Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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March 11, 2013

Michele Paul, Director
Office of Environmental Stewardship
City of New Bedford, City Hall
133 William Street
New Bedford, Massachusetts 02740

RE : NEW BEDFORD
Release Tracking Number: 4-0015373
295 Phillips Avenue
CONDITIONAL APPROVAL TO APPLY REMEDIAL ADDITIVES

Dear Ms. Paul:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP or the Department) is tasked with ensuring the cleanup of oil and/or hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (M.G.L. Chapter 21E). The law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both M.G.L. c. 21E and the MCP require the performance of response actions to provide for the protection of harm to health, safety, public welfare and the environment which may result from releases and/or threats of releases of oil and/or hazardous material at disposal sites.

MassDEP is currently regulating a release (or releases) of OHM that have occurred at the former Payne Cutlery property located at 295 Phillips Avenue, in New Bedford, Massachusetts (the Site).

MassDEP is in receipt of a document titled *Immediate Response Action Status and Modification Report*, dated December, 2012 (the Status Report) submitted for the Site. The Status report details response actions proposed to be conducted at the Site including improvements/alterations to the existing heating, ventilation and/or air conditioning system in the adjacent Taber Mill Residential building and the application of remedial additives to address a contaminant source area at the Site. Also submitted to supplement the Status Report was a Memorandum regarding the proposed monitoring to be conducted related to the application of remedial additives at the Site, dated March 5, 2013. Additional information regarding the monitoring of the application of remedial additives at the Site is included in a document titled, *Brownfields Program Quality Assurance Project Plan Addendum NB-1,* which was submitted to the United States Environmental Protection Agency (USEPA) in February, 2013. All of the documents referenced herein were prepared and submitted to MassDEP and/or the USEPA on your ("you" and "your", as used in this correspondence, refers to the City of New Bedford) behalf by TRC Environmental Corporation. In addition, on March 11, 2013, TRC forwarded MassDEP a letter addressed to TRC from the City's Department of Public Infrastructure (DPI), dated March 8, 2013, regarding the proposed remedial program and the potential for the remedial additives to be detected in the sanitary or storm sewer lines located in the area of the proposed remedial actions.

The proposed response actions include the injection of potassium permanganate ($KMNO_4$) into the subsurface with the intention of reducing the mass of chlorinated volatile organic compounds (VOCs) at the Site. This is specifically targeted for an area at the southern end of the Site near the intersection of Coffin Avenue and Brook Street, which is the area of the Site where the highest concentrations of VOCs in the shallow aquifer have been detected.

This injection of $KMNO_4$ is proposed to be accomplished by using direct push technology to pump the $KMNO_4$ into up to 40 injection points, which will be spaced based upon a 5-foot radius of influence. Up to 35,000 gallons of a 5% solution will be injected through direct push rods using 2 foot injection zones from the bottom up at depths ranging from 2-15 feet below ground surface (bgs). The injection is expected to be conducted over a period of 3 to 5 days.

The stormwater and sanitary sewer infrastructure in Brook Street and Coffin Avenue will be monitored twice daily, at a minimum, during the injection activities to determine whether the additive is infiltrating the sanitary and/or storm sewer infrastructure. Monitoring of existing Site groundwater monitoring wells will be conducted prior to, during and after the injections/extraction.

MassDEP hereby grants conditional approval to apply remedial additives at the Site, as described in the referenced documents, subject to the following conditions:

1. The application of remedial additives shall be performed as described in the documents submitted and conducted in full compliance with 310 CMR 40.0046 and the MCP;

2. Notify MassDEP 72 hours in advance of implementing the proposed application of remedial additives. This notice can be made by emailing Ms. Molly Cote at the following address: molly.cote@state.ma.us;

3. Inspection and monitoring of the remedial additive application shall be performed as described in the documents and in accordance with the provisions of 310 CMR 40.0046 (4), (5) and (6);

4. Written approval from MassDEP shall be required prior to any modification of the proposed design and/or inspection and monitoring program specified in the documents, and prior to any subsequent application of remedial additives at the Site;

5. Notify MassDEP immediately if the additives are observed in any subsurface utility. Notice can be provided as described in #2, above. Based on discussions with you and TRC, and as provided in the letter from the City's DPI, the application of additives does not necessarily have to cease if these conditions are observed, nor would it this require a permit from DPI. However, further discussion with MassDEP should occur if this is the case;

6. Pursuant to 310 CMR 40.0046(1)(a), the application of remedial additives shall immediately cease at the Site if groundwater mounding, flooding or breakout to the ground surface or a building interior is observed;

7. Pursuant to 310 CMR 40.0046(1)(c), the application of remedial additives shall be conducted in a manner that does not exacerbate existing conditions, or prevent or impair the performance of remedial actions at the Site;

8. Reporting on the implementation of the injections/extractions shall be conducted in accordance with 310 CMR 40.0047 and reports shall include, but not be limited to, the information required by 40.0047 (3) and (4). Remedial Monitoring Reports and/or Immediate Response Action Status Reports, if applicable, shall be submitted to MassDEP at the frequency described in, and in full accordance with 310 CMR 40.0425.

This Site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP.

If you have any questions regarding the information contained herein, or if you would like to discuss compliance with this Notice, please contact Molly Cote at the letterhead address or by telephone at (508) 946-2792. All future communications regarding this matter must reference Release Tracking Number 4-0015373.

Sincerely,

GERARD M.R. MARTIN

FOR: Millie Garcia – Serrano, MPH
Deputy Regional Director
Bureau of Waste Site Cleanup

MGS/MC/lg

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CERTIFIED MAIL # 7012 1640 0001 4831 7261
RETURN RECIEPT REQUESTED

ec: Mayor Jonathan F. Mitchell, City of New Bedford
City of New Bedford, Board of Health
James J. Ricci, Superintendent of Water - DPI

David Sullivan, LSP – TRC

Laurie O'Connor, USEPA

DEP-SERO
Molly Cote, Project Manager, BWSC- Risk Reduction & Special Project Support Branch
Lara Goodine, BWSC – Data Entry [APWRIT]