Analysis of Brownfields Cleanup Alternatives
Former Capitol Theater
1418-1440 Acushnet Avenue
New Bedford, Massachusetts 02746

I. Introduction and Background

This Draft Analysis of Brownfields Cleanup Alternatives (ABCA) has been prepared to evaluate cleanup alternatives related to the Hazardous Building Materials (HBM) abatement for the structure located at 1418-1440 Acushnet Avenue in New Bedford, Massachusetts, more commonly known as the former Capitol Theater (the Site). The ABCA is a condition of cleanup funds provided by the United States Environmental Protection Agency (EPA) through the City of New Bedford's Brownfields Revolving Loan Fund (RLF). The cleanup will be performed by the current owner, Community Economic Development Center (CEDC) in conjunction with the City of New Bedford (the City) Department of Resilience and Environmental Stewardship.

A. Site Location

The former Capitol Theater facility is located at 1418-1440 Acushnet Avenue in New Bedford. The Site is bounded by Acushnet Avenue to the west, Deane Street to the north, multifamily residential properties to the east, and commercial space to the south. The Site occupies approximately 20,000 square feet and largely covered by the former Capitol Theater building.

The Community Economic Development Center (CEDC) of Southeastern Massachusetts purchased the site in 2019 to expand its services to the largely immigrant community and to create a Resilience Hub. The CEDC completed an ASTM Phase I Environmental Site Assessment (ESA) and HBM assessment using the City's FY15 Brownfields Assessment Grant. CEDC intends to abate asbestos, lead based paint, and other HBM in the building using New Bedford's Brownfields Revolving Loan Fund.

B. Forecasted Climate Conditions

EPA requires that the ABCA consider potential impacts due to climate concerns. Specifically, this discussion addresses observed and forecasted climate change conditions for the area of the project and associated site-specific risk factors. New Bedford, Massachusetts is located approximately 50 miles south of Boston along the Atlantic coast. The Site is located approximately 0.28-miles west of the Upper Acushnet River at an elevated 50 feet above sea level. The Acushnet River and New Bedford's Inner Harbor is protected by a hurricane barrier approximately 3 miles south of the site.

The northeastern United States, including New Bedford, receives warm and often humid summers and cold winters. Rainfall can be severe with summer thunderstorms common and severe weather resulting from regional nor'easter, anticyclone storms, and/or hurricanes. Winter conditions can also be severe with ice storms and heavy snow common. Snowfalls of 2-3 feet in one event are not uncommon; however being a coastal community, snow is often mixed with heavy wet conditions. Portions of the City of New Bedford are prone to flooding during storm surge events. Fortunately, New Bedford has a hurricane

barrier, and the harbor is protected by a "levee". The Site is located outside the New Bedford Harbor flood plain.

According to the US Global Change Research Program website (Northeast | GlobalChange.gov) because of climate change, the northeast region can expect increased temperatures and temperature variability and extreme precipitation events. The website states that "Heat waves, coastal flooding, and river flooding will pose a growing challenge to the region's environmental, social, and economic systems. This will increase the vulnerability of the region's residents, especially its most disadvantaged and underserved populations. Infrastructure will be increasingly compromised by climate-related hazards, including sea level rise, coastal flooding, and intense precipitation events." The regional summary is attached as Attachment A.

According to FEMA Flood Insurance Rate Map # 25005C Panel 0391H effective July 6, 2021 (Attachment B), the Site is not located in any flood hazard zones; therefore, currently the biggest threat to this Site is from localized stormwater impacts from extreme precipitation events. Other forecasted climate change factors such as sea level rise, storm surge effects and saltwater intrusion have the potential to affect the Site in the future given its geographic location, which is currently situated approximately 660 feet from the flood plain hazard area with reduced Flood Risk due to the levee. However, due to its topographic location, approximately 50 feet above sea level, the Site is not anticipated to be located in the 100 year flood zone by 2070.[1] Ground thaw and freezing and wildfires are also not anticipated to affect the Site.

C. Previous Site Use(s) and Any Previous Cleanup/Remediation

The Capitol Theater building is a 1920 Classical Revival film theater. The Capitol Theatre was opened November 29, 1920. It closed as a movie theatre in the 1960's and became a rock concert venue in the 1970's, finally closing in the 1980's. The theater has remained vacant since.

Two tenants occupy portions of the property: The Family Redemption Center and Mi Antojo Mexican Market/Vicky's Travel. The Family Redemption Center is a bottle and can recycling facility and occupies the storefront at 1438 Acushnet Avenue. This tenant also uses the former theater space at 1418 Acushnet Avenue (eastern half of the building) as a warehouse for returned cans and bottles. Mi Antojo Mexican Market/ Vicky's Travel occupies 1426 Acushnet Avenue. The remaining portions of the property are not currently occupied. Formerly, Octane Sports Bar, a bar and night club occupied 1430 Acushnet Avenue. Experts Electronics, an electronic service and repair store previously occupied 1420 Acushnet Avenue.

Several assessment activities have been completed to date, but no cleanup/remediation has occurred at the Site.

II. Site Assessment Findings

Wilcox & Barton prepared a Phase I ESA Report for the subject property dated October 25, 2019 (2019 Phase I ESA) in compliance with ASTM E1527-13. Recognized environmental conditions (RECs) identified during the Phase I ESA included improper storage of oil and hazardous materials in the boiler room and

[1] https://scenarios.globalchange.govscenarios/sea-level

basement areas. Wilcox & Barton recommended a Hazardous Materials Survey (HMS) be performed for the Site.

As a result of the 2019 Phase I ESA, Wilcox & Barton conducted a HMS for the Site and prepared an HMS report dated March 6, 2020. The HMS included a full survey and sampling for Asbestos Containing Materials (ACM), Lead Based Paint(LBP), Polychlorinated Bisphenols (PCBs) and mercury containing materials. The report concluded that asbestos was assumed present or was detected at a concentration greater than or equal to 1% in floor tiles, mastics, pipe insulation, pipe insulation fittings, boiler insulation, electrical wire insulation, air cell pipe insulation, movie screen, plaster wall material, and roofing material. In total, Lead based paint was detected in 25 of the paint systems in the building; fifty-six (56) PCB-containing light ballasts were observed; and 116 potential mercury-containing fluorescent light tubes and 4 potential mercury containing thermostats were identified. Mold growth and water damage were also observed throughout the building.

III. Project Goal

As part of the CEDC's ongoing redevelopment efforts, this brownfields site is being proposed to be rebuilt as a resilience hub for the community and proposed as the North End Resilience Hub. The North End Resilience Hub is intended to provide a community space that is equipped with the infrastructure to keep residents safe and healthy in the event of a climate emergency. In addition to the required infrastructure, the success of a Resilience Hub is dependent on the established use of and comfort with the space by the community. In 2020, CEDC engaged the community development venture Urbane Development ("Urbane") to develop a plan and propose concepts for the build-out of mixed-use spaces and comprehensive programming for the vacant theater that support economic and social resilience. At the Capitol Theater, CEDC hopes to manage mixed-use spaces and comprehensive programming that will engage the community, provide connectivity, and close the gap on economic, health, and social outcomes for the neighborhood.

The abatement of HBM at the Site is anticipated to occur in a phased approach, with the abatement and repair / replacement of the roofing system occurring first due to the failing and compromised condition of the roof. The abatement of the remaining HBM at the Site is anticipated to occur as part of the proposed renovation / redevelopment activities at the Site.

IV. Applicable Regulations and Cleanup Standards

A. Cleanup Oversight Responsibility

The CEDC, as the current property owner, will undertake responsibility to remediate contaminated building materials prior to building renovation and redevelopment. Abatement and monitoring of hazardous building materials will be conducted under state certified and licensed personnel.

B. Cleanup Standards

The Massachusetts Department of Environmental Protection (MassDEP) is the state authority that regulates releases of OHM and asbestos containing materials through the Bureaus of Waste Site Cleanup and Waste Prevention, respectively. Reportable releases of OHM require response actions under the

Massachusetts Contingency Plan (MCP); 310 CMR 40.0000. MCP response actions are managed by a Licensed Site Professional (LSP), licensed by the Commonwealth of Massachusetts.

The Site is currently not regulated under the MCP; however, asbestos abatement actions would require notification to and coordination with MassDEP Bureau of Waste Prevention at their Southeast Regional Office in Lakeville, Massachusetts. ACM abatement will be in accordance with MassDEP rules and regulations,.

C. Laws and Regulations

Abatement of contaminated building materials prior to building renovation and/or redevelopment will be conducted pursuant to Massachusetts Hazardous Waste regulations [310 CMR 30.000]. Off-Site disposal of contaminated media will be conducted pursuant to the aforementioned regulations and the Massachusetts Solid Waste regulations [310 CMR 16.000]. Additional applicable local, state, and federal regulatory requirements will also be adhered to.

V. Evaluation of Cleanup Alternatives

A. Cleanup Alternatives Considered

EPA requires that this ABCA includes the evaluation of three (3) remedial alternatives. To address the abatement of hazardous building materials at the Site, the following three (3) alternatives were considered, including:

- Alternative #1: No Action
- Alternative #2: Encapsulation
- Alternative #3: Abatement and Disposal

B. Cost Estimate of Cleanup Alternatives

To satisfy EPA requirements, the effectiveness, implementability, and cost of each alternative must be considered prior to selecting a recommended cleanup alternative.

1. Effectiveness

- Alternative #1: (Hazardous Building Materials): “No Action” is not effective in controlling or preventing the exposure of potential receptors to contamination at the Site.
- Alternative #2: (Hazardous Building Materials): Although encapsulation is a feasible option for limited impact of hazardous building materials, this option is not feasible, since the building roofing needs full abatement, removal and replacement.
- Alternative #3: (Hazardous Building Materials): Abatement and disposal of hazardous building materials is an effective option, since the contaminant source is removed, and redevelopment may be accomplished. This alternative also offers greater long-term sustainability and resiliency with respect to climate change risk factors.

2. Implementability

- Alternative #1: “No Action” is easy to implement since no actions will be conducted; however, the building would not be viable for redevelopment until HBM were abated.

- Alternative #2: Although this alternative is moderately easy to implement, encapsulation is not feasible for all HBM present in the structure, due to the deteriorating state of the roof and other interior building materials.
- Alternative #3: Abatement/Disposal of hazardous building materials is a feasible remedial option, since removal of all contaminated building materials must be accomplished prior to replacing the roof, flooring, ceilings, and other materials that require it. This alternative is moderately difficult to implement as it will require appropriate planning, permitting and coordination.

3. Cost

- Alternative #1: (Hazardous Building Materials) No Action: There are no costs associated with this alternative; however, the building would not be viable for redevelopment until HBM were abated.
- Alternative #2: (Hazardous Building Materials) Encapsulation: Encapsulation can be performed to minimize risk presented by damaged or friable asbestos materials. However, the only material that is damaged at the Site and is eligible for encapsulation is the pipe insulation in the crawlspace of the building. The approximate cost of implementing this alternative can be approximated at an industry estimate of $50 per linear foot However, this alternative will not address all HBM that must be remediated as part of redevelopment.
- Alternative #3 (Hazardous Building Materials) Abatement: The estimated cost to perform HBM abatement at the building due to the proposed redevelopment and construction plans which require disturbance and removal of all these materials is approximately $360,000.00.

C. Recommended Cleanup Alternatives

The recommended cleanup alternative for hazardous building materials is Alternative #3: Abatement and Disposal. Alternative #1: No Action, cannot be recommended because it does not address Site risk. Alternative #2: Encapsulation, while effective for limited impacts of hazardous building materials in the structure, this option is not feasible for the entirety of HBM present at the Site including but not limited to the roof which is in such poor condition and requires full abatement and replacement. Furthermore, encapsulating walls with mold and weather damage is not recommended, as mold growth would not be addressed and would worsen over time.

Additionally, Alternative #3 will utilize opportunities for achieving green remediation goals by using cleaner fuels, diesel emission controls, and/or other emission reduction practices for construction vehicles and other equipment in line with EPA's Clean and Green Cleanup guidelines.

Therefore, Alternative #3: Abatement and Disposal is the most cost effective alternative capable of completely removing risk and most feasible option as the building will need to be reconstructed to support the proposed redevelopment plans. In addition, Alternative #3 will utilize opportunities to implement and achieve green remediation goals in accordance with EPA's Clean and Green Cleanup Guidelines and offers greater long-term sustainability and climate change resiliency. For these reasons, the recommended cleanup alternative is Alternative #3: Abatement.

VI. Community Involvement

The draft ABCA for the project will be made available to the public for review and comment for a thirty (30) day period, commencing as soon as possible. The Community Relations Plan (CRP) and ABCA will be

presented at a public meeting at a near date to be determined and attended by Ms. Sarah DeStefano and Mr. Craig Miner from Weston & Sampson, Ms. Courtney Cohen and Ms. Michele Paul from the City. Questions and/or comments regarding the project specific to the cleanup plan can be sent in writing to the spokesperson for the project, Ms. Michele Paul, throughout the comment period.

VII. Schedule

Task	Estimated Start Date	Estimated Completion Date
Publish Public Notice on the New Bedford website www.newbedford-ma.gov and Social Media pages (which will announce public meeting, timing of 30-day public comment period, and availability of information repository)	05/04/2023	05/04/2023
30-day Public Comment Period for Draft ABCA	05/01/2023	05/31/2023
Public Meeting to discuss ABCA	05/04/2023	05/04/2023
End of Public Comment Period	05/31/2023	05/31/2023
Respond to Comments	No Comments Received	
Finalization of ABCA	05/31/2023	05/31/2023
Implementation of Remedial Alternative	Fall 2023	

VIII. Remedy Implementation

The CEDC is anticipated to proceed with the implementation of the recommended remedial alternative, Alternative #3 – Abatement and Disposal, within the next year following submission and approval of all U.S. Housing and Urban Development (HUD) obligations and other local, state and/or federal requirements necessary as part of redevelopment.