

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
1 CONGRESS STREET, SUITE 1100
BOSTON, MASSACHUSETTS 02114

NOTIFICATION OF FEDERAL INTEREST
UNDER SECTION 311 OF THE CLEAN WATER ACT
PUBLIC LAW 92-500, 33 USC 1321

Date: 4 JAN 2006

TOWN OF WESTFORD

90 WESTFORD PUBLIC SCHOOLS

Dear Sir or Madam:

On or about 27 DEC 2005 an oil pollution incident, for which you may be financially responsible, occurred or threatens to occur at the following location:

Abbot School

25 DEPOT ST

WESTFORD MA

Under Federal law, the United States government may take appropriate action to minimize or mitigate damage to the public health or welfare that is threatened or may be caused by this incident.

The United States, acting through the U.S. Environmental Protection Agency (EPA) has initially determined you are the owner, operator, or person in charge of the facility which is the source of the above referenced discharge or threat of discharge of oil in harmful quantities into a navigable water of the United States, or adjoining shoreline, as defined in Section 311 of the Clean Water Act (CWA), 33 U.S.C. § 1321, as amended by the Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2701 et seq. As such, you may be a responsible party under federal law and liable for, among other things, removal costs and damages resulting from this incident.

The National Contingency Plan encourages persons responsible for discharges to voluntarily and promptly perform removal actions, provided the On-Scene Coordinator (OSC) determines such actions will ensure an effective and immediate removal of the discharge or mitigation or prevention of a substantial threat of discharge. As long as the OSC determines that you are taking adequate actions in this matter, Federal removal activity will generally be limited to observing the progress of your actions and providing guidance as necessary.

If it is determined that your actions to remove the oil and/or mitigate its effects are unsatisfactory, then EPA will either issue an removal order to the facility pursuant to Section 311(c) and/or (c) of the CWA, 33 U.S.C. § 1321(c) or (e), or take the necessary removal response actions to remove the oil, mitigate the effects of the discharge, or prevent the substantial threat of discharge. If EPA conducts the clean-up, please be advised that you may be liable to the United States for the actual costs incurred in the response action, including but not limited to the costs of restoring damaged natural resources.

Please be further advised that under Section 311 of the CWA, 33 U.S.C. § 1321, the owner, operator or person in charge of a facility or vessel from which oil is discharged, may be subject to a civil penalty of up to \$27,500 per day of violation, or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund, for failing to properly carry out the removal of the discharge as ordered by the OSC, or to comply with any administrative orders necessary to protect the public health or welfare. Moreover, the failure or refusal to provide all reasonable cooperation and assistance requested by the On-Scene Coordinator (OSC) will eliminate any defense, or entitlement to limited liability, which otherwise might be available under the Act.

Should you require further information, you should contact the On-Scene Coordinator, or call Arthur Johnson, Chief, Emergency Response Section, at (617) 918-1251.

Sincerely,

M. J. Nalypinski

Michael J Nalypinski

EPA On-Scene Coordinator

Acknowledged by:

[Signature]

[SIGNATURE]

EVERETT V. OLSEN JR.

[PRINT NAME]

Date/Time:

1/4/06 1:40 p.m.

Title:

ASSISTANT SUPERINTENDENT OF
SERTOLS

Witness to Refusal to Acknowledge:

[SIGNATURE]

Date/Time:

[PRINT NAME]

Title: