the suspected occupants of the building.

THEREFORE, I respectfully request that the court issue a warrant and order of seizure authorizing the search of the above-described place and directing that such property or evidence or any part thereof, if found, be seized, together with such other and further relief that the Court may deem proper.

*SIGNED UNDER THE PAINS AND PENALTIES OF
PERJURY THIS 4TH DAY OF JUNE, 1998.*



Jack Tracy
Coordinating Inspector
Boston Environmental Strike Team

AFFIDAVIT OF JACK TRACY

I, Jack Tracy, upon oath depose and state the following:

1. I am currently employed in the position of the senior health inspector of the Office of Environmental Health for the Public Health Commission.
 2. My duties include the position of Coordinating Inspector for the Boston Environmental Strike Team (BEST).
 3. I make this Affidavit upon my personal knowledge of the facts set forth herein.
 4. In that position, I am responsible for organizing and conducting inspections of sites in the City of Boston which create a danger to the public health, safety and environment. BEST includes inspectors from the Police Department, the Fire Department, Inspectional Services Department, Public Health Commission, the Code Enforcement Police, the Environment Department, and the Boston Water and Sewer Commission.
 5. My duties further include enforcement of public health related and environmental laws, regulations, and statutes.
 6. Past uses of the property located at Ward 18, Parcel 10598 include a leather tannery and a chemical distillation and processing plant.
 7. The property has a long history of past hazardous waste and hazardous material releases.
 8. This property is currently owned by Hy-Plains Mortgage Company of Carson City, Nevada and is currently in the City of Boston's Tax Title Division for non-payment of approximately \$300,000.00 in real estate taxes.
 9. BEST has attempted on several recent occasions to contact representatives of Hy-Plains Mortgage Company in order to procure permission to enter the premises to conduct a site inspection but has been unsuccessful.
 10. The condition of the property poses a threat to the public safety and to the environment as it is unsecured and located on the banks of the Neponset River.
 11. I conducted a visual inspection of the property on May 15 and on June 2, 1998 as I was unable to gain entry into the building. During these visual inspections I observed violations of solid waste laws and regulations, hazardous waste laws and regulations, the Massachusetts Wetlands Protection Act, the Boston Fire Prevention Code, and the State Building Code.
-

12. Flammable and hazardous materials were improperly stored throughout the site, the structure of the building was collapsing, and solid wastes were deposited along the banks of the Neponset River.
13. Based on the foregoing, there is probable cause to believe that violations of the Hazardous Waste Management Act, G.L. c. 21C, the Oil and Hazardous Materials Release Prevention Act, G.L. c. 21E, and the Boston Fire Prevention Code.
14. The purpose for which I seek the issuance of a search warrant is to test for hazardous wastes and hazardous materials or pollutants as described by the State Environmental Code, and to examine any books, papers, or documents relating to the storage or disposal of the above referenced substances, and to take samples, in part or in whole, of any solid or liquid substance from the ground, soil equipment or containers located at the site, said samples to be taken under the supervision of trained and experienced officials of BEST.
15. It is requested that the Court authorize the aforementioned BEST officials to perform such on-site tests as are necessary to determine origin, location and means of disposal or discharge of any hazardous materials or pollutants at the site. It is further requested that the Court authorize law enforcement officials, including agents of BEST, to remain upon the premises until all the aforementioned sampling, evidence gathering and testing is completed, and to direct any excavation necessary towards carrying out the search and seizure.

Wherefore, I respectfully request that the Court issue a warrant authorizing the search of the premises described in paragraph 6 of this affidavit, and the seizure of the property more particularly described above, that it be brought before the Huon Court, in Suffolk County, Massachusetts.

SIGNED under the pains and penalties of perjury this 4TH day of June, 1998.



Jack Tracy, Coordinating Inspector
BEST