

**Week of June 6, 2005**



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOUTHEAST REGIONAL OFFICE  
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY  
Governor

ELLEN ROY HERZFELDER  
Secretary

KERRY HEALEY  
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.  
Commissioner

DATE: June 8, 2005

Municipality: NEW BEDFORD  
(city/town)

RE: NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant:

Owner:

CITY OF NEW BEDFORD J.  
COUCCI

Address: 133 WILLIAM ST.  
NEW BEDFORD, MA 02740

Address:

LOCUS: 225 HATHAWAY BLVD.

**IF CHECKED, THE FOLLOWING ITEM(S) APPLY TO THIS NOTICE OF INTENT:**

This project has been assigned the following file # :SE 049-0543

**ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL,  
NOT APPROVAL OF APPLICATION**

Although a file # is being issued, please note the following:

**Please insure that the appropriate Filing Fee has been paid in accordance with the new Fee Schedule, effective 10/08/2004.**

Please refer to the DEP Superseding Order of Conditions issued under DEP File No. SE 49-365 where Department determined the site to contain Bordering Vegetated Wetland as defined at 310 CMR 10.55. ~~DEP recommends the submittal of specific construction methodology for the site, including type~~ of equipment, access, dewatering facilities, staging areas, and time of year work is proposed to be conducted. Additionally, the site plan should clearly delineate existing and proposed topographic elevations. Areas of restoration and plantings should be illustrated on a planting plan.

If you have any questions regarding this letter, please contact: Dorothy Blickens @ (508) 946-2781

**(X) PLEASE SEE NEXT PAGE FOR POTENTIAL ADDITIONAL APPLICABLE REQUIREMENTS**

Cc: Conservation Commission: NEW BEDFORD Conservation Commission, Room 309 133 William Street

Representative: Alan Hanscom, BETA Group, Inc. 315 Norwood Park South

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

U.S. Army Corp of Engineers

**(X) Other Regulatory Jurisdiction**

1.  Chapter 91 license may be required. Application and transmittal available on DEP website (<http://www.state.ma.us/dep/appkits/forms.htm>) if needed contact DEP Service Center at 508-946-2714 for direct mailing or provide information why license is not required.

**(X) 401 Water Quality Certification (314 CMR 9.00) may be required.** Provided that the project meets certain conditions, summarized below from 314 CMR 9.03 and 9.04, and the conditions under the Corps of Engineers Programmatic General Permit for Massachusetts (PGP), the project qualifies for 401 Certification as certified under the PGP. Information and a copy of the PGP can be obtained from the Corps of Engineers at 1-800-362-4367.

**SEE BELOW FOR FURTHER DETAILS:**

- Based upon the information submitted in and with your Notice of Intent a separate 401 Water Quality Certification application form is not required. Provided that:**
- (a) activities are conducted in compliance with MGL c.131, §40 (the Wetlands Protection Act) and the Final Order of Conditions permitting the activities does not result in the loss of more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and Land Under Water and/or the dredging of more than 100 cubic yards of Land Under Water;
  - (b) the Final Order of Conditions requires at least 1:1 replacement of Bordering Vegetated Wetlands pursuant to 310 CMR 10.55(4)(b);
  - (c) the project is not listed in 314 CMR 9.04(1) through (11) including: discharge of dredged or fill material to any Outstanding Resource Water; any part of a subdivision **unless deed restricted**, so long as the discharge is not to an Outstanding Resource Water see 314 CMR 9.04(3); activities exempt from MGL c.131, §40 (except for normal maintenance and improvement of land in agricultural or aquacultural use); discharge of dredged or fill material to an isolated vegetated wetland identified as rare and endangered species habitat; loss of any salt marsh; activities subject to an individual 404 permit.

**If impacts to resource areas or project size increases beyond that described in the Notice of Intent or there are discrepancies therein, you must notify the Department and request a determination that the criteria of 314 CMR 9.03 have been met before the activity may begin.**

**(X) Before the activity described in the Notice of Intent can commence, you must obtain a Water Quality Certification from this Regional Office.** Please complete a 401 Water Quality Certification application form (<http://www.state.ma.us/dep/appkits/forms.htm>) and file it with this Regional Office for review.

**Your project involves dredging of greater than 100 cubic yards of Land Under Water.** Please complete a 401 Water Quality Certification application form (<http://www.state.ma.us/dep/appkits/forms.htm>) and submit to the Department of Environmental Protection, Waterways Regulation Program, One Winter Street, Boston, MA 02108. Call the Waterways Regulation Program at 617-292-5695 with any questions.

**(X) Applicant is advised to forward a copy of the Water Quality Certification Application to the Corps of Engineers for review.** (call 1-800-362-4367 for information).

[Click here to go back.](#)

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## Category: Announcements

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**Description:** Legals - ?? NOTICE OF A PUBLIC HEARING NOTICE OF INTENT FILED FOR PLOT 69 LOT 125 AND PLOT 75 LOT 167 ?? The City of New Bedford has filed a Notice of Intent with the Conservation Commission seeking permission to perform remedial actions within the above-listed location, which is an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40). A public hearing is scheduled to be held on ?? Tuesday, June 14, 2005 at 7:00 p.m. at the New Bedford City Hall, Room 314. ?? Any questions regarding this public hearing should be directed to the office of the Conservation Commission at 508-991-6188 or to Alan Hanscom, Licensed Site Professional, BETA Group, Inc., 315 Norwood Park South, Norwood, MA 02062 at 781-255-1982. June 9 ??

**Location:** MA

**Date:** 6/9/2005

**Source:** Standard Times

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**Week of June 13, 2005**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

1 Congress Street, Suite 1100  
Boston, MA 02114-2023

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Scott Alfonse, Director  
City of New Bedford  
Department of Environmental Stewardship  
133 William Street  
New Bedford, Massachusetts 02740

Re: *DRAFT* Approval for Risk-Based PCB Remediation under 40 CFR §761.61(c)

Dear Mr. Alfonse:

This is in response to the City of New Bedford (the City) application for approval of a risk-based plan to address PCB-contaminated materials at the property known as the McCoy Field, located on Hathaway Boulevard, New Bedford, Massachusetts (the Site).<sup>1</sup> The Site contains PCB-contaminated materials that exceed allowable PCB levels under the federal PCB regulations at 40 CFR §761.61.

The City has proposed to construct a school on the Site and has submitted a proposed cleanup plan that includes the following major activities:

- Removal and off-site disposal of PCB-contaminated soils with greater than or equal to 100 parts per million ( $\geq 100$  ppm) in the excavation areas;
- Installation of a minimum 2-foot clean soil cover in paved areas and a minimum 3-foot clean soil cover in landscaped areas;
- Installation of 2-foot clean soil cover, a passive vapor ventilation system and solid vapor barrier beneath the proposed building footprint;
- Establishment of institutional controls and deed restrictions, including recording an Activity and Use Limitation to restrict exposure to soil and disturbance of soil at the Site; and
- Establishment of a long-term monitoring and maintenance implementation plan (MMIP) for the surface covers (cap), including the building floor, and for monitoring of groundwater and indoor air quality.

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<sup>1</sup> Information was submitted on behalf of the City of New Bedford by BETA Group to support a risk-based cleanup and disposal approach for PCB remediation waste under 40 CFR §761.61(c). Attachment 2 provides a list of supporting information for this request. These submissions will be referred to as the "Application."

EPA has determined that the City's proposed plan is acceptable and that there will be no unreasonable risk to public health or the environment when the cleanup is conducted in accordance with the Application and this Approval. Therefore, the City may proceed with this project, subject to the conditions of Attachment 1.

Should you have any questions on this matter, please contact Kimberly Tisa at (617) 918-1527.

Sincerely,

Robert W. Varney  
Regional Administrator

Attachment 1  
Attachment 2

cc: . A. Hanscom, BETA

**ATTACHMENT 1: PCB DISPOSAL APPROVAL**  
**MCCOY FIELD**  
**NEW BEDFORD, MASSACHUSETTS**

**GENERAL CONDITIONS**

- 1 This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* identified in the Application, specifically the PCB waste located at McCoy Field (the Site).
  - a. This Approval does not address PCB contaminated sediments in the wetlands adjacent to the Site. Within 60 days of receipt of this Approval, the City of New Bedford (the City) shall submit a cleanup plan for the wetlands for EPA review and approval.
  - b. This Approval does not address PCB contaminated soils at the High School property or in the residential properties. Prior to initiating cleanup at these properties, the City shall submit a cleanup plan for EPA review and approval. In the alternative, the City shall submit documentation that cleanup of these properties is not regulated under TSCA and the federal PCB regulations at 40 CFR Part 761.
- 2 The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Application.
- 3 This Approval shall be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
- 4 In the event that the activities described in the Application differ from the conditions specified in this Approval, the conditions of this Approval shall govern.
- 5 The terms and abbreviations used herein shall have the meanings as defined in 40 CFR §761.3 unless otherwise defined within this Approval.
- 6 The City must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the City shall contact EPA for direction on sampling and cleanup requirements.

- 7 The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
- 8 This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Application. The City is responsible for ensuring that the City's selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
- 9 The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least three business days prior to conducting any work under this Approval.
- 10 This Approval does not waive or compromise EPA's enforcement and regulatory authority, nor release the City from any other applicable requirements of federal, state or local law, including those affecting any other contaminants.

#### **USE CONDITIONS AND DEED RESTRICTION**

- 11 Within sixty (60) days of completing the activities described in the Application and in the Approval, the City shall submit for EPA's review and approval, an Activity and Use Limitation (AUL, i.e., a deed restriction) for the Site. The AUL shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term monitoring and maintenance requirements on the Site. Within sixty (60) days of EPA's acceptance of the AUL, the City shall record the AUL in the Registry of Deeds. A copy of this Approval shall be attached to the AUL. Within 15 business days of the recording, the City shall submit to the EPA a copy of the AUL, with a certification(s) by an authorizing official that the City has recorded the AUL and Approval as required above.
- 12 Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Application, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least 10 days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.

If such modification involves a change in the use of the Site which results in exposures not considered in the Application, the EPA may revoke, suspend, and/or modify this Approval if it finds that this risk-based cleanup and disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information from the City needed to make a determination regarding potential risk.

**SALE, LEASE OR TRANSFER OF SITE**

- 13 The City shall notify the EPA of the sale, lease or transfer of any portion of the Site, in writing, no later than 30 days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that the City sells, leases or transfers any portion of the Site, the City shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner through the issuance of a new approval. The procedures for the issuance of a new approval ("re-issued approval") are as follows:
- a. The new owner(s), lessee or transfer entity must request, in writing, that the EPA issue a new approval to the new owner(s), lessee or transfer entity which transfers some or all responsibilities to comply with the terms and conditions of this Approval to that entity or entities; and,
  - b. The EPA reviews the request, and determines whether to issue a new approval; and,
  - c. The new owner(s), lessee or transfer entity provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the re-issued approval. The re-issued approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or transfer entity of its acceptance of, and intention to comply with, the terms and conditions of the re-issued approval within 30 days of the date of the reissued approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on the City.
  - d. In the event that the sale, lease or transfer of the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the re-issued approval if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The new owner shall record any amendment to the AUL, resulting from any approved modification(s), within 60 days of such change(s).

- 14 In any sale, lease or transfer of the Site, the City shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval for groundwater and indoor air monitoring and for maintenance of the caps, except as provided above.

**INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

- 15 The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 16 Within 60 days of receipt of this Approval, the City shall submit for EPA's review and approval, a detailed long-term monitoring and maintenance implementation plan (MMIP) for the caps and for groundwater and indoor air quality. At a minimum, this MMIP shall include a description of the activities that will be conducted, including cap inspection criteria, frequency, and routine maintenance activities; groundwater and indoor air quality monitoring locations, frequency, and analytical criteria; and reporting requirements to EPA. The MMIP shall also include a communications component which details how the maintenance and monitoring results will be communicated with the Site users, including teachers, parents, students, other on-site workers, and interested stakeholders. The City shall incorporate any changes to the MMIP required by EPA. Activities required under the MMIP shall be conducted until such time that EPA and the Massachusetts Department of Environmental Protection (MADEP) determine, in writing, that such activities are no longer necessary.
- 17 Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 18 Any misrepresentation or omission of any material fact in the Application or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 19 Approval for these activities may be revoked, modified or otherwise altered at any time EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are

necessary to comply with new rules, standards, or guidance for such approvals. The City may apply for such a modification in the event new rules, standards, or guidance come into effect.

### **RECORDKEEPING AND REPORTING CONDITIONS**

- 20 The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required by Subparts J and K. The City shall maintain a written record of the cleanup and the analytical sampling for activities conducted under this Approval, at City Hall and at the Site. All records shall be made available for inspection by authorized representatives of the EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.
- 21 The City shall submit a Final Completion and Inspection Report (Report) to the EPA within 120 days of completion of the activities described under this Approval. At a minimum, this Report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results; copies of indoor air monitoring reports; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed of off-site; copies of manifests; copies of certificates of disposal or similar certifications issued by the disposer, if applicable; and any additional report required under the Massachusetts Contingency Plan, including the As-Built Construction Report. The Report shall also include a Completion Statement signed and sealed by a registered Licensed Site Professional or Professional Engineer in the Commonwealth of Massachusetts verifying that the activities have been implemented in accordance with this Approval and the Application.
- 22 As required under Condition 16 of this Approval, the City shall submit the results of the long-term monitoring and maintenance activities to EPA and MADEP as specified in the final approved MMIP.
- 23 Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
1 Congress Street, Suite 1100 - CPT  
Boston, Massachusetts 02114-2023  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

- 24 No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

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End of Attachment 1

**ATTACHMENT 2: Administrative Record**

- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) May 26, 2005 letter responding to VERSAR May 19, 2005 risk assessment comments*
- *William D. Sweet (ATSDR) to Kimberly Tisa (EPA), Health Consultation on McCoy Field Site, post remediation and after building construction. May 25, 2005.*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) May 24, 2005 letter clarifying comments contained in May 18, 2005 letter*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) letter responding to EPA Supplemental Comments on Risk-Based Application, May 18, 2005*
- *May 19, 2005 Versar Comments on Risk-Based Cleanup Request Risk Assessment Calculations*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Transmittal of Summary of Supplemental EPA Review Comments on Risk-Based Cleanup Application, via e-mail May 16, 2005*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA), Transmittal of Summary of EPA Review Comments on Risk-Based Cleanup Application, via e-mail May 12, 2005*
- *Supplemental EPA Review Comments, May 12, 2005 from Alan Hanscom (BETA, Inc) to Kimberly Tisa (EPA), via e-mail*
- *Letter from Scott Alfonse (City of New Bedford) to Kimberly Tisa (EPA), May 10, 2005*
- *Memorandum from Cyndee Fuller (ESS) to Al Hanscom (BETA), Revision of Risk-based Air Concentrations for PCBs and comparison with MADEP air guidance, May 9, 2005*
- *Risk Based Cleanup Request, School Site at McCoy Field, New Bedford, Massachusetts, Revision 1, May 3, 2005, Volumes I and II.*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) letter dated May 2, 2005 responding to EPA April 5, 2005 memo on technical design of engineered cap.*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) letter dated May 2, 2005, responding to EPA April 19, 2005 comments on Risk-Based Cleanup Request, Rev. 0, March 21, 2005.*
- *Alan Hanscom (BETA) to Kimberly Tisa (EPA) letter dated May 2, 2005, responding to Versar April 14, 2005 comments on Risk-Based Cleanup Request, Rev. 0, March 21, 2005.*

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- *Kimberly Tisa (EPA) to Scott Alfonse (City of New Bedford) letter dated April 19, 2005 transmitting comments on Risk-Based Cleanup Request, March 21, 2005*
- *Yoon-Jean Choi (EPA) to Kim Tisa (EPA), Comments on Proposed Engineered Cap, April 5, 2005*
- *Robert W. Varney (EPA) to Mayor Frederick M. Kalisz, Jr. (City of New Bedford) regarding cleanup application for the Keith Middle School Project, March 30, 2005*
- *Scott Alfonse (City of New Bedford) to Kimberly Tisa (EPA), Risk-Based Cleanup Request, Rev. 0, March 21, 2005.*

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End of Attachment 2



CITY OF NEW BEDFORD  
MASSACHUSETTS

CONSERVATION COMMISSION  
133 WILLIAM STREET, ROOM 311  
NEW BEDFORD, MA 02740

Tel: (508) 991-6188 Fax: (508) 961-3045 TTY: (508) 979-1661

*AGENDA*

Notice is hereby given that in accordance with the Massachusetts Wetland Protection Act, MGL Ch 131, Section 40, of a Public Meeting held by the New Bedford Conservation Commission on **Tuesday June 14, 2005** at 7:00 P.M in Room 314 City Hall, 133 William St., New Bedford, Massachusetts to consider the following Public Hearings and Other Business:

**1. CANCEL PER ROB BRAMAN until 6/14/05 (Con't from 7/27/04 SE49-486) Notice of Intent as filed by David and Ruth Glicksman for property located on 1550 Padanaram Ave., map 17A lots 122,123&124.** Applicant proposes to construct a stone revetment and pier in Clark's Cove. Representative is Robert Braman Jr. of Braman & Handy Engineering.

**2. Request for Determination of Applicability as filed by the City of New Bedford Dept. of Infrastructure to conduct roadway maintenance (roadway patching/paving) in the Buffer Zone or Coastal Floodplain along portions of the following City Streets: Padanarum Ave., Norwell St., Rodney French Boulevard & West Rodney French Boulevard.** Representative is Zeb Arruda.

**3. Request for Determination of Applicability as filed by Brian & Krystal Kofton for property located at 56 Lauren Drive (Map 132J, Lot 27).** Applicant proposes to remove invasive plants from 600 s.f. of BVW. Representative is Brian Kofton.

**4. Request for Determination of Applicability as filed by Wayne Rezendes, for property located at 584 West Rodney French Blvd (Map 5, lot 196).** Applicant proposes to construct a porch in the coastal floodplain. Representative is Wayne Rezendes.

**5. Request for Determination of Applicability as filed by Daniel Moniz c/o Wetlands Consulting, Inc. for property located at Map 125A, Lots 22, 129, 26 & 30.** Applicant seeks verification of wetland boundary. Representative is Stephen Chmiel of Wetlands Consulting Inc.

**6. Request for Determination of Applicability as filed by N.C. Hudon Inc. & Paula Jennings c/o Wetlands Consulting, Inc. for property located at Map 125A, Lots 168 & 287.** Applicant seeks verification of wetland boundary. Representative is Stephen Chmiel of Wetlands Consulting Inc.

**7. Request for Determination of Applicability as filed by Jose Verissimo for property located on Acushnet Avenue (Map 136 Lot 452).** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Brian Levesque of SITEC, Inc.

**8. Request for Determination of Applicability as filed by Jose Verissimo for property located on Acushnet Avenue (Map 136 Lot 452).** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Brian Levesque of SITEC, Inc.

**9. Notice of Intent as filed by Jose Verissimo for property located on Acushnet Avenue (Map 136 Lot 451).** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Brian Levesque of SITEC, Inc.

**10. Notice of Intent as filed by Jose Verissimo for property located on Acushnet Avenue (Map 136 Lot 450).** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Brian Levesque of SITEC, Inc.

**11. (Con't from 5/24/05) SE49-0541 Notice of Intent Application as filed by Seafood Services, Inc. dba MacLeans for property located at 10 North Front St (Map 79, Lot 5).** Applicant proposes to construct a new 16' wide x 250' long pile supported pier and dredge approximately 2,400 CY of material to provide a minimum depth of -10' (MLW) for fishing vessels to unload & berth. Representative is Richard Charon of Charon &

Associates.

12. Notice of Intent as filed by the City of New Bedford for property located on Map 69, Lot 125 and Map 75, Lot 167 (located between McCoy Field and Summit Street). Applicant proposes to remediate 60,000 s.f. of Bordering Vegetated Wetland. Representative is Alan Hanscom of BETA Engineering.

13. Notice of Intent as filed by NSTAR Electric & Gas for property located at Map 25A, Lot 7. Applicant proposes a salt marsh creation (18,400 s.f.) and sand dune creation (35,000 s.f.) as mitigation for lost resources associated with SE49-446 & SE49-343. Representative is John Thomas of Beals & Thomas.

14. CANCEL PER RICH RHEAME UNTIL 6/14/05 (Con't from 10/26/04) SE49-494 Notice of Intent as filed by Pope's Island Harbor Development Corp. for property located on 173 Pope's Island, map 60 lot 10. Applicant proposes to construct a 530' long vertical steel bulkhead along the current harbor line. Representative is Rich Rheame of Prime Engineering.

15. (Con't from 5/10/05) SE49-501 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 1 (subdivision lot #63). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

16. (Con't from 5/10/05) SE49-507 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 1 (subdivision lot #30). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

17. (Con't from 5/10/05) SE49-509 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 1 (subdivision lot #28). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

18. (Con't from 5/10/05) SE49-510 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 1 (subdivision lot #27). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

19. (Con't from 5/10/05) SE49-511 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 1 (subdivision lot #26A). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

20. (Con't from 5/10/05) SE49-514 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 3 (subdivision lot #8A). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

21. (Con't from 5/10/05) SE49-515 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 4 (subdivision lot #9A). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

22. (Con't from 5/10/05) SE49-516 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 4 (subdivision lot #10). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

23. (Con't from 5/10/05) SE49-517 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 4 (subdivision lot #11). Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheame of Prime Engineering.

24. (Con't from 5/10/05) SE49-529 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods

**Realty Trust for property located on Church Street Map 130H, portion of Lot 31 & 33 (subdivision lot #24).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**25. (Con't from 5/10/05) SE49-530 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 4 (subdivision lot #62).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**26. (Con't from 5/10/05) SE49-531 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 3 (subdivision lot #1).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**27. (Con't from 5/10/05) SE49-532 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 3 (subdivision lot #2).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**28. (Con't from 5/10/05) SE49-533 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lot 4 (subdivision lot #3).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**29. (Con't from 5/10/05) SE49-534 Notice of Intent as filed by Ralph K. Mulford, Trustee, Whalers Woods Realty Trust for property located on Church Street Map 130G, portion of Lots 3 & 4 (subdivision lot #4).**  
Applicant proposes to construct a Single Family Dwelling in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**30. Notice of Intent as filed by Welby Road LLC for property located at 200 Welby Road Map 132, Lot 14, (sublot 2).** Applicant proposes to pave an existing gravel lot in the Buffer Zone. Representative is Richard Rheume of Prime Engineering.

**31. Request for Determination as filed by George Rheume for property located at 48 Wamsutta St., Map 72, Lot 261.** Applicant proposes to reconstruct an existing fireplace in the Buffer Zone. Representative is Rich Rheume of Prime Engineering.

**32. Notice of Intent as filed by John Williams, Trustee, Gurney Place Realty Trust for property located adjacent to 42 & 44 Oriole Street (Map 138, Portions of Lots 1 & 469).**  
Applicant proposes to construct 400 feet of roadway & 5 homes with associated drainage & Utilities. Representative is Rich Rheume of Prime Engineering.

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3. Enforcement Orders

John P. Gurney, Chairman

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**EPA approves plans to build on contaminated site**By AARON NICODEMUS, *Standard-Times* staff writer

NEW BEDFORD -- A neighborhood activist who has fought the building of a new Keith Middle School on a contaminated former dump site says he is disappointed by the EPA's decision to approve the plan.

"The city seems to be in a big rush to get this school up," Brian Woolley of Wasted Away said yesterday. "It's very upsetting how all this is taking place. We elect these officials, we trust these environmental people to make the right decisions. It's upsetting."

The Environmental Protection Agency issued a draft approval of the city's plan to cap the former McCoy Field site, which is contaminated with polychlorinated biphenyls (PCBs). The approval said there is "no unreasonable risk" to students, teachers and residents from the site's contaminants if the city follows the EPA's guidelines in capping the site.

"EPA reviewed the city's PCB cleanup plan, which was found to be consistent with EPA methodologies and risk guidelines," the draft approval said. "EPA has reached a preliminary determination that the city's proposed plan to address PCB contamination at the site is acceptable, and that there will be no unreasonable risk to site users when the cleanup is completed."

There will be a 30-day window for public comment on the draft approval, including a public meeting at the Keith Middle School library, 70 Hathaway Road, on Wednesday at 7 p.m. After the 30-day period expires, the EPA will issue its final approval.

Mr. Woolley said the neighborhood will have lots of questions for that meeting, and that former state Rep. Mark Howland, who owns several environmental companies, will attend to ask "technical" questions about the draft approval.

Mr. Howland, who announced his candidacy for mayor yesterday, was critical of the plan.

"The mayor is saying, 'Safe enough is good enough,' " he said during a press conference. "He has failed to have the courtesy to listen to the concerns of the neighbors."

Mr. Woolley, who has been fighting the Keith project for five years, said he will not attend the meeting because he will be attending a Jimmy Buffett concert.

This story appeared on Page A4 of The Standard-Times on June 16, 2005.

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