



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

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Certified Mail# 7007 0710 0003 2180 9230  
**Important Legal Document - Urgent Matter**

Goodwin Realty LLC  
c/o Ms. Judy Bergdoll  
10 Beechwood Drive  
Wilbraham, MA 01095

September 30, 2010

Re: Former Chapman Valve/Crane Co.  
Property abutted by Pinevale,  
Goodwin and Moxon Streets  
Parcel ID# 097550086  
Springfield, MA  
RTN: 1-0170  
UAO-WE-10-3010

Dear Ms. Bergdoll,

You are hereby notified of the Department of Environmental Protection's intent to assess a Unilateral Administrative Order against Goodwin Realty LLC.

The reasons for the issuance of the Order and your rights to appeal are explained in the enclosed document. The documents contain appeal provisions. Please read the documents carefully. Failure to take adequate action in response to the documents will result in serious legal consequences.

Please contact me at (413) 755-2295, or Ben Fish at (413) 755-2285 if you have any questions regarding this matter.

Sincerely,

Eva V. Tor  
Deputy Regional Director  
Bureau of Waste Site Cleanup

mls  
Enclosure  
ecc: Denise Andler, DEP/WERO

**COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**IN THE MATTER OF:**

Goodwin Realty, LLC

**FILE No. UAO-WE-10-3010  
RTN 1-170  
Former Chapman Valve, Springfield**

**UNILATERAL ADMINISTRATIVE ORDER**

**I. The Parties**

1. The Department of Environmental Protection ("MassDEP" or "the Department") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c.21A §7. The Department maintains its principal office at One Winter Street, Boston, Massachusetts, and a regional office at 436 Dwight Street, Springfield, Massachusetts.
2. Goodwin Realty, LLC owns the property abutted by Pinevale, Goodwin, and Moxon Streets in Springfield, Massachusetts, ("the Site" or "disposal site"), also known as the east side of Pinevale Street. The Site is the location of the former Chapman Valve/Crane Company site.

**II. Statement of Facts and Law**

3. MassDEP is responsible for the implementation and enforcement of: M.G.L. c. 21E and the Massachusetts Contingency Plan ("MCP") at 310 CMR 40.0000. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.
4. Unless otherwise indicated, the terms used herein shall have the meaning given to them by M.G.L. c. 21E and/or the MCP. In addition, the term "Site" or "Sites" shall also mean the property abutted by Pinevale, Goodwin, and Moxon Streets in Springfield, Massachusetts, Parcel ID# 097550086, ("Property") and any other place or area where oil and/or hazardous material has come to be located, to which MassDEP has assigned Release Tracking Number 1-0170. Goodwin Realty, LLC is a Responsible Party ("RP") or Potentially Responsible Party ("PRP") for the Site as the current owner of the Site.
5. The following facts and allegations have led MassDEP to issue this Unilateral Administrative Order:

A. Goodwin Realty, LLC is the current owner of the Site, a former foundry and valve manufacturing facility occupying approximately 16 acres. The Site currently contains numerous piles of rubble and foundation holes. A number of waste piles known to contain asbestos are present throughout the property. In addition, other asbestos containing material (ACM) is widespread across the site. This ACM was estimated by one environmental consultant to exceed 30,000 cubic yards. Other hazardous materials such as coal ash, petroleum hydrocarbons, and metals in soil, are also present on the Site.

B. On September 29, 2010, MassDEP staff observed the operation of heavy equipment on the Site, including a backhoe and a bobcat excavator, operating in an area on Site suspected to contain hazardous materials, including ACM. The equipment was being operated by employees of Michael Bergdoll. Department staff informed Mr. Bergdoll all work on Site should cease immediately. Mr. Bergdoll complied with the Department's request and ceased operations.

C. 310 CMR 40.0443 provides that a Release Abatement Measure (RAM) shall not be conducted at any disposal site until a complete RAM Plan, as described in 310 CMR 40.0444, has been received by the Department. Based upon staff observations at the Site, the Department determined that Goodwin Realty, LLC was conducting a RAM without approval.

### **ORDER**

6. Pursuant to the authority granted by M.G.L. c. 21E §§9 and 10(a), the Department hereby orders the following:
  - a. Goodwin Realty, LLC, including its agents, shall immediately cease and desist from allowing removal and /or disturbance of containers, scrap metal, waste piles, ACM or soil at this Site in violation of the statutes and regulations cited above.
  - b. Goodwin Realty, LLC shall immediately secure the Site to prevent further violations of M.G.L. c.21E and M.G.L. c21C and the regulations promulgated thereunder.
  - c. Within thirty (60) days of the date of this Order, Goodwin Realty, LLC shall submit to the Department a Plan to address the ACM and other hazardous material present on Site pursuant to 310 CMR 40.0400.

d. Within (30) days of the date of this Order, Goodwin Realty, LLC shall submit to the Department written documentation regarding the following:

- 1) What materials (oil and hazardous materials, asbestos containing materials, and hazardous waste) are currently on Site.
- 2) Whether, since September 1, 2010, any materials were removed from site and if so, identification of where these materials were taken.
- 3) Whether, since September 1, 2010, any materials on-site were disturbed.
- 4) Whether, since September 1, 2010, any materials on-site were buried.

7. Failure to comply with this Order may constitute grounds for legal action.

Massachusetts General Laws Chapter 21E §9 provides that:

Issuance of an order under this section shall not preclude, and shall not be deemed an election to forego, any action authorized by section four [of c.21E] or any action to recover damages, costs, or to seek civil penalties, criminal fines and sanctions, or injunctive relief.

The Department reserves the right to exercise the full extent of its legal authority including without limitation, pursuance of criminal prosecution, civil action, including court imposed civil penalties, and /or administrative penalties assessed by the Department.

#### **APPEAL RIGHTS AND TIME LIMITS**

8. You are hereby notified of your right to an adjudicatory hearing under the Massachusetts Administrative Procedures Act, G.L. Chapter 30A, Section 10, regarding this Order. In accordance with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.00, a Notice of Claim for Adjudicatory Hearing must be filed in writing within twenty-one (21) days of the date of the issuance of this Order, must state clearly and concisely the facts which are grounds for the proceedings and the relief sought, and must include the appropriate filing fee and Fee Transmittal Form.

9. A Notice of Claim for Adjudicatory Hearing must be addressed to:

Docket Clerk  
Office of Appeals & Dispute Resolution  
MassDEP  
One Winter Street  
Boston, MA 02108

A copy of said Notice of Claim must be sent to the appropriate regional office of Department.

10. FILING FEE: the hearing request must be accompanied by a valid check payable to the Commonwealth of Massachusetts in the amount of \$100.00. The check for the filing fee must be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
P.O. Box 4062  
Boston, Massachusetts 02211

The hearing request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXCEPTIONS: the filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER: the Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Date: 10/1/10

Issued By:



Michael Gorski  
Regional Director  
Department of Environmental Protection  
436 Dwight Street  
Springfield, MA 01103