



Environmental News

For more information call:

Contact: Johanna Hunter, EPA Community Involvement, (617) 565-3425
Joan Miles, EPA Senior Attorney, (617) 565-3669

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*EPA Offers Relief From Liability to Upper Cape Property Owners
for Contaminated Groundwater Emanating From
the Massachusetts Military Reservation*

BOSTON — EPA-New England Administrator John P. DeVillars issued a policy today stating that EPA will offer letters to property owners in Bourne, Falmouth, Mashpee and Sandwich that relieve them of liability for any past and future cleanup costs associated with the contaminated plumes emanating from the Massachusetts Military Reservation on Cape Cod.

"We have listened carefully to the concerns of citizens, town officials, realtors and lending institutions about the stigma placed on properties that have contaminated groundwater flowing beneath their property," said DeVillars. "In response, we are offering our assurance that innocent property owners will not have to worry about the federal government seeking reimbursement for any cleanup costs associated with the contaminated plumes."

EPA will mail copies of the policy to the Upper Cape's real estate and lending organizations, as well as more than 2,000 people interested in the reservation cleanup.

The policy was issued to the members of the Senior Management Board, an organization responsible with overseeing the direction of cleanup at the reservation. Membership on the board includes representation by a selectman from each of the four impacted towns.

"In conjunction with the Commonwealth's 'Good Neighbor Policy', our letter takes another step forward to reassure citizens about potential financial exposure for cleanup costs," added DeVillars. "I am confident that by regulators working together, we can lessen the burden of individuals seeking such relief."

EPA's policy also clarifies that relief is available provided that property owners and operators have done nothing to cause or contribute to the contamination.



EPA's COMMUNITY RELIEF POLICY

Q. Why issue a policy to Upper Cape citizens?

A. The Community Relief Policy was developed to respond to local citizens' concerns over potential effects of groundwater contamination on local property values.



Q. What does the policy offer?

A. The policy assures property owners in Bourne, Falmouth, Mashpee and Sandwich that EPA will not hold them liable for costs attributable to cleanup of the contaminated groundwater emanating from MMR, provided that they did not cause or contribute to the contamination.



Q. How does the Community Relief Policy apply to my property?

A. Upon request from individual property owners, EPA will send a letter acknowledging applicability of the policy to the individual property.



Q. Who do I contact at EPA if I want a letter?

A. Call Karen O'Shea at EPA New England, (617) 565-3362.



Q. Who can I call at EPA if I have questions?

A. Call Johanna Hunter, Community Involvement Office, (617) 565-3425, or Joan Miles, Office of Regional Counsel, (617) 565-3699



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001

OFFICE OF THE
REGIONAL ADMINISTRATOR

September 18, 1996

Re: Massachusetts Military Reservation: EPA Relief for Owners of Property above Contaminated Groundwater Plumes

Dear Senior Management Board Member:

I am writing to respond to concerns raised by owners of property located above and in the path of the Massachusetts Military Reservation (MMR) groundwater plumes. Many owners have repeatedly asserted that the resale values and marketability of their properties have declined due, in part, to the specter of potential liability under environmental laws such as the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA" or "Superfund"). I hope that this letter can alleviate some of these concerns.

As I have indicated to you and others in the Upper Cape community on several occasions over the past year, I assure all who own or operate property located above the plumes that the Environmental Protection Agency will not hold them liable under CERCLA for any related response costs incurred by EPA so long as these owners and operators have done nothing to cause or contribute to the contamination. We are issuing this site-specific policy statement here because I believe that this type of clear, unequivocal relief is warranted under the exceptional circumstances presented at MMR.

Moreover, upon request, EPA will promptly provide individual letters to eligible owners and operators confirming the applicability of this policy to their specific property. These letters, together with the advisory rulings being issued by the Commonwealth of Massachusetts pursuant to its "Good Neighbor Policy," should help to alleviate concerns of property owners on the Upper Cape about their financial exposure for cleanup costs. My staff has contacted the Commonwealth and proposed that our agencies coordinate our efforts in responding to individual requests from property owners and operators. I am confident that if the regulators work together, we can lessen the burden on individuals seeking such relief.

EPA is working with the Air Force to include this letter in the next mailing to be distributed to entities and individuals on the MMR mailing list. In addition, next week we are forwarding copies of this statement to members of the real estate and lending communities in the affected towns. Moreover, representatives of my staff can arrange to meet with local realtors, lending institutions and others who may have an interest in this issue to further explain this policy and answer specific inquiries.

If members of your community wish to obtain an individual letter pertaining to their property as described above, they may contact Karen O'Shea at (617) 565-3362. Should you have any other questions regarding this matter, please feel free to contact Tim Conway in the Office of Environmental Stewardship Enforcement Division at (617) 565-3454, Joan Miles in the Office of Regional Counsel at (617) 565-3699, or Johanna Hunter in the EPA Community Relations Office, at (617) 565-3425.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. DeVillars". The signature is fluid and cursive, with a long horizontal stroke at the end.

John P. DeVillars
Regional Administrator