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## Memorandum

**To:** Michele Paul, City of New Bedford  
**From:** David M. Sullivan, TRC Environmental Corporation  
**Subject:** Response to Comment on Release Abatement Measure Plan for Nemasket St.  
**Date:** October 28, 2016  
**CC:** Raymond Holberger, City of New Bedford

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On October 9, 2016 Ian Phillips provided comments on the Release Abatement Measure (RAM) Plan associated with site preparation of the Nemasket Street lots, as well as some general comments about the Parker Street Waste Site (PSWS). Each comment is provided below followed by a response to address these comments in italics.

### General comments:

I feel that this project has gotten away from me and that I do not have a good understanding of a number of the components and approaches being implemented here. The RAM should not be submitted until there is a meeting that describes the City's approach to Nemasket Street and the entire Parker Street Waste Site.

As I currently understand the proposed RAM, targeted areas of soil excavation are proposed and contaminated soil from NB High School as well as 284 Durfee Street is proposed to be reused as backfill at the Nemasket Street Lots. This has caught me a bit unawares.

1. I was unaware of a RAM at NBHS that resulted in soil being brought to Nemasket St (I recognize that it was posted on the City's web page and probably in the newspaper); however, it was not discussed in any PIP meetings); and
2. While it was brought to my attention after the fact that soil from Durfee St was brought to Nemasket St under a RAM (that I did not review and was not aware of to the best of my recollection), I was unaware that the Parker Street Site now extends to Durfee Street or that other private properties are now being addressed as part of the Parker Street Waste Site. (This RAM was not even mentioned in the posted June 2016 meeting information).

I believe that a meeting is necessary before this RAM is submitted. The PIP process has failed in that I cannot understand or follow what the City is planning or provide meaningful input on behalf of the community.

The PIP process must stop being a reporting program and must begin to engage the community in what is planned. I have stated this opinion before.

**Response:**

*Please note that the subject RAM has been proposed as an interim soil removal measure that will contribute to the achievement of a Partial Permanent Solution for the Nemasket Street lots to be described in a forthcoming Phase IV RIP. As you are aware, the City is preparing a site-wide Phase II Comprehensive Site Assessment for RTN 4-15685 that will include each site area and its relationship to the overall site. As a practical matter and based upon the difficult logistics of the site, the City has divided the disposal site into specific areas based upon use, receptors, exposure potential, and impacted media, not to mention ability to access. This approach, as has been addressed several times previously, has provided the City with flexibility to prioritize and address each area in a systematic and focused fashion. This approach also provides a straightforward way to document achievement of a Condition of No Significant Risk across each site area and to document any conditions upon which each permanent solution is predicated.*

*The City continues to provide specific opportunities for the public to submit comments about documents concerning the Site. The process for this is detailed in the 2012 Public Involvement Plan. Per that document, the comment period is normally 20 calendar days, but may be longer if warranted by the complexity of a particular document or if requested by the public. In this case, the period was extended specifically to accommodate additional reviewers. The 2012 Public Involvement Plan does not stipulate that public meetings will be held for RAM Plans.*

*The New Bedford High School RAM cited by Mr. Phillips supported the construction of a poured concrete equipment pad in support of infrastructure improvements at New Bedford High School on behalf of the school department. The pad was installed in shallow soil (0 to 1 foot) and displaced a nominal amount of soil (approximately 5 cubic yards). Please note that procedurally the City provided an extended advertised comment period of over one full month (advertised on April 15, 2016 with comments requested by May 16, 2016) during which no comments were received. In addition, the City advertised the stockpiling activity in The Standard Times in the Sunday edition on June 5, 2016 in advance of the stockpiling work and in advance of the June 22, 2016 PIP meeting.*

*Regarding the 284 Durfee Street RAM, the City takes extra care to help ensure that response actions performed by the City at private residences are managed with discretion out of respect for the private property owners. This property owner specifically requested that they alone provide authorization for response actions within the property boundaries. Also note that the City communicated with the Commenter directly during the implementation of the RAM at the Durfee Street property and stockpiling work at Nemasket was advertised in advance in The Standard Times. The City received a note of thanks from the homeowner that commented favorably on the City's execution of the work. A discussion of the Site's boundaries has been scheduled with members of C.L.E.A.N., and Hands Across the River and the Massachusetts Department of Environmental Protection in advance of the upcoming PIP meeting where we will discuss the inclusion of additional private properties, the owners of which have been notified and in all but one case, have met with city staff. These properties will be included in the Conceptual Site Model in the upcoming Phase II CSA for the entirety of RTN 4-15685.*

*Evaluating reuse of soil from one area of the disposal site to another location within the disposal site under these two RAMs was discussed at the June 2016 PIP meeting.*

**Completeness comments:**

- a. There is no discussion of the EPA investigations or context for the EPA data from P-021 and P-029
- b. These data are not in Table 1 as described in the text
- c. Were approvals for the RAM obtained from EPA (the text indicates that they were not)
- d. The text makes reference to the Phase IV but we have not seen this nor do we know how this work integrates within the larger program
- e. Tables 3 through 6 were not included (these include the results of the contaminated soils to be disposed of at the Nemasket St lot)

**Response:** *See below*

- a. *The EPA investigations noted have no bearing on the planned activities of the RAM. Additional context will be provided in a subsequent document.*
- b. *Table 1 includes data for soil samples collected at the Nemasket Street Lots, therefore the EPA data from P-021 and P-029 should not be included in Table 1. Data associated with site investigation and remedial activities at the P-021 and P-029 properties are presented in EPA's Removal Program Site Investigation Summary Report dated May 2011 and Comprehensive After Action Report dated July 2013.*
- c. *EPA was provided a copy of the RAM Plan for their use/interest. EPA was aware of the plan to excavate the soils.*
- d. *A revised Phase IV document is in preparation.*
- e. *It appears the City did not post Tables 3 through 6 on the website. This was unintentional and efforts will be made to limit future issues of this nature.*