

Environmental Research Corps
Saving our Wetlands to Protect our Future.....

MATT
JACKIE G.
Conservation Commission
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CITY OF NEW BEDFORD
SEP 15 2005

September 9th, 2005

DEP file # SE 49-543
McCoy Field, New Keith Middle School Site, Wetlands Remediation
Notice of Appeal Request

Environmental Research Corps (ERC) on behalf of their client – Brian Woolley – hereby submits this request for Department interaction and a superseding order of conditions. Mr. Woolley, as a direct abutter, and as the spokesperson for the local neighborhood advocacy group Wasted Away - concerned with the level of pollutants on the McCoy Field site – specifically requests that the Department issue a superseding order of conditions denying the project as set forth, and furthermore described in the Order of Conditions issued by the New Bedford Conservation Commission. Joined also, by the interested parties so listed below, Mr. Woolley objects to the project and its approval for the following reasons.

1. Prevention of Pollution is listed as one of the seven major functions to protect wetlands that the Wetlands Protection Act was enacted, and regulations promulgated as a result. The proposed project fails to address the interests of the Act by failing to adequately address the levels of pollutants.
 - a. the project has failed to adequately test and document the extent of all pollutants within the wetland resource areas. Testing, and subsequent plans for remediation have been limited to the top 6 inches of soils on the site. Historical data and testing have shown that PCB contamination and other heavy metals and contaminants have been found in wetlands reaching to the Sullivan's Ledge and Appongansett Swamp on this site and other site on the same unnamed brook and waterway.
 - b. As a result, the proposed project fails to remove all pollutants from the site, which is the stated intent of the project. As well, the project fails to even remediate the natural soil column of the wetlands since inadequate erosion controls have failed to prevent contaminated silt and sediment from entering the wetlands and depositing an artificial layer of additional pollutants over the natural soils. The project makes no distinction between the artificially deposited soils and the natural soils in its description of work within the upper six inches.
 - c. Extensive work in the wetlands as proposed, particularly the clearing of natural vegetation and soil disturbance is likely to alter the physical characteristics of resource areas by changing their soil composition, topography, hydrology, temperature, and the amount of light received. Soil and water chemistry within resource areas may be adversely affected by the proposed work which includes and is not limited to bank restoration, dredging, proposed draining of water levels, soil removal, vegetation removal, planting, and a host of other factors. Alterations to biological conditions in the resource areas may include changes in plant community composition and structure, invertebrate and vertebrate biomass and species composition, and nutrient

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- cycling. Furthermore, the uncontrolled storm water runoff, and movement of contaminated soil particles to the wetlands from work in the buffer zone as documented during storm events after the public hearing show the potential for additional disruption and erosion of soil, loss of shading, reduction in nutrient inputs, and changes in litter and soil composition that filters runoff, serving to attenuate the pollutants and sustaining wildlife habitat within resource areas.
- d. As well, the project parameters fail to lay out a course for testing of pollutants after the proposed remedial work. Not only is there not an adequate testing of the extent of contamination, there is no plan to address how successful the remedial work will be since post-work testing is non-existent.
2. Prevention of Storm Damage is another interest defined as a purpose under the Wetlands protection Act. The proposed project fails to address the interests of the Act by failing to adequately address the stormwater management and controls.
- a. the proposed plan fails to adequately outline the areas of the site that will be disturbed. As such, storm damage controls cannot be defined for undocumented areas of disturbance. The project proposes to maintain the current level of erosion controls and stormwater mitigations which in several storm events from 2-10 year storms have failed to prevent silt and sediment – contaminated with PCBS and other materials – from entering the wetlands.
- b. The site has a history of uncontrolled runoff, particularly from the uplands portions of the site which is part of an intensive PCB removal and fill placement operation. Documentation and pictures, as well as verification from local officials and consultants can be provided to show the vast amount and severe resulting degradation of the wetland resource area from the same storm water controls proposed under the Order of Conditions (OOC).
3. Other Interests – flood control, protection of wildlife habitat, protection of groundwater resources – all interests under the Act, also have not had their defined interests addressed by this proposed project. Specifically:
- a. the project is part of an overall site as seen by its Map and Plot description. DEP policy and regulations forbid the “fracturing” of projects, since the failure to judge the activities on the entire site as related to the wetland resource areas may defeat the purpose of the Wetlands Protection Act.
- b. The proposed soils to be introduced in the remediation do not match the current hydric natural soils on the site again threatening to disrupt natural patterns in the wetlands.
- c. The proposed seed mix is composed of species that differ from the natural wetlands thus changing the wildlife habitat parameters of the site.
- d. The proposal fails to address the issues of the Rivers Act – failing to identify the resource as a perennial stream as shown on USGS maps, and failing to address the stricter stormwater standards for riparian zones.
- e. The applicant has failed to identify all wetlands areas to be disturbed as well as failing to provide detailing as to restoration methods for yet-to-be identified



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FAX TRANSMISSION COVER SHEET

TO: Alan Hanson

FROM: Scott Alfonso

DATE: Sept 15, 2005

SUBJECT: Notice of Appeal Request

FAX NUMBER: 781-255-1974

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