

**CITY OF NEW BEDFORD, MASSACHUSETTS  
EPA BROWNFIELDS CLEANUP GRANT PROPOSAL**

a. Cover Letter

<p><b>1. Applicant Identification</b> City of New Bedford 133 William Street New Bedford, MA 02740</p>	<p><b>2. Funding Requested</b> a. Grant type: Cleanup b. Amount: \$200,000 c. Contamination: Hazardous Substances / Petroleum</p>
<p><b>3. Location</b> New Bedford, MA Scott W. Lang, Mayor City of New Bedford 133 William Street New Bedford, MA 02740 (508) 979-1410 Fax (508) 991-6189</p>	<p><b>4. Contacts</b> Scott Alfonse, Director City of New Bedford Department of Environmental Stewardship 133 William Street New Bedford, MA 02740 (508) 979-1487 fax (508) 961-3045 scotta@ci.new-bedford.ma.us</p>
<p><b>5. Date Submitted</b> December 8, 2006</p>	<p><b>6. Project Period</b> October 1, 2007 through October 1, 2010</p>
<p><b>7. Population</b> 93,768 (U.S. Census Bureau, 2000)</p>	

**8. Other**

- Official Recognition (OR) from the Department of Justice for its Weed and Seed strategy – covering several neighborhoods in City’s south end
- Population less than 100,000 and declining (from 99,992 in 1990 to 93,768 in 2000)
- Federally designated *Brownfields Showcase Community*
- Location of two federally designated Superfund sites
- Economic Development Administration designated *Economic Development District*
- EPA designated *Brownfields Pilot Community*
- *Entitlement Community* under Community Development Block Grant
- *Brownfields Tax Incentive Zone* designations for areas in which most sites are located
- *Economic Target Area* designation by Commonwealth of Massachusetts
- Designated *Economic Opportunity Areas* – includes majority of City’s brownfields
- Characterized *Economically Distressed Area* by Commonwealth of Massachusetts

**9. Cooperative Partners**

**Provide names and phone numbers of individuals and organizations that have agreed to participate in the implementation of the project.**

New Bedford Economic Development Council  
Matthew Morrissey, Executive Director  
(508) 991-3122

Old Bedford Village Development Corporation

John "Buddy" Andrade  
(508) 993-8500

Puerto Rican Fraternal Organization  
Ignacio Grajales  
(508) 993-8500

Latino Coalition Inc.  
Luis Roderigues  
(508) 889-1599

Hands Across the River Coalition  
Jim Simmons  
(508) 999-1170

Bullard Street Neighborhood Association  
Ken Resendes  
(508) 996-0869

### **A. Applicant Eligibility**

The City of New Bedford is a general-purpose unit of local government as defined under 40 CFR Part 31 and is the sole owner of the site.

### **B. Letter from the State or Tribal Environmental Authority**

A letter from the Massachusetts Department of Environmental Protection acknowledging that the City plans to conduct cleanup activities and is planning to apply for Federal grant funds is included in Attachment 1.

### **C. Site Eligibility and Property Ownership Eligibility**

#### **1. Basic Site Information**

- (a) **site name:** Payne Cutlery
- (b) **address:** 295 Phillips Avenue, New Bedford, MA
- (c) **current owner:** City of New Bedford

#### **2. Status and History of Contamination at the Site**

- (a) The site is contaminated by hazardous substances
- (b) **Operational History and Current Use** - The site was formerly occupied by Payne Cutlery, a manufacturer of cutting shears. Payne abandoned the site in 1990 and the City demolished the structurally unsound building in 2000. The site is currently vacant.
- (c) **Environmental Concerns** - The City began assessing the site in February 2000 using EPA Brownfields Assessment Grant funds. The assessment revealed trichloroethene contamination in soil and groundwater at concentrations that exceed applicable standards established pursuant to the Massachusetts Contingency Plan (MCP). Tetrachloroethene, methylene chloride, 2-butanone were detected in soil above the applicable MCP standards. Assessment activities conducted in 1987 by a prior owner of the site detected nickel in soil above the applicable MCP standard. Because of the shallow depth to groundwater and TCE concentrations, the City conducted indoor air sampling in neighboring residences to determine if indoor air has been impacted by TCE in groundwater. To date, none of the indoor air samples collected from the "living space" or "work areas" have exceeded the DEP-calculated Imminent Hazard Level concentration for TCE. However, a Critical Exposure Pathway (CEP) exists and must be mitigated or eliminated.
- (d) **Source, Nature and Extent of Contamination** - Contamination on site is likely due to site's manufacturing history. Activities performed by Payne Cutlery at the site included cold pressing of steel, metal grinding, degreasing of metal with trichloroethene, and chromium and nickel electroplating. Contamination on site is consistent with these activities.

#### **3. Sites Ineligible for Funding**

The site is not listed or proposed for listing on the National Priorities List, not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and not subject to the jurisdiction, custody, or control of the United States government.

#### **4. Sites Requiring a Property-Specific Determination**

The Site does not require a Property Specific Determination

#### **5. Environmental Assessment Required for Cleanup Proposals**

In 2005, the City contracted with TRC Environmental Corporation (TRC) to conduct a Phase I and Phase II assessment. A written Phase I report for the Site that complies with ASTM E1527-

05 was completed by TRC in December 2006. The Phase II site assessment is currently underway. In November 2006, TRC completed an evaluation and report on Immediate Response Action Activities at the site. TRC recently prepared a draft Quality Assurance Project Plan to advance soil borings and collect soil and groundwater samples. TRC's current contract requires completion of the Phase II and preparation of a Phase III to identify, evaluate and select a comprehensive remedial action.

**6. Affirm that you are not potentially liable for contamination at the site**

The City is not potentially liable for contamination at the site because the City involuntarily acquired the property through tax foreclosure.

**7. Enforcement Actions**

There are no known ongoing or anticipated environmental enforcement actions related to the site.

**8. Information on Liability and Defenses/Protections**

**a. Information on the Property Acquisition i) through v)**

The City involuntarily acquired the property through tax foreclosure on March 3, 2000 from Joseph F. Oliveira and is the sole owner. Because the City acquired the property through the tax foreclosure process and has met the requirements of Massachusetts General Law c. 21e, Section 2, the City is not considered an "owner" or "operator" of the site pursuant to state law. The City had nor has any familial, contractual, corporate or financial relationships or affiliations you have or had with all prior owners or operators.

**b. Timing of Hazardous Substance Disposal**

In February 2000 Cygnus Group Incorporated (CGI) commenced a subsurface investigation at the site. CGI identified TCE, volatile and extractable petroleum hydrocarbons (VPH and EPH) in soil and groundwater. These conditions were documented before the City acquired the site in March 2000. The City has not operated the site for any use, and disposal of hazardous substances at the site occurred before the City acquired the property. The City did not cause or contribute to any release of hazardous substances at the site and has not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.

**c. Pre-Purchase Inquiry**

In February 2000 Cygnus Group Incorporated (CGI) began an environmental assessment to assess the nature and extent of contamination at the site in order to return the site to compliance with the Massachusetts Contingency Plan. The assessment included sampling soil and groundwater at the site and in adjacent streets.

The work performed by CGI was done under the direction of a Ralph Tella, a Licensed Site Professional (LSP) licensed by the LSP Board of the Commonwealth of Massachusetts. An LSP is an experienced professional in the field of hazardous waste site assessment, cleanup and removal. An LSP must have at least 5 years experience conducting and overseeing assessments, removals or cleanups of sites (7 years without an appropriate degree), suitable technical background and good moral character. Mr. Tella has been a LSP since 1993 and has not been the subject of any disciplinary action by the LSP Board.

**d. Post-Acquisition Uses**

Since the City acquired ownership in March 2000, the site has not been used for any purpose. Upon acquisition in 2000, the City demolished the building located on site. The City has not used the site for any purpose and the site remains fenced.

**e. Continuing Obligations**

Upon acquiring the property in March 2000, the City procured the services of a professional engineer to conduct a pre-demolition audit and prepare specifications for the demolition of the building. The audit identified oil and hazardous materials in the building that required management prior to demolition. The professional engineer prepared demolition specifications, incorporated the results of the audit into the specifications and assisted the City with soliciting and reviewing bids from qualified demolition contractors. The City selected a qualified demolition contractor to perform the project and completed demolition in 2001.

Due to shallow depth to groundwater and TCE concentrations, the City conducted indoor air sampling in neighboring residences to determine if indoor air has been impacted by TCE in groundwater. To date, none of the indoor air samples collected from the “living space” or “work areas” have exceeded the DEP-calculated Imminent Hazard Level concentration for TCE.

The City has maintained and continues to maintain a 6-foot high chain link fence around the entire property.

**D. Cleanup Authority and Oversight Structure**

**1. Cleanup Oversight**

The City of New Bedford has extensive experience in the direct and indirect oversight of waste site cleanups. The City recently completed oversight of an underground storage tank removal project funded by an EPA Brownfields Cleanup Grant and removal of contaminated soil at a former Brownfield site being redeveloped as a baseball field. The City’s Department of Environmental Stewardship retains a fulltime Director and a fulltime Conservation Agent. In addition, the City has approximately 8 staff directly engaged in brownfields planning and coordination activities, approximately 100 City personnel trained in HAZWOPER.

For this site, the City will conduct cleanup activities voluntarily as provided for under and in accordance with state regulations pertaining to waste site clean up as set forth in the Massachusetts Contingency Plan (MCP) (MGL c. 21E et seq.). Under the MCP, parties who voluntarily perform response actions benefit from the ability to quickly address problems with little to no upfront state involvement. Parties are required to retain licensed site professionals (LSPs) to guide them through the cleanup process, make technical decisions, and oversee response actions. At these sites, the Massachusetts Department of Environmental Protection (DEP) monitors private sector responses through audits, inspections, and other means to ensure compliance with cleanup requirements. As provided for in the MCP, the City of New Bedford will contract with an LSP to oversee cleanup of hazardous substance contamination at the site.

LSP services will be procured in a manner consistent with the competitive procurement provisions of 40 CFR 31.36 and a contract with the LSP will be executed prior to beginning cleanup activities.

**2. Site Access**

Site response activities will impact adjacent or neighboring properties due to off-site migration of

contaminants. The City has extensive experience in gaining site access to private properties for assessment and cleanup and has already worked with owners of neighboring properties to obtain site access for assessment activities. To obtain access, the City would propose to use its current standard site access agreement and meet with affected property owners to discuss proposed activities. The Site Access Agreement typically includes language that indemnifies property owners, requires the City schedule access days and times with the owner in advance, and requires City contractors working on the property to name the owner as additional insured on their insurance certificates. The City would meet with property owners to discuss the proposed access agreement and activities and negotiate a fair and equitable arrangement with property owners.

**E. Cost Share**

The City proposes to meet the 20 percent cost share match with an appropriation from its general fund in its FY 08 budget.

**Ranking Criteria for Cleanup Grants**

**A. Cleanup Grant Budget**

Budget Categories	Project Tasks				Budget Category Totals
	Task 1	Task 2	Task 3	Task 4	
Personnel					\$0.00
Fringe Benefits					\$0.00
Travel	\$1,000.00				\$1,000.00
Equipment					\$0.00
Supplies	\$500.00	\$500.00	\$500.00	\$1,000.00	\$2,500.00
Contractual	\$20,000.00	\$60,000.00	\$108,000.00	\$8,500.00	\$196,500.00
Other (specify)					\$0.00
<b>Total EPA funds requested</b>	<b>\$21,500.00</b>	<b>\$60,500.00</b>	<b>\$108,500.00</b>	<b>\$9,500.00</b>	<b>\$200,000.00</b>
<b>Total City Match</b>			<b>\$40,000.00</b>		<b>\$40,000.00</b>
<b>TOTAL PROJECT COSTS</b>	<b>\$21,500.00</b>	<b>\$60,500.00</b>	<b>\$148,500.00</b>	<b>\$9,500.00</b>	<b>\$240,000.00</b>

**Task 1: Cleanup Planning - \$21,500**

The City plans to contract for cleanup planning, consisting of preparing specifications for cleanup and assistance with procuring remedial contractors. The cleanup planning will build on information developed during Phase II and will include a detailed cost estimate for site remediation. The City estimates that \$20,000 of the funds will be used directly for cleanup planning based an estimated 180 person-hours of services performed under the direction of a Licensed Site Professional (LSP) at an average rate of \$100 per hour and \$2,000 for other contractual costs (laboratory, etc.).

The City has budgeted up to \$1,000 to be used for travel for City staff to attend training on site remediation and remedial technologies. This training will enable staff to keep current on the newest and best practices remedial practices, to network with remedial professionals and to share lessons learned with the wider brownfields community.

**Task 2: Elimination of Critical Exposure Pathway - \$60,500**

As part of the Phase II currently under way, TRC has evaluated past data and has recommended the installation of a sub-slab venting system on affected properties. TRC is currently evaluating

affected downgradient properties to determine which require sub-slab venting. Based on this information, the City proposes sub-slab and outside foundation gas soil probes near approximately 10 offsite properties. The approximate cost is \$2,000 to \$3,000 per property plus operational costs if off-gas treatment is required. Cost for LSP services is included.

### Task 3: Groundwater Treatment \$108,500

The City proposes to treat groundwater in accordance with the recommendations made by the City's LSP. This task would likely include in-situ treatment through the use of injection wells. The actual in-situ treatment technology would be determined by the LSP as part of the Phase III process and cleanup planning proposed under Task 1.

### Task 4: Community Outreach - \$9,500

The City is home to a diverse population and a significant portion of the population reports not speaking English very well. Therefore, the City anticipates an aggressive community outreach program that targets the English, Spanish, Portuguese and Cape Verdean communities. Outreach will include:

- coordinating meetings and public comment periods to receive feedback on proposed remedial activities and update the community on project progress
- translating summary documents into Spanish and Portuguese
- advertising project meetings and milestones
- updating the City's website with information related to the project.

Of the \$8,500 budgeted for contractual services, the City estimates that \$6,000 will be used for public meeting attendance based on an estimated 60 person-hours of professional environmental consulting services. The remaining \$2,500 would be awarded to neighborhood groups to assist the City in outreach efforts and coordinate meetings.

## **B. Community Need**

### **1. Description of the target community**

New Bedford is the seventh largest city in the Commonwealth of Massachusetts with a population of 93,768, down from 99,992 in 1990. According to 2000 U.S. Census data, the per capita income of \$15,602 is 72 percent of the national average of \$21,587 and 60 percent of the Massachusetts average of \$25,952. Over 20 percent of the population of the City has income below the poverty level, compared to 9.3 percent for the Commonwealth as a whole. Forty percent of households with children are headed by females. Twenty-nine percent of children and 17.3 percent of families live below the poverty level, compared to 11.6 percent and 6.7 percent respectively for the Commonwealth (U.S. Census, 2000).

The City of New Bedford is saddled with chronically high unemployment rates, low educational attainment, and a relatively unskilled labor force. According to the Massachusetts Division of Employment and Training (DET), New Bedford's October 2006 unemployment rate was 6.7 percent, compared to the Massachusetts average of 4.2 percent and a national average of 4.4 percent. The high school dropout rate for the New Bedford School Department was 10.4 percent in 2004/ 2005 school year, more than twice the state average of 3.8 percent (Massachusetts Department of Education). According to the 2000 Census, 42.4 percent of the population over the age of 25 does not have a high school diploma, compared to 15.9 percent nationally.

The population of New Bedford has historically been and remains diverse. Roughly one half of the population is Portuguese or of Portuguese descent. According to 2000 Census results, a significant percentage of the City's population are minority:

- 21 percent of the population is “non-white”.
- 10 percent of the population is comprised of Hispanic persons (up from 7 percent in 1990).
- 4 percent of the population is black.
- 6 percent of the population is comprised of persons of multiple race.

A significant percentage of the City's population speaks a language other than English, according to 2000 Census:

- 37.8 percent of residents five years and older speak a language other than English at home
- 17.3 percent of residents five years and older say they do not speak English very well.

The Massachusetts Executive Office of Environmental Affairs (EOEA) developed an “Environmental Justice (EJ) Policy” that defines “*Environmental Justice Populations.*” EOEA has determined these populations to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources.

*Environmental Justice Populations* are defined as neighborhoods (U.S. Census Bureau census block groups, 2000 data) that meet one or more of the following criteria:

- The median annual household income is at or below 65 percent of the statewide median income for Massachusetts; or
- 25 percent of the residents are minority; or
- 25 percent of the residents are foreign born, or
- 25 percent of the residents are lacking English language proficiency.

The EJ Population maps prepared by EOEA show that many of these neighborhoods are located in densely populated urban neighborhoods in the City. These neighborhoods encompass a large portion of the land area of the City and are home to 63,252, or two-thirds, of the City's population. These neighborhoods also host, or are in close proximity to, many of the City's contaminated and abandoned sites, including the Payne Cutlery site.

## **2. Benefit to Targeted Community and Need for Additional Funding**

The project will provide significant health, environmental and economic benefits to the City. Site remediation will help eliminate impact to public health or the environment and allow the City to appropriately manage the risk posed by this site. It will also better position the site for redevelopment.

Due to the scarcity of industrial zoned real estate currently on the market in New Bedford, site redevelopment will enable New Bedford to remain competitive in today's real estate market and return vacant, underutilized industrial property back into a useful and viable function, enhancing New Bedford's job base, increasing its tax base and facilitating infrastructure improvements. The result is a reduced tax burden on City residents. It also reduces strain on City resources that

results from this vacant and underutilized property.

The City of New Bedford is moving forward aggressively in its brownfields efforts. However, these projects require and will continue to require immense resources from the City. And though they are producing significant benefits, they will not address the full spectrum of the City's many challenges with respect to brownfields. Since April 2006 the City has acquired 15 new properties through the tax foreclosure process and at least three of these possessions meet the current definition of a Brownfield. This underscores the City's need to continually assess and remediate sites. It is imperative that New Bedford receives assistance to enable it to stay ahead of the curve on addressing and jumpstarting its next tier of brownfields assessments. By doing so, the City will be positioned to pursue a greater diversity of projects aimed at revitalizing the community, thereby assuring future opportunity for all of the residents of New Bedford.

### **3. Impact of Brownfields**

The City of New Bedford's industrial history has left a legacy of environmental contamination threatening human and environmental health and impeding economic development. New Bedford is burdened with two large and complex Superfund sites. The New Bedford Harbor site is highly contaminated with PCBs that has jeopardized public health, forced the closure of all harbor fisheries resources, denied the citizens of New Bedford access to their greatest natural resource, and stymied economic development, especially that associated with port infrastructure maintenance and expansion.

New Bedford is equally challenged by the presence of at least 480 sites where a release of oil or hazardous materials to the environment has occurred, according to Massachusetts DEP database. Of the 480 sites, 80 have not yet reached the Response Action Outcome (RAO) phase, the final stage in the cleanup process under the Massachusetts Contingency Plan. A majority of sites are concentrated in the City's older urban core, which accounts for nearly half of the land area in the City and is home to more than half of its population. However, suburban areas of the City's far north end are also impacted by the presence of Brownfields, including two sites located in the City's Business Park, home to more than 20 businesses employing nearly 4,500 workers.

Contamination and blight from brownfields sites impact the physical health of residents. As part of its Brownfields program, the City and community partners undertook a Brownfields and Public Health Initiative in 2004 to begin to examine the impact of Brownfields on public health in the community. The Initiative found that 75 percent of the identified Brownfields, including this site, were located in areas of the City where residents lack access to adequate health care, also called "medically underserved communities". The initiative also looked at comparisons of injury/disease rates often associated with environmental factors (cancers, asthma, lead poisoning) and found rates higher in New Bedford than the state average.

Blighted brownfields also affect the social health of a community and adversely impact property values. Residential property values in urban core communities where most Brownfield sites are located in New Bedford are lower than those suburban areas absent Brownfield sites. The presence of these sites exacts a toll on community pride.

Known and documented contamination of properties in New Bedford ranges dramatically in its nature, severity, complexity, and extent. Documented soil and groundwater contamination to

date has included polychlorinated biphenyls (widely used by two manufacturers in New Bedford for several decades), polynuclear aromatic hydrocarbons (PAHs), heavy metals, and volatile organic compounds (VOCs). Dense non-aqueous phase liquid (DNAPL) is known to be present at one site. In others, contamination has been shown to be severe with possible threats to the environment and human health.

### **C. Sustainable Reuse of Brownfields**

#### **1. Pollution Prevention and Resource Consumption Reduction**

The grant will be used to position the site for remediation and redevelopment. Unknown cleanup costs and liability uncertainties posed by the unremediated site have hindered the City's ability to market the site. Cleanup under this grant will allow for the City to more effectively market the site for redevelopment.

The City has sought to incorporate innovative stormwater management into Brownfields redevelopment. At a former railroad depot site that was remediated and redeveloped for use as an intermodal (rail, water, road) facility, the City realigned combined sewer overflow pipes located on the site into one clean utility corridor to allow for more streamlined maintenance and repair. The relocated CSOs were designed to allow for future abatement by constructing a 7 million gallon underground storage chamber that would allow stormwater to be stored and discharged to the City's collection system during off-peak periods. The City also requires that post development runoff from new developments be managed on-site and not result in any increase in off-site runoff. These innovative approaches to stormwater management would be incorporated into planning and design for reuse of other Brownfield sites identified and assessed as part of this project.

The City has continuously sought to beneficially reuse material from Brownfield redevelopment sites and minimize the amount of material that needs to be managed off-site. The City's risk based cleanup approach carefully considers potential future reuse when developing a cleanup plan to minimize the amount of material that must be removed from sites. In general, the City seeks to reuse contaminated material on site as part of site redevelopment, if it can be done in a manner consistent with the Massachusetts Contingency Plan and results in a condition of no significant risk to future site users. At this site, the City successfully reused brick and concrete from building demolitions as backfill, in accordance with the MADEP policy for reuse. This resulted in reduced demolition costs, preservation of landfill capacity, and promotes beneficial reuse and recycling.

New Bedford is a heavily urbanized community and all Brownfield sites identified to date are serviced by existing infrastructure, including water, sewer, electric, gas, telephone and cable, roads and public transit. Assessment of Brownfield sites in urban areas capitalizes on infrastructure investments already made, and reduces the impacts that result from constructing new infrastructure in undeveloped areas.

#### **2. Economic Benefits**

Due to the scarcity of industrial zoned real estate currently on the market in New Bedford, cleanup and redevelopment of the site will enable New Bedford to remain competitive in today's real estate market. These projects will return vacant, underutilized commercial and industrial properties back into useful and viable facilities, enhancing New Bedford's job base, increasing its

tax base and facilitating infrastructure improvements.

New Bedford has tracked the positive economic benefits of Brownfields redevelopment as a tool for justifying investment in these properties. To date, 15 sites have been redeveloped, resulting a \$90 million investment by the private sector and the creation and/or retention of 800 jobs. The City expects that future assessment activities will also lead to successful cleanup and redevelopment project and yield similar results.

The City has also sought to use Brownfields redevelopment as a tool for boosting property values. One example is the redevelopment of a five acre Brownfield site, in one of the more economically distressed areas of the City, into a waterfront park. Since the park has only been complete for a year, the impact of the project on property values has not yet been quantified. However, there has been an increase in the rental market in the area and the City expects to see property values adjacent to the park rise at a faster pace than other areas of the City.

### **3. Promoting a Vibrant, Equitable, and Healthy Community**

One of the goals of the project is to better position the site redevelopment to promote a vibrant, equitable and healthy community. The City has a solid track record of successfully meeting this goal with projects that embody smart growth principles, link recreational and park areas, and increase the City's stock of affordable housing. The City plans to use this project to further build on these successes.

Redevelopment of Brownfield sites in urban areas like the one surrounding the site promote smart growth principles by taking advantage of existing infrastructure investments. The site has full access to infrastructure (water, sewer, electric, cable and access to roads, highways, and public transit) and is located in a population center for the south coast of Massachusetts. Brownfields redevelopment in this area will maximize the use of the City's infrastructure investment and housing stock. It reduces the potential for urban sprawl into the more rural and suburban communities that surround the City and the capital and natural resources necessary to build new infrastructure.

The City is incorporating its smart growth objectives into requests for brownfields developers. The City recently issued Requests for Proposals (RFP) for the redevelopment of two separate Brownfield sites in urban areas of the City. The RFPs include requirements to encourage sustainable growth that will attract future neighboring development throughout the project areas. Through the evaluation process, preference will be given to proposers who can demonstrate experience in brownfields redevelopment, pedestrian-friendly transit-oriented development, adaptive reuse of historic structures and a proven ability to successfully integrate the project into the surrounding area.

One example of previous project that meets the goals of EPA's Brownfields program is Riverside Park, a new 5-acre park constructed on a former Brownfield site, which once housed a vacant mill structure struck twice by a major fire. The City worked to demolish the severely damaged building and to carry out the community's vision for a waterfront park in a densely developed working class neighborhood where property values were in free fall and crime was on the rise. Just as the mill had served as a catalyst for change in this neighborhood, the City and the community see the new park as a catalyst for positive change.

## **D. Creation and/or Preservation of Greenspace/Open Space or Nonprofit Purpose**

### **Facilitation or Creation Greenspace and Long Term Management**

Funding for site assessments has the potential to facilitate greenspace and/or open space creation throughout the City and region. The City's Brownfields program has focused heavily on using Brownfields to facilitate the creation of open space and greenways.

Previously, several Brownfield sites have been targeted for open space and public access in the New Bedford/Fairhaven Harbor Plan and in the public access section of the City's Open Space and Recreation Master Plan. At Standard Times Field, a Brownfield that has been largely redeveloped as a marine industrial park, portion of the upland shoreline has been retained for a recreational/educational pathway tying into a proposed bike path, portions of which are already in place. In addition, one property is being redeveloped as a baseball field.

Riverside Park, a new 5-acre waterfront park on a former brownfield site is transforming a neighborhood once in decline. To ensure in perpetuity that the park is used for recreational purposes, conservation restrictions have been recorded with the deed for the property. This complex also abuts the shoreline of New Bedford Harbor and constitutes a significant component of the I-195 corridor, a major gateway to the City's eastern boundary and a component of the open space corridor put forward in the City's Open Space and Recreation Master Plan. As such, identified potential exists to integrate open space and recreational components (e.g., shoreline public access via a pathway connecting to Riverside Park and a proposed regional bike path) into the redevelopment of a Brownfields site (Fairhaven Mills complex) located less than .25 miles away, which will also incorporate open space into the redevelopment.

Currently, the City has over 20 full-time employees dedicated to park maintenance. These employees are part of the City's Department of Public Infrastructure, which has over 150 employees that can help support these efforts. The City is currently revising its Open Space and Recreation Plan to ensure that current and future recreation projects are adequately maintained. The City carefully considers long-term maintenance issues as part of park design and construction and incorporates low maintenance features into designs whenever possible.

In total, the City has redeveloped or is redeveloping over 65 acres of Brownfield sites into parks and open space, most of which has provided public access to the shoreline in areas where it previously did not exist. This contributes significantly to enhanced recreational opportunities and improved health and quality of life for residents. The City will continue to promote the inclusion of greenspace in future redevelopment projects, and utilize tools, such as conservation restrictions, where appropriate to ensure the protection of these spaces well into the future.

## **E. Pre-Award Community Notification**

### **1. Notification to Target Community**

New Bedford takes public involvement very seriously and is fortunate to have a community that is both enlightened and engaged regarding environmental issues. The first step in public notification was the placement of a display advertisement in the New Bedford Standard Times (a locally published newspaper with city-wide circulation) that appeared on December 4, 2006. The advertisement announced the City's intent to apply for a Brownfields Cleanup grant, the availability of a draft application and requested public input on the draft application. Residents

were encouraged to review the draft application online or visit City Hall to obtain a copy and submit comments on the draft application by December 7, 2006.

The City issued a press release to local English, Portuguese and Spanish language newspapers (Standard Times, O’Jornal, Latino Expreso, and Cape Verdean News) in New Bedford and to the electronic media announcing the submittal and availability of this final application and will hold a public meeting in April 2006 to present and discuss the application and begin a public comment period. Notification of application availability was sent to community groups and neighborhood organizations. The final application is available on the City’s website, electronically by email, and hard copies are available for review in all five branches of the City’s libraries.

At the April 2006 public meeting, the City will present its plan to involve the public if the application is selected for funding. The City will receive comments for 30 days following the public meeting. Commenters will be encouraged to submit comments in writing via email, fax, letter or hand delivery. The City will accept comments in English, Portuguese and Spanish verbal comments at the public meeting, via telephone and in-person by appointment.

## **2. Appropriateness of Notification Method**

The City’s comprehensive strategy for public notification is the most appropriate way to reach the target community. Direct notification to community groups will provide leaders with advance notice of the application availability, public meeting and comment period. Broader community notification will be achieved through press releases aimed at English, Portuguese and Spanish language newspapers (Standard Times, O’Jornal, Latino Expreso, and Cape Verdean News) and electronic media. Use of local Portuguese, Spanish and Cape Verdean newspapers will help ensure that the City maximizes notification to its diverse population. Based on 2000 U.S. Census data, roughly one half of the population of New Bedford is Portuguese or of Portuguese descent and 10 percent of the population is comprised of Hispanic persons (up from 7 percent in 1990).

Use of a display ads in these publications in place of a legal advertisement is preferred, based on feedback received by the City in the past.

## **3. Comment Period/ Forms of Outreach**

The draft application was available for review and comment from December 4, 2006 to December 7, 2006.

The City issued a press release to local English, Portuguese and Spanish language newspapers (Standard Times, O’Jornal, Latino Expreso, and Cape Verdean News) and electronic media announcing the submittal and availability of this final application and will hold a public meeting in April 2006 to present and discuss the application and begin a 30 day public comment period. The April 2006 meeting will allow the City to continue with Phase II activities and have additional information regarding site activities that can be provided at the meeting. Notification of application availability was also sent to community groups. The final application is available on the City’s website, electronically by email, and hard copies are available in all of the City’s libraries.

## **4. Plans for Addressing Comments**

At the close of the 30-day public comment period, the City will summarize all comments received. The City would incorporate the comments received so the final work plan submitted to EPA reflects the input of the community. The City will be prepared to begin plan implementation immediately upon notification by EPA that the proposal has been selected for funding.

## **F. Ongoing Community Involvement**

### **1. Community Involvement Plan / Activities**

To provide opportunities for broad public involvement for the project, the City will conduct outreach to communicate and solicit input on the plan for site cleanup. The City will coordinate regular public meetings to receive input on cleanup tasks and communicate progress. Meetings will be advertised in local English, Portuguese and Spanish newspapers (Standard Times, O’Jornal, Latino Expreso, and Cape Verdean News) at least 7 days in advance.

The City will prepare draft summary documents on key project milestones in English, Portuguese and Spanish. The summary reports will contain information about ongoing and planned cleanup activities, and other information pertinent to the cleanup and reuse of the site. The documents will be posted on the City’s Environmental Stewardship Department website, which already contains Brownfields information in these languages. Using a database of abutters to the property, the City will distribute summary reports.

Broader community notification of meetings can be accomplished through this targeted approach and will benefit from a mass notification. The publication of meeting notices in local newspapers will provide the potential to reach a majority of the households in New Bedford. Members of the public prefer the use of display ads to legal notices, based on feedback received by the City.

Community involvement activities related to this site are ongoing. City representatives regularly attend meetings to update residents on the status of site assessment and met regularly with residents during demolition at the site. It is expected that this level of communication will continue.

Efforts to engage the financial and development community in Brownfields efforts are ongoing and will continue. The City works closely with its economic development partner, New Bedford Economic Development Council (NBEDC) on brownfields redevelopment projects. NBEDC has been a lead player in the preparation of two requests for proposals for redevelopment of Brownfield sites and actively pursues leads

### **2. Efforts to Develop Partnerships**

The City maintains partnerships with community and environmental groups and economic development officials at the local level and with state regulatory and economic development agencies. The goal of many of these partnerships is to ensure sustainable cleanup and redevelopment of Brownfield sites in the City.

The City has undertaken other outreach efforts aimed at gaining a broad community census regarding Brownfields reuse. Recently, the City sponsored a charette attended by over 60 individuals to chart the course for Fairhaven Mills, a brownfield site located on the City’s

waterfront. The vision for the site developed during the charette was incorporated into a recent request for proposals.

### **3. Plans for Communicating Progress**

Use of local Portuguese and Spanish newspapers will help ensure that the City maximizes notification to its diverse population. A significant portion of the City's population is Portuguese or Spanish.

The City has been conducting ongoing outreach efforts as part of its existing assessment program. City representatives attend neighborhood meetings to explain the assessment process and request community input into the assessment. Electronic copies of draft assessments are made available for public review and comment on the City's website and via email upon request. Summary documents are prepared in Spanish and Portuguese and posted on the City's website under links for "Brownfields em Portugues" and "Brownfields en Espanol".

### **4. List of the community-based organizations involved in this project**

New Bedford Economic Development Council

Matthew Morrissey, Executive Director

(508) 991-3122

Non-profit economic development agency for the City of New Bedford

Old Bedford Village Development Corporation

John "Buddy" Andrade

(508) 993-8500

Community organization focused on environmental justice and brownfields issues

Puerto Rican Fraternal Organization

Ignacio Grajales

(508) 993-8500

Community organization promoting

Latino Coalition Inc.

Luis Roderigues

(508) 889-1599

Community organization focused on issues affecting the Latino community

Hands Across the River Coalition

Jim Simmons

(508) 999-1170

Grass roots environmental organization

Bullard Street Neighborhood Association

Ken Resendes

(508) 996-0869

Neighborhood Association serving site area

## **G. Reduction of Threats to Human Health and the Environment**

### **1. Identification / Reduction of Threats to Health and the Environment**

In general, funds will be used to conduct cleanup activities, consisting of the elimination of Critical Exposure Pathways to nearby properties through construction of a sub slab venting remediation system, remediation of contaminated soil and groundwater, in accordance with the Massachusetts Contingency Plan (MCP). The MCP encourages, and in some situations requires, that early risk reduction measures be performed. These actions may include reducing the potential for exposure on a site by prohibiting access, or a cleanup of a portion of a larger contaminated area where a longer-term cleanup is required. Risk reduction measures are intended to reduce risks, and to lower cleanup costs.

Although the end use of the site is not known at this time, the City will use the information developed from the Phase II to develop a site reuse plan consistent with site conditions.

## **2. Consideration of Public Health Issues During Cleanup and Redevelopment**

In 1992, amendments to MGL c. 21E privatized the program, meaning that those responsible for cleaning up contamination hire licensed site professionals (LSPs) to oversee most cleanups (with limited DEP oversight) to ensure compliance with the MCP. However, DEP has staff from its Southeast Regional Office to assist New Bedford with Brownfields redevelopment projects.

The City's Health Department plays a vital role in planning and redevelopment of Brownfields. The City's organizational structure allows for Department of Health input, through its Director, at any phase of redevelopment planning. The City has adopted a formal site plan review process by which developers must submit redevelopment plans for review by various City departments, including the Health Department.

## **3. Proposed Cleanup and Estimated Costs to Complete the Site**

Chlorinated solvent contamination is present in shallow groundwater and is potentially be affecting downgradient properties. An indoor Critical Exposure Pathway, as defined by the Massachusetts Contingency Plan (MCP) associated with trichloroethene was identified at the site in 2001 and CEP elimination or mitigation must be undertaken. The City proposes to install a sub slab venting system on affected downgradient properties in accordance with the recommendations of the City's LSP on the project. The City's LSP is also preparing a Phase II Site Assessment and has been contracted to prepare a Phase III to identify, evaluate and select a comprehensive remedial action. Due to chlorinated solvent contamination and the shallow nature of groundwater, the Phase III will likely recommend in-situ groundwater treatment. Therefore, the City is proposing to use cleanup funds for this task. The total proposed budget for this project is \$240,000 and includes a proposed \$40,000 cash match from the City.

## **H. Leveraging of Additional Resources**

### **1. Funds committed to meet cleanup/redevelopment needs**

The City will commit \$40,000 of general revenues to meet the required match for this project. The City is also fully committed to supporting EPA funded efforts with in kind services. Approximately 8 City staff members currently devote significant time to Brownfields redevelopment efforts, including the Mayor, City Solicitor, Director of Environmental Stewardship, City Planner and Assistant City Planner. Members of the City's professional staff, as well as equipment operators and laborers have completed required training (HAZWOPER) and perform a variety of actions at both Superfund and MCP sites, ranging from assessment to remedial actions.

In addition, staff at the New Bedford Economic Development Council is an integral part of the City's redevelopment efforts and will continue to play a key role. The City is fully committed to creating and using incentives to ensure the successful cleanup and redevelopment of the site. The City has aggressively offered a host of incentives including tax increment financing (TIF), and use of public funds for Brownfields cleanup. TIFs for eligible projects will be strongly supported to promote redevelopment of the site.

## **2. Ability to Leverage Funds**

The City has long recognized the need to engage the private sector in Brownfields redevelopment, given limited availability of public funds. Public Brownfields assessment funding has played a critical role in priming the pump for the flow of private redevelopment funds. While the City has facilitated the redevelopment of several Brownfield sites in New Bedford, construction and job creation on Brownfields sites have largely been the responsibility of the private/non profit sector. The completed redevelopment of 15 Brownfields sites in New Bedford has resulted in over \$90 million in private investment and the creation and/or retention of over 800 jobs. The City expects to leverage similar levels of funding for future projects and is working more aggressively to further engage the private sector.

The City's economic development partner, the New Bedford Economic Development Council (NBEDC), participates in many redevelopment and economic development projects in New Bedford. Generally, loans of up to \$100,000 are available to eligible borrowers for redevelopment activities. Additional funds may be accessed through MassDevelopment, Community Development Financing Corporation or the Urban Initiative Fund. NBEDC has access to funds to capitalize loan pools for construction and acquisition.

City staff has worked and will continue to work closely with Massachusetts DEP staff to provide technical support and funding for key projects.

The City has sought pre-development assistance funding from MassDevelopment, a quasi-state agency that provides the financial tools and real estate expertise needed to stimulate economic growth across Massachusetts. Recently the City responded to a Notice of Funding Availability (NOFA) and was one of only four project statewide pre-approved as a "priority project site" to allow for flexible funding from the state's Brownfields Redevelopment Fund. This pre-approval may potentially provide up to \$2 million for assessment, cleanup and redevelopment of a recently acquired Brownfield site where extensive PCB contamination will complicate redevelopment.

## **J. Programmatic Capability**

### **1. Ability to Manage Grant**

The City has existing staff capable of managing all aspects of the grant, from procurement to oversight of contractors. The City's Environmental Stewardship Department employs a full time Director to oversee technical aspects of the grant, and a full time Administrative Specialist to oversee administrative functions. The City employs a full time Chief Procurement Officer to manage procurement and recently created the position of Grants Auditor to ensure full compliance with the terms of cooperative agreements between the City and granting agencies.

The City has a competitively bid contract for analytical laboratory service for laboratory analysis associated with assessment. The City has extensive experience procuring and overseeing the

work of Licensed Site Professionals required to oversee cleanup pursuant to the MCP. Procurement of any services required to complete the project will be done in accordance with all applicable local, state and federal laws and regulations as well as standard business practices.

The City has used previous grants to leverage significant resources towards Brownfields redevelopment. Most recently, the City received a \$500,000 Urban Self Help Grant for construction of a ball field and recreational facility at a former Brownfield site assessed using EPA Brownfields Assessment funds. A Targeted Brownfield Assessment and subsequent Phase II work at the former Alden corrugated site led to \$96,000 from Massachusetts DEP for removal of underground storage tanks at the site. The City funded a \$500,000 cleanup at the site, which was subsequently sold to be partially used by a local company who had sought land for expansion in the City. Sid Wainer and Son, a major distributor of specialty produce, constructed a 3,000 foot greenhouse in this area.

## **2. History of Managing Federal Funds**

The City has extensive experience managing federal funds. The City has received and managed over \$160,000,000 in funds from the U.S. Office of Housing and Urban Development (HUD) for a variety of programs, including Community Development Block Grants, Emergency Shelter Grants, and Home Investment Partner Grants.

The City is currently successfully managing approximately \$1 million in EPA Brownfields grants for Assessment, Cleanup and Revolving Loan Fund. The City has never received an adverse audit finding for any of the existing grants and has not been required to comply with special “high risk” terms and conditions under EPA regulations.

## **3. Past Brownfield Grant Compliance**

The City is current in its submission of quarterly progress reports, which include Minimum Reporting Requirements, and financial status reports, required pursuant to Brownfields Cooperative Agreements.

The City has sought to maximize the use of Brownfields Funds and minimize administrative costs. Over 80% of the funds expended from previous assessment grants have been used exclusively for assessment/engineering and laboratory services. The funds have been used to assess 17 sites ranging in complexity from ASTM Phase I assessments to comprehensive Phase II assessments at sites with extensive groundwater contamination. Seven sites have been completely redeveloped, resulting in a private construction cost investment of over \$14 million and the creation and/or retention of over 100 jobs. Two redeveloped sites (the former Standard Times Field and the former Alden Corrugated) were highlighted by EPA as Brownfields success stories.

## **4. Tracking and Measuring Progress**

The City will track outcomes and outputs of the tasks described in Section I. Specifically, the City will report outcomes such as the number of properties and residents where risks have been reduced through sub slab venting. The City will report outputs such as the acres of land cleaned for redevelopment.

## **ATTACHMENT 1**

**Letter from the state or tribal environmental authority**



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

MITT ROMNEY  
Governor

ROBERT W. GOLLEDGE, Jr.  
Secretary

KERRY HEALEY  
Lieutenant Governor

ARLEEN O'DONNELL  
Commissioner

November 29, 2006

Ms. Diane Kelley  
Brownfields Coordinator (HBT)  
US EPA Region One  
One Congress Street  
Boston MA 02114-2023

RE: **STATE LETTER OF ACKNOWLEDGEMENT**  
*City of New Bedford: Site Assessment and Cleanup Grant Applications*

Dear Ms. Kelley:

I am writing to support the two proposals submitted by the City of New Bedford for funding under the EPA Site Assessment and Cleanup Grant Programs. Massachusetts is well positioned to support the efforts of the City to assess local hazardous waste sites, and perform cleanup activities at the former Payne Cutlery site.

As you know, the Commonwealth of Massachusetts has taken a number of steps over the last decade to encourage the redevelopment of contaminated properties. In 1993, we privatized our waste site cleanup program, greatly accelerating the rate of cleanups across the state. We continue to work with the regulated community to look for ways to provide flexibility in our regulations for brownfields and other contaminated sites. In 1998 we created the Brownfields Act to offer financial incentives and liability protection designed to promote the cleanup and redevelopment of brownfields sites. Several of these programs were extended and recapitalized through recent legislation passed this summer.

MassDEP has partnered with state and federal agencies, providing technical support for brownfields projects. MassDEP's Southeast Regional Office has worked closely with municipal and regional officials over the years in their efforts to revitalize priority sites throughout the region. If this proposal is selected, we will help make it successful by working with our brownfields partners to assist parties in taking full advantage of these tools to ensure our shared goals are met. We applaud your continued funding of these efforts, and look forward to our continued partnership on this important issue.

Sincerely,

Catherine Finneran  
MassDEP Brownfields Coordinator

Cc: Scott Alfonse, City of New Bedford, Room 304, 133 William Street, New Bedford, MA 02740  
Ellie Grillo, MassDEP Southeast Regional Office