RE: Status Inquiry: CERCLA §105(d) Petition & CWA Citizen Suit Notice | South Bay, Boston, MA (submitted Feb. 13, 2026)

From Liao, Mandy <Liao.Mandy@epa.gov>

To Ashley Gjovik <ashleymgjovik@protonmail.com>

CC Sherman, Ruthann <sherman.ruthann@epa.gov>

Date Wednesday, August 26th, 2026 at 10:33 AM

Hello, Ms. Gjøvik.

Thank you for your inquiry and your submission of the Preliminary Assessment Petition. I will be the Site Assessment Manager assigned to this site. Please see my responses below in red.

Thanks,

Mandy Liao

US EPA Region 1 Site Assessment Manager

Superfund and Emergency Management Division
liao.mandy@epa.gov

> **From:** Ashley M. Gjøvik <ashleymgjovik@protonmail.com>
> **Sent:** Tuesday, August 25, 2026 2:52 AM
> **To:** Wainberg, Daniel <Wainberg.Daniel@epa.gov>; Gardner, Frank <Gardner.Frank@epa.gov>; Dominguez, Jessica <Dominguez.Jessica@epa.gov>; Carr, Stephanie <Carr.Stephanie@epa.gov>; cespn-rg-info@usace.army.mil; Melanson, Kate <Melanson.Kate@epa.gov>
> **Subject:** Status Inquiry: CERCLA §105(d) Petition & CWA Citizen Suit Notice | South Bay, Boston, MA (submitted Feb. 13, 2026)
>
> **Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.
>
> Hello,
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> I am writing to request a status update on my Petition for Preliminary Assessment under CERCLA § 105(d), 42 U.S.C. § 9605(d), regarding the South Bay site in Boston, Massachusetts, submitted to EPA Region 1 on February 13, 2026. Receipt was confirmed by Kate Melanson, Public Affairs Director, on March 31, 2026.
>
> As more than six months have now elapsed, I respectfully request answers to the following:
>
> 1. Has the South Bay site been entered into the Superfund Enterprise Management System (SEMS), and if so, what is the assigned EPA Site ID?
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> South Bay has not been entered into SEMS yet. We are still reviewing the Petition for Preliminary Assessment.

2. Has a Site Assessment Manager or other program staff member been assigned to the petition? If so, may I have their name and contact information so I can direct evidence and technical materials appropriately?
The Site Assessment Manager assigned would be me, Mandy Liao. I will be the main point of contact for this PA Petition. My email address is Liao.Mandy@epa.gov.

3. Has EPA commenced the preliminary assessment, and what is the projected completion date relative to the twelve-month statutory deadline of February 13, 2027?
EPA has not started the Preliminary Assessment yet. The twelve-month statutory deadline will be the expected completion date should a PA be warranted. If EPA determines that a PA is not warranted, then EPA will provide a response with reasons for that decision on or before that date.

4. If EPA has determined that a preliminary assessment is not necessary, please provide notification of that determination and the reasons for it, as § 105(d) requires.
EPA is currently evaluating the Site to determine if further federal assessment is needed at this time and has not made a determination on whether a PA is warranted or not. Once EPA completes its determination, we will notify you as the petitioner. We appreciate your patience as we work through this petition.

Separately, regarding my Notice of Intent to File a Citizen Suit under the Clean Water Act, 33 U.S.C. § 1365, served the same date: I request written confirmation of whether EPA has commenced any administrative or judicial enforcement action under CWA § 309, or made any referral to the Department of Justice or the Army Corps of Engineers, concerning the violations identified in the notice. I have received no communication indicating any such action, and I would appreciate confirmation either way for my records.
We are following up with the Office of Regional Counsel and asking that they reply to you on the CWA questions. You will be receiving a separate response.

I remain available to provide evidence, site data, and technical materials to assist the assessment. I respectfully request a response within 30 days.

Thank you,

-Ashley

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Ashley M. Gjøvik, BS, JD, PMP

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Website: ashleygjovik.com

Business consulting: A.M. Gjovik Consulting, L.L.C.

Mailing address: 2108 N. St Ste. 4553, Sacramento, CA 95816

On Monday, March 30th, 2026 at 11:22 AM, Ashley M. Gjøvik <ashleymgjovik@protonmail.com> wrote:

> Hello,

This was served to government agencies and multiple parties. Proof of service was also served to EPA Region 1. (Certified mail tracking no. 9589071052703453453055).

However, no one from EPA has contacted me to confirm receipt or that they're reviewing, or that there will be an assessment as require by statute. While I tolled the sixty day citizen suit notice for a year, it was based on the assumption that EPA would review the notice and conduct an assessment during that year period. If EPA has no plan to do that, then there will be no reason to wait a year. Please let me know what EPA's position is -- as of now, I haven't heard anything despite sending this nearly six weeks ago.

Additionally, based on the Zenodo/OSF traffic, it appears I'm right about Boston being a bolide impact site, and probably the ground zero for the Younger Dryas impact.

Gjøvik, Ashley M. *"Identification of a New England Bolide Impact Site: A Geologic Reckoning with the Ground-Zero for the Younger Dryas Impact Event".* (March 21, 2026). https://doi.org/10.5281/zenodo.19146482.

It also appears that at least some of the organisms in my Boston basement were live-versions of the Gunflint chert fossils dated around 1.9 billion years ago, around the Sudbury impact crater - which raises a number of follow up questions generally.

Gjøvik, Ashley M. "*Living Organisms Morphologically Consistent with Gunflint Chert Microfossils (ca. 1.9 Ga) Recovered in South End, Boston, Massachusetts".* (March 18, 2026). https://doi.org/10.5281/zenodo.19086003.

Respectfully,

-Ashley

—

Ashley M. Gjøvik

BS, JD, PMP

On Friday, February 13th, 2026 at 9:28 AM, Ashley M. Gjøvik <ashleymgjovik@protonmail.com> wrote:

> Hello regulators,
>
> Please find attached a Petition for Preliminary Assessment under CERCLA § 105(d), 42 U.S.C. § 9605(d), and a Notice of Intent to File a Citizen Suit under the Clean Water Act, 33 U.S.C. § 1365, and CERCLA, 42 U.S.C. § 9659, regarding the South Bay in Boston, Massachusetts.
>
> A paper copy will be sent via Certified Mail to the US EPA administrator, US AG, and any other required parties.
>
> This Petition requests that the EPA conduct a mandatory preliminary assessment of the South Bay site for placement on the National Priorities List. The attached notice also constitutes a sixty-day notice (extended to one year) for a citizen enforcement action under both CERCLA and CWA statutes.

The Site encompasses the South Bay, Fort Point Channel, the Roxbury Creek/Canal, the Dorchester Brook/Canal, and surrounding filled tidelands in Boston.

The CWA 404 complaint alleges the South Bay and surrounding wetlands were unlawfully filled for 200yr+ and that filling constitutes continuing violations as it is creating ongoing pollution of the ocean, captured Boston's powerful tides in underground pipes and tunnels where its creating structure instability and public health hazards, it crashed Boston's overtides, and it puts Boston at extreme risk due to Sea Level Rise.

The Site contains documented hazards including extreme pollution due to chlorinated solvents, PCBs, PAHs, lead, arsenic, radionuclides, pathogens, landfill leachate, hydrogen sulfide, garbage, eutrophication, sewage, and hazardous Victorian sewer infrastructure, actively polluting and disrupting the waters of the United States.

Under information and belief, this is the first CERCLA petition or CWA citizen suit notice filed for any portion of this Site, and there have never been any NPL sites in the City of Boston.

The notice also presents geological evidence and proposes that Boston may actually be a bolide impact site, which has significant implications for site characterization, contaminant transport modeling, and the adequacy of all existing remediation plans in the basin.

That is also one of the reasons it took me so long to file this after my prior notification -- I wanted to be certain before I made such an allegation, then once I was certain I wanted to sort out if I had to be the one to say that, and I do think I have to as this its an active hazard and any remediation must consider the actual geology otherwise it could make the issues works. Accordingly this CERCLA petition argues the bolides are a CERCLA release and should trigger NPL remediation, along with the other pollution. Further, it appears Boston may be a Younger Dryas ground-zero impact site, and this would be the first identification of such a site globally, and thus make the area an irreplaceable resource for scientific research.

The full petition is attached and also at DOI: 10.5281/zenodo.18634019. I'm also attaching a workbook I was building with environmental site data which your teams may find useful as a starting point.

Potentially Responsible Parties and Defendants identified in the notice include the City of Boston, the Commonwealth of Massachusetts, Harvard University, Boston University & Boston Medical Center, E.I. Du Pont De Nemours & Co., and Procter & Gamble-Gillette, among others.

I respectfully request confirmation of receipt. Thank you.

Respectfully,

Ashley M. Gjovik, J.D.

ashleymgjovik@protonmail.com

(415) 964-6272

2108 N St STE 4553, Sacramento, CA 95816