

Tighe & Bond

Former Polymerine Site
Improvements & PCB Cleanup Plan
241 Duchaine Boulevard
New Bedford, Massachusetts

Notice of Intent

Prepared For:

**City of New Bedford
Environmental Stewardship
133 William Street
New Bedford, Massachusetts**

February 2016

N-1011-01
February 4, 2016

New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, MA 02740

Re: Former Polymerine, Inc. Site Improvements & PCB Cleanup Plan
241 Duchaine Boulevard
New Bedford, Massachusetts

Dear Members of the Commission:

On behalf of the City of New Bedford Environmental Stewardship Department (the City), Tighe & Bond respectfully submits two (2) copies of this Notice of Intent (NOI) for the former Polymerine, Inc. Site (Polymerine) Improvements and Cleanup Plan at 241 Duchaine Boulevard in New Bedford, Massachusetts. This Cleanup Plan is developed in accordance with U.S. Environmental Protection Agency's (EPA's) *Risk-Based Disposal Approval* procedures listed under the Toxic Substance Control Act (TSCA) regulations at 40 CFR §761.61(c), and some elements of this cleanup plan meet the *Self-Implementing Cleanup and Disposal of PCB Remediation Waste* procedures listed at 40 CFR §761.61(a). This also qualifies as an "interim" Phase II Comprehensive Site Assessment (Phase II) for a portion of the site, a Phase III Identification, Evaluation, and Selection of Comprehensive Response Action Alternatives (Phase III), and a Phase IV Remedy Implementation Plan (Phase IV RIP) under the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000).

This NOI is being filed under the Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131 § 40) and City of New Bedford Wetlands Protection Ordinance (Chapter 17). A portion of the cleanup activities will occur within Bordering Vegetated Wetlands (BVW) and its Buffer Zone. These cleanup activities are being proposed as a Limited Project pursuant to the Massachusetts Wetlands Protection Act (WPA).

The site also falls within areas mapped as *Priority Habitats of Rare Species* (PH 1349) and *Estimated Habitats of Rare Wildlife* (EH 1) for the Eastern Box Turtle (*Terrapene carolina*). Accordingly, a copy of this NOI has been provided to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) for their review and comment under the WPA and the Massachusetts Endangered Species Act (MESA, 321 CMR 10.00).

We look forward to discussing this project with the Commission at its January 19, 2016 hearing. If the Commission would like to schedule a site visit or has any questions, please contact Amanda Crouch-Smith at (508) 304-6354 or ACSmith@tighebond.com or Todd Kirton at (413) 572-3222 or TDKirton@tighebond.com.

Very truly yours,

TIGHE & BOND, INC.



Todd D. Kirton, LSP
Senior Hydrogeologist

Copy: MassDEP Southeast Region, Wetlands Program
Michele Paul, LSP, Director of Environmental Stewardship, City of New Bedford

Tighe&Bond

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A. General Information (continued)

6. General Project Description:

The City of New Bedford proposes to demolish the abandoned building and to conduct cleanup activities for environmental activities associated with past site use. Polychlorinated byphenyl (PCB) contaminated soils will be cleaned and capped on-site.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

10.53(3)(q) containment, mitigation, and remediation of hazardous material...

2. Limited Project Type
If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

8209

c. Book

b. Certificate # (if registered land)

172

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	1,880 1. square feet _____	1,880 2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____

- f. Riverfront Area
1. Name of Waterway (if available) - **specify coastal or inland** _____
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects
3. Total area of Riverfront Area on the site of the proposed project: _____ square feet
4. Proposed alteration of the Riverfront Area:
- a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

October 2008

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

_____ percentage/acreage

(b) outside Resource Area

_____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

- 1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
- 3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

- 3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
 - a. Not applicable – project is in inland resource area only
 - b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Former Polymerine Site, Site Improvements Project, 241 Duchaine Blvd., New Bedford, MA

a. Plan Title

Tighe & Bond

Bradlee Mezquita, P.E. LEED AP

b. Prepared By

c. Signed and Stamped by

December 2015

1" = 30'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Handwritten signature]
1. Signature of Applicant

1/20/16
2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Fee Exempt - Municipal Project	N/A	N/A	N/A
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: N/A

Step 6/Fee Payments:

Total Project Fee:	<u>N/A</u> a. Total Fee from Step 5
State share of filing Fee:	<u>N/A</u> b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>N/A</u> c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Tighe&Bond

APPENDIX A

Tighe&Bond

SECTION 1

Section 1

Introduction

On behalf of the City of New Bedford, Tighe & Bond has prepared this Notice of Intent (NOI) for the demolition and cleanup project proposed at the former Polymerine, Inc. facility (Polymerine) at 241 Duchaine Boulevard in New Bedford, Massachusetts. The demolition of the site building, the removal of contaminated soils, and the “capping” of the remaining impacted soils are being proposed as a Limited Project pursuant to the Massachusetts Wetlands Protection Act (WPA). A portion of the cleanup activities will occur within Bordering Vegetated Wetlands (BVW). A Site Locus (Figure 1), Massachusetts Department of Environmental Protection (MassDEP) Priority Resource Areas Map (Figure 2), and Orthophotograph (Figure 3) are provided in Appendix B. The site plans depicting the existing and proposed conditions for the property, entitled “City of New Bedford Former Polymerine Site Improvements Project” prepared by Tighe & Bond (December 2015), are provided in Appendix C.

1.1 Background and Purpose

The site is located in the New Bedford Business Park, in the northwestern region of the City of New Bedford. The site parcel consists of approximately eight acres of land, the majority of which is undeveloped, forested wetland that is part of the Hobomock Swamp. The eastern portion of the site parcel is developed by a single-story 33,757-square foot manufacturing building scheduled to be demolished.

The property was first developed in 1960 and was used for the manufacturing of composite fiberglass boards through the mid-1990s.

For a majority of those operations, polychlorinated biphenyl (PCB)-containing oil was used in a closed-looped heat transfer system. That system was used for bonding the fiberglass sheets together. The heat transfer system was reportedly modified to use non-PCB oil at an unknown date. After fiberglass board manufacturing operations ceased at the site, the site building was used for other manufacturing operations through to the late 2000s. Those operations reportedly did not involve the use of PCB-containing oils.

The City of New Bedford took ownership of the property in June 2006 through tax title foreclosure, and the site has been vacant since 2009. Since the building has been abandoned, there is evidence of trespassers at the site, and there has been some dumping of household items around the perimeter of the building. There is also evidence that trespassers have accessed the locked building.

A reported spill incident in April 1991 involved a release of oil and hazardous materials (OHM) from one or more drums at the site. A 1992 report indicated that the property owner and shop foreman were involved in litigation concerning violations related to the storage and transportation of hazardous waste, and that the facility utilized OHM in large volumes during manufacturing. Based on the site history and the known extent of PCB impacts, it appears that poor industrial housekeeping (i.e., storage and handling of PCB oils) and/or possible illegal dumping during the composite fiberglass board manufacturing operations was the primary cause(s) of the impacts to the site environment. The apparent source areas for those impacts are a loading dock area off the north end of the site building

(where a former boiler room, machine shop, and the hydraulic press/manufacturing area were located) and in unpaved areas to the immediate northwest and to the immediate south/southwest of the site building. Although undocumented, these areas were likely impacted by spills, leaking containers or drums (e.g., exterior areas used for drum storage), and/or illegal dumping.

MassDEP first assigned Release Tracking Number (RTN) 4-1347 to the site in October 1993 for the release of PCBs to site soils. The source of the PCB contamination was identified as the PCB-containing oil used in manufacturing operations at the site. Between April 2000 and March 2001, a Removal Program was conducted by EPA's Emergency Planning and Response Branch. During this program, PCB-impacted soils were excavated to the northwest, west, southwest and south of the site building where PCBs were detected. This included clearing and grubbing of an approximate 40,000-square foot area. Soil excavation occurred to at least one foot below surface grade across this area. The deepest excavation occurred to approximately 6 feet below surface grade to the immediate northwest of the site building. Groundwater removal was not part of the EPA Removal Program; therefore, excavation ceased in some areas where PCBs were still detected but where groundwater was observed. Upon completion of the removal activities, approximately 2,000 tons of PCB contaminated soils were generated and transported off site for disposal.

Subsequent site assessment activities were completed by Tighe & Bond, and those results were reported in Phase II, Phase III, and Phase IV submittals to MassDEP for site RTN 4-1347 in accordance with the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000). Those findings indicated that PCB impacts are more expansive than previous investigations had indicated, as the total volume of remaining soils (and wetland soils) impacted by PCBs is estimated to be in excess of 6,000 cubic yards. This includes PCB impacts over 100 feet into the forested wetland to the west and northwest of the site building, with those impacts extending beyond the property line boundary into a west to east-oriented utility line easement and beyond.

1.2 Project Summary

The City is planning the demolition of the abandoned industrial building and the cleanup of a portion of the environmental impacts at the site using funding from MassDevelopment. Based on the limitations of the project funding and because of the scale of the impacts at the site, a targeted/risk-based approach to cleanup has been selected, with a goal of achieving a Permanent Solution (Partial) Statement for the site under the MCP. This approach was discussed during a project team meeting with EPA and MassDEP officials at City offices in April 2015. In general, the PCB Cleanup Plan includes the excavation of soils with PCBs equal to or greater than 500 milligram per kilogram (mg/kg) for off-site disposal, and the consolidation of the remaining PCB impacts in "upland areas" (i.e., outside of the wetland areas) beneath a capping system installed in accordance with §761.61(a)(7), and to place a restriction on the deed for both low occupancy use and for the capped area in accordance with §761.61(a)(8). In the impacted upland areas outside the capping system, the goal is to remove soils with PCB concentrations greater than 1 mg/kg in the top 0 to 2 feet below surface grade (BSG) and soils with PCB concentrations greater than 25 mg/kg greater than 2 feet BSG for consolidation under the proposed cap. This PCB Cleanup Plan also addresses the cleanup of PCB-impacted concrete from the building and other site building materials.

The project includes the demolition of approximately 66,833 sf of impervious area, which includes an existing 33,757 sf manufacturing building, and portions of its associated paved parking areas and walkway areas. After demolition, cleanup of impacted soils will occur. The project will then seek to develop a paved parking lot area that will serve as a capping system for remaining PCB impacted soils at the project site. This will provide a future beneficial use of the site by way of a new paved parking lot.

The project is being undertaken by the Owner, the City of New Bedford. As proposed, the new capping system/paved parking lot area and the site's paved entrance roads would occupy approximately 55,000 sf, with any previously existing paved areas (outside the cap) being removed as part of the demolition work. This would allow the level of impervious cover at the site to be reduced (by approximately 11,833 sf) as part of site redevelopment, and it will provide adequate capping for the contaminated soils located at the site.

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SECTION 2

Section 2

Existing Environment

This section provides a site description and resource area characterization for the project area. Information in this section was determined based on direct observations made during recent on-site inspections, previous site inspections, and a review of information available through the Massachusetts Geographic Information System (MassGIS) and the Natural Resources Conservation Service (NRCS).

2.1 General

The 241 Duchaine Boulevard property consists of an approximately 8-acre parcel of land located in an industrial setting (Assessor's Parcel ID: 135-32). The eastern portion of the site parcel is currently developed with a single-story 33,757 sf manufacturing building that was constructed circa 1960. The building is currently vacant and is scheduled for demolition as part of the proposed project. An abandoned railroad spur line is located at the south end of the property. Surrounding development is industrial. On the northern portion of the property is an asphalt parking area, followed by an undeveloped wooded lot. The eastern portion of the property consists of a landscaped lawn area beyond which has a drainage swale that borders Duchaine Boulevard, to the east. To the west of the building is an overgrown lawn area beyond which are wetlands associated with Hobomock Swamp (see Sheet 3 for reference in Appendix C).

The developed portion of the site parcel straddles the boundary between a Potentially Productive Aquifer (PPA) and a Non-Potential Drinking Water Source Area. The site is not located within one-half mile of a Zone II or an Interim Wellhead Protection Area of a public water supply, or a Public Surface Water Supply Protection Area (Zone A).

2.2 Methodology of Resource Area Investigations

Wetland resource area investigations were conducted in October 2013 and visually confirmed in October 2015. Resource areas were delineated in accordance with Massachusetts Department of Environmental Protection (MassDEP) guidelines, 310 CMR 10.00 and the City of New Bedford Wetlands Protection Ordinance. Site photographs are included in Appendix C of this NOI.

2.3 Description of Wetland Resource Areas

Wetland resource areas on the site are limited to Bordering Vegetated Wetlands (BVW). No lands subject to flooding (i.e., 100-year flood zone) are mapped in the vicinity of property. The following subsection describes these jurisdictional areas.

2.3.1 Bordering Vegetated Wetland

An area of BVW is located to the north and west of the existing building and is best characterized as a Palustrine Shrub Swamp (PSS) along the periphery, transitioning to a Palustrine Forested Swamp (PFO) in the wetland interior. Vegetation observed within this wetland includes gray birch (*Betula populifolia*), red maple (*Acer rubrum*), tupelo (*Nyssa sylvatica*), common elderberry (*Sambucus canadensis*), rough stem goldenrod (*Solidago*

rugosa), meadowsweet (*Spirea latifolia*), multiflora rose (*Rosa multiflora*), cattail (*Typha latifolia*), and Joe-pye weed (*Eupatorium maculatum*). A large patch of common reed (*Phragmites australis*) is located in the northern reaches of this wetland. This wetland is delineated by Flags A1 through A19, and then is continued with flags B1 through B7. Portions of this wetland are disturbed, particularly the area where the utility right-of-way intersects the wetland that is subject to periodic vegetation maintenance. Landscape slash and household debris have also been dumped along the perimeter of the wetland.

2.4 Rare Species

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas, effective October 1, 2008, and MassGIS online mapping (data valid as of May 2009) were reviewed during the preparation of this Notice of Intent. According to these sources, the proposed project area is located within *Priority Habitats of Rare Species* (PH 1349) and *Estimated Habitats of Rare Wildlife* (EH 1) as shown on the Priority Resource Area Map (Figure 2). A Rare Species Information Request was submitted to NHESP on July 19, 2013. In a response dated August 15, 2013 (NHESP Tracking No. 13-32465), NHESP confirmed that the Eastern Box Turtle (*Terrapene carolina*), a state-listed species of Special Concern, has been found in the vicinity of the site.

A copy of this Notice of Intent (NOI) has been provided to NHESP for their review and comment under the Massachusetts Wetlands Protection (MA WPA, 310 CMR 10.00) and the Massachusetts Endangered Species Act (MESA, 321 CMR 10.00). A copy of this correspondence is provided in Appendix E and Table 2.4.1 below summarizes the rare species identified at this location:

TABLE 2.4.1

Summary of NHESP-identified Rare Species at 130 East Main Street, Middleborough

Scientific Name	Common Name	Taxonomic Group	State Status
<i>Terrapene carolina</i>	Eastern-Box Turtle	Reptile	Special Concern

Though located within an area identified as Eastern-Box Turtle habitat, the proposed activities are not expected to adversely affect individual turtles due to the installation of protective barriers during cleanup activities. The cleanup activities are focused within mostly disturbed areas (i.e., building footprint, parking area, and lawn). Further, the cleanup of contaminated soils from this area will significantly improve habitat functions and values by reducing the presence of PCBs within the soil at the site.

2.5 Site Geology

According to the *Soil Survey of Bristol County Southern Part* issued in October 1981 (published by the Soil Conservation Service in cooperation with USDA-National Resources Conservation Service), the soils located on the eastern portion of the site are classified as Urban land (Ur). Urban land consists of nearly level to moderately steep areas, where the soils have been altered or obscured by urban works or structures to the extent that classification is impossible. The soils on the western portion of the site are classified as Freetown Muck (Fm). Freetown Muck is described as consisting of nearly level, deep, poorly drained soils located in depressions. The top two inches consist of reddish brown mucky peat, followed by black and dark reddish brown muck to depths of 60 inches.

Soils encountered during assessment activities varied across the site. Soils in the vicinity of a former underground storage tank (UST) located off the north end of the building generally consisted of fine to coarse sands and gravel. Coarser fill was also encountered beneath the building. Soils on the northwestern and southern portions of the site varied depending on the depth of EPA's previous excavation activities. The soils used to backfill EPA's earlier excavations generally consisted of fine to medium sand and silt. Underlying the fill material to the northwest of the building was peat with silt and clay to approximate depths of four to six feet BGS. This layer was followed by fine to medium sand with some silt and trace clay (to approximately 10 feet BGS).

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SECTION 3

Section 3

Project Description

3.1 Objectives

The proposed project includes demolition of an abandoned manufacturing building and portions of its associated paved parking and walkway areas, followed by the development of a new paved parking lot that will serve as a capping system for remaining PCB impacted soils at the project site. After demolition and prior to the new parking lot construction, a cleanup program will be conducted under TSCA regulations (40 CFR §761.61(c)) and the MCP. In general this will involve the following:

- Prior to demolition work, asbestos and other OHM will be abated from the site building for proper management and off-site disposal;
- Excavation of soils with PCB concentrations greater than 500 parts per million (ppm) for proper off-site disposal;
- Minor excavation of PCB-impacted soils within a small portion of the wetland;
- Consolidation of the remaining PCB impacts in upland areas (i.e., outside of the wetland areas) by relocating PCB soils to achieve PCBs <1 ppm within the top two feet and <25 ppm from areas greater than two feet beneath a capping system installed in accordance with TSCA and MCP regulations; and
- Placement of a deed restriction on the property for the capped area in accordance with TSCA and MCP regulations.

The newly paved lot (i.e., the capped area) and the new paved entrances off Duchaine Boulevard will occupy approximately 55,767 sf in area, and will be centered over the area in which the previous 33,757 sf manufacturing building footprint existed (see Sheets 5 and 6 for reference). In total, approximately 11,066 sf of impervious surface will be removed from the site. The parking lot will not include lighting, closed drainage, or landscaped islands since the pavement will serve as the capping system.

The paved lot will be constructed utilizing a permanent capping system consisting of a filter fabric barrier, 12 inches of gravel borrow (with an orange warning barrier located six inches above the filter fabric), and six inches of asphalt placed over the consolidated PCB-impacted soils to meet TSCA capping requirements per 40 CFR 761.61(a)(7). For the remaining paved surfaces to the north and south of where the TSCA cap will be installed, the asphalt material will be removed and incorporated into the capped area.

In general, the proposed consolidation area will incorporate the footprint of the existing building and areas to the immediate south and north of the building. For the remaining paved surfaces to the north of where the TSCA cap will be installed, the asphalt material will be removed and incorporated into the capped area.

A 4-foot high black vinyl chain link fence will be installed along the perimeter between the clean "upland" area and the "impacted" wetland area that is not being addressed at this time. In general, the fence will be installed approximately 10-feet off this boundary in the

upland area where PCB cleanup is proposed under this submittal and where the earlier EPA removal program was conducted.

In a number of areas, the topography of the TSCA cap will create a berm, which will be designed to mimic existing flow patterns of stormwater runoff and to prevent new ponding of stormwater on the paved lot. The proposed improvements will ultimately improve stormwater management on-site.

The selected approach is intended to be protective of human health, with a goal of achieving a Permanent Solution Partial Statement for the site release in accordance with the MCP. There are no set redevelopment plans for the site, other than the area may be used for parking in the future, possibly by the industrial facility abutting the site to the south as part of future expansion of their operations. However, there is no current financial commitment from that abutting owner, and the funds available from MassDevelopment for this project are limited. Since site impacts extend well into a forested wetland which are too costly to address using the available funding, and since there are concerns that the former industrial building (with PCB impacts) and abandoned property are unrestricted to trespassers, the project extent/goals at this time are more limited in scope.

3.2 Proposed Soil Excavations

The proposed soil excavations include the following:

- The excavation of impacted soils (for off-site disposal) with PCBs ≥ 500 mg/kg, which were identified in three separate portions of the site.
- The excavation of impacted soils (for consolidation on site) with PCBs ≥ 25 mg/kg located in "upland" areas of the site.
- The excavation of the top 2 feet of soils (for consolidation on site) with PCBs ≥ 1 mg/kg located in "upland" areas of the site.

Sheet 5 depicts the proposed excavation locations.

3.2.1 Excavation of Soils with PCBs ≥ 500 mg/kg

A total of 11 individual samples collected from the site had PCBs ≥ 500 mg/kg detected. The excavation of soils with PCBs ≥ 500 mg/kg is proposed for off-site disposal in the three separate areas summarized below, with each of the 11 individual soil samples with PCBs ≥ 500 mg/kg identified.

- **Excavation Area #1 w/PCBs ≥ 500 mg/kg:** This area is off the north end of the site building. Excavation is proposed beginning from the surface to approximately 1.5 feet BSG across an approximate 20 foot by 15 foot area on the eastern portion of this area. Excavation is also proposed beginning from the surface to approximately 6 feet BSG across an approximate 20 foot by 20 foot area on the western portion of this area, which will incorporate the loading dock catch basin. Since PCBs were detected at 213 mg/kg and at 480 mg/kg in this area, excavation will occur to at least 6 feet BSG in this area before verification sampling is conducted. Based on these dimensions, it is anticipated that approximately 120 cubic yards (including an additional 10% contingency) will be generated from this

excavation. After excavation of soils with PCB ≥ 500 mg/kg, this area will be incorporated into the capping system.

- **Excavation Area #2 w/PCBs ≥ 500 mg/kg:** This area is 50 feet to the northwest of the site building along the boundary between the “upland” area and the flagged BVW where earlier EPA excavation occurred. In this area, soil excavation is proposed from approximately 0 to 7.5 feet BSG across an approximate 30 foot by 30 foot area. This will also incorporate several other samples where PCBs > 100 mg/kg were detected. Based on these dimensions, it is anticipated that approximately 275 cubic yards (includes an additional 10% contingency) will be generated from this excavation. This area will not be incorporated in the capping system.
- **Excavation Area #3 w/PCBs ≥ 500 mg/kg:** This area is approximately 30 feet to the south/southwest of the site building. In this area, soil excavation is proposed from approximately 0 to 2.5 feet BSG across an approximate 30 foot by 25 foot area. Based on these dimensions, it is anticipated that approximately 75 cubic yards (includes an additional 10% contingency) will be generated from this excavation. After excavation of soils with PCB ≥ 500 mg/kg, this area will be contained within the capping system.

3.2.2 Excavation of Soils with PCBs ≥ 25 mg/kg in Upland Areas

The excavation of soils with PCBs ≥ 25 mg/kg (and < 500 mg/kg) is proposed for two separate upland areas that are not scheduled to be within the TSCA cap limits. These impacted soils will still be consolidated under the TSCA cap, as further reviewed below.

- **Excavation Area #4 w/PCBs ≥ 25 mg/kg:** This area is immediately south of Excavation Area #2, where PCBs ≥ 500 mg/kg are located outside of the proposed cap area. Following verification sampling in Excavation Area #2, we propose excavation from approximately 0 to 4 feet BSG to the immediate south of Excavation Area #2 across an approximate 90 foot by 30 foot area. In general, this will incorporate earlier EPA confirmation samples that contained PCBs at 80 mg/kg, at 66 mg/kg, and at 38 mg/kg, as well as some individual samples collected by Tighe & Bond where PCBs were detected at ≥ 25 mg/kg. As shown on Sheet 5, a portion of this excavation is scheduled to occur within flagged BVW.
- **Excavation Area #5 w/PCBs ≥ 25 mg/kg:** This area is approximately 40 feet to the southwest of the site building. In this area, soil excavation is proposed from approximately 0 to 3.5 feet BSG across an approximate 30 foot by 25 foot area. This will incorporate two isolated samples where PCBs were detected ≥ 25 mg/kg.
- **Excavation Area #7 w/PCBs ≥ 25 mg/kg:** Following verification sampling in the overlapping Excavation Area #3 (i.e., PCBs ≥ 500 ppm removed), soil excavation is proposed from approximately 0 to 4 feet BSG across an approximate 1,000 square foot area. In general, this will incorporate one earlier sample location from 3 to 4 feet BSG where PCBs were identified at 275 ppm.

3.2.3 Excavation of Soils with PCBs ≥ 1 mg/kg in Top 2 Feet in Upland Areas

The excavation of soils with PCBs ≥ 1 mg/kg is proposed from 0 to 2 feet BSG in upland areas that are not scheduled to be within the TSCA cap limits. The goal of this shallow excavation is to help reduce potential risks associated with environmental receptors in upland areas on site under the MCP. These impacted soils will be consolidated under the TSCA cap, as detailed below.

- **Excavation Area #6 w/PCBs ≥ 1 mg/kg:** This proposed area is an extension of Excavation Area #5. Most of this area was previously part of EPA's earlier removal program, and the majority of the samples collected from this depth interval had non-detects or PCBs < 1 mg/kg. However, this shallow excavation area will incorporate certain samples which had PCBs ≥ 1 mg/kg. As shown on Sheet 5, a small portion of the excavation is scheduled to occur within flagged BVW.

3.2.4 Groundwater Management

During contaminated soil excavation in the proposed Excavation Areas #1, #2, #4, and #5, groundwater management will likely be warranted. Groundwater will be pumped from sumps installed within the excavations to a fractionation tank for temporary storage, then treated through activated carbon before being discharged to the subsurface within or immediately upgradient of the respective excavations. To confirm that PCBs in the treated groundwater are less than $0.5 \mu\text{g/L}$ (i.e., the MCP Method 1, GW-1 standard), a sample will be collected for the first 5,000 gallons of discharge and then one sample collected for every 20,000 gallons generated thereafter.

3.3 Proposed Consolidation of Impacted Soils

From the two areas where soils with PCBs ≥ 25 mg/kg are scheduled to be excavated outside the proposed TSCA capping system (i.e., from Excavation Areas #4, #5 and #7), a total of approximately 430 cubic yards will be generated. In addition, in Excavation Area #6, approximately 200 additional cubic yards of soils with PCBs ≥ 1 mg/kg will be generated. These soils will be consolidated within the area scheduled for capping.

3.4 Confirmatory Sampling

Confirmatory samples will be collected from the non-porous and porous surface areas (building demolition related bulk waste and equipment) as well as within the soil excavation areas.

3.3.1 Non-Porous Surfaces

The decontaminated non-porous surfaces will be sampled using wipe samples to confirm that the residual PCB concentrations are less than the high occupancy standard of 10 micrograms per 100 square centimeters ($\mu\text{g}/100 \text{ cm}^2$). A total of five wipe samples per individual decontaminated equipment will be collected.

3.3.2 Porous Surfaces

Porous substrate areas that remain in locations where caulking and associated porous substrates were removed as a Bulk Product Waste, will be verify sampled. One sample

per 10 feet of substrate will be sampled to confirm the remaining substrate is less than 1 ppm.

3.3.3 Verification Sampling in Soil Excavation Areas

For Excavation Areas #1, #2, and #3, samples will be collected at 10-foot intervals along the sidewalls (across two foot vertical intervals) and at the base of the excavation. If PCBs ≥ 500 mg/kg are detected in the verification samples, soil excavation will continue in those representative sample areas, and verification sampling will be conducted in a similar manner.

For Excavation Areas #4, #5 and #7, samples will be collected at 10-foot intervals along the sidewalls (across two foot vertical intervals) and at the base of the excavation. If PCBs ≥ 25 mg/kg are detected in the verification samples, soil excavation will continue in those representative sample areas, and verification sampling will be conducted in a similar manner. However, since PCBs ≥ 25 mg/kg are present in some individual wetland soil samples that are not being addressed as part of this PCB Cleanup Plan, there will be only limited horizontal expansion (e.g., 10 feet) of the proposed excavation along the western portion of Excavation Area #4, if warranted.

For Excavation Area #6, samples will be collected at 25-foot intervals along the sidewalls across the two foot excavation depth interval. If PCBs ≥ 1 mg/kg are detected in the verification samples, soil excavation will continue horizontally in those representative sample areas (only in upland areas), and verification sampling will be conducted in a similar manner. No sampling at the base is proposed because there is no earlier data to suggest that PCBs ≥ 25 mg/kg are present in these soils, and PCBs ≥ 1 at depths below 2 feet BSG in the upland areas outside the cap are not a concern.

3.3.4 Post-Remedial Sampling of Groundwater

After the PCB excavation areas are backfilled, shallow groundwater monitoring wells will be installed in former Excavation Areas #1 and #2 where PCBs ≥ 500 mg/kg in soils are scheduled to be excavated at depths below the groundwater table. The wells will be sampled to confirm that PCB concentrations in groundwater in these two hot spot areas are below MCP Method 1, GW-3 standards.

3.5 Construction Sequence

Based on Tighe & Bond's experience with similar remediation projects, we anticipate the contractor will follow the below construction sequence due to the terms and conditions of environmental permits and Best Management Practices (BMPs).

1. Notify the City and Conservation Commission regarding the Contractor's schedule/mobilization.
2. Install sedimentation and erosion control measures.
3. Conduct proper abatement of asbestos and OHM from the building.
4. Demolish building and existing parking area.
5. Conduct confirmatory sampling of porous and non-porous materials.
6. Conduct soil excavation.

7. Backfill excavated wetland using clean fill with a high organic content (e.g., leaf compost or equivalent). Seed exposed soil with a wetland seed mix, such as New England Wetmix from New England Wetland Plants, Inc.
8. Relocate erosion controls along the perimeter of the wetland excavation area prior to excavation within the wetland. Relocate erosion controls outside of wetland upon completion of cleanup activities within the wetland.
9. Separate any standing water/groundwater that is removed from the excavated soil. Temporarily store and filter water on site prior to subsurface discharge in upland area.
10. Perform confirmatory soil sampling for PCBs in soil excavation areas and remove contaminated soil as necessary until MCP and TSCA remediation objectives are achieved.
11. Temporarily stockpile removed soil in a containment area, away from jurisdictional resource areas and buffer zones.
12. Transport impacted materials not being consolidated under the cap off-site in accordance with federal, state, and local regulations.
13. Relocate excavated materials to remain on-site to the TSCA cap area.
14. Install TSCA cap materials.
15. Construct parking area and stormwater management practices.
16. Stabilize exposed soils. Exposed soils within 100 feet of wetlands will be seeded with New England Conservation/Wildlife Mix from New England Wetland Plants, or acceptable equivalent.
17. After proposed on-site activities are complete and exposed surfaces are adequately revegetated, remove temporary erosion and sedimentation controls and dispose of properly off-site.

The above sequence may change and some tasks may be performed concurrently. The final sequence of construction will be determined by the selected contractor.

3.6 Protective Measures

3.6.1 Dust Monitoring

Dust (particulate) monitoring will be conducted during the commencement of building demolition activities, at the commencement of contaminated soil excavation, and at the commencement of the consolidation activities to determine the potential for off-site migration of airborne dust particles. Monitoring will be conducted using an aerosol monitor capable of real-time readings and measurement of airborne particulate matter ranging between the 0.1 to 10 micron sizes. Following the initial monitoring, given that no off-site migration potential exists, periodic monitoring will be conducted for the duration of remedial activities or upon a significant change in site conditions. Tighe & Bond will use the National Ambient Air Quality Criteria of 0.15 milligrams-per-cubic-meter (mg/m³) over a period of 24-hours as the not to exceed level for the site. If elevated particulate readings are identified, additional dust control options will be executed at that time. The options that could be considered include wet suppression, application of soil stabilization agents, or other measures to control dust generated by construction activities. Dust control

measures will also be employed during the building demolition and concrete crushing operations.

3.6.2 Construction Equipment Decontamination

Construction equipment that will come in contact with PCB-impacted materials will be decontaminated in accordance with 40 CFR 761.79(c2) by swabbing the potentially contaminated surfaces (i.e., excavator tracks, excavator buckets) with a PCB soluble solvent and wipes. Prior to decontamination, any visible dust/debris on the equipment will first be removed. Verification sampling through a standard wipe test per 40 CFR 761.79(b)(3) may be performed on equipment that visible debris has been removed. The unrestricted use standard for decontaminated equipment is $\leq 10 \mu\text{g}/100 \text{ cm}^2$.

3.6.3 Waste Management

The contractor will be required to adhere to the following provisions regarding waste management:

- Secure, lined and covered waste containers will be utilized for the collection of PCB wastes generated during the work activities in accordance with 40 CFR 761.65;
- All containers will be properly labeled and marked in accordance with 40 CFR 761.40;
- PCB wastes will be transported from the site in accordance with applicable Department of Transportation Regulations under appropriate waste shipment documentation; and

Copies of manifests, waste shipment records and certificates of disposal will also be compiled and submitted as part of the final report to EPA and MassDEP.

3.6.4 Erosion and Sedimentation Controls

Erosion control barriers will consist of hay wattles and silt fencing staked in place along the limits of work to minimize the potential for migration of disturbed soil. The contractor(s) will be required to maintain the barriers in good working order and to repair and replace sections, as necessary. These barriers will be inspected daily during construction and until disturbed soils have become stabilized.

3.7 TSCA Deed Restriction

A restriction will be placed on the property deed to meet TSCA requirements per 40 CFR 761.61(a)(8). The TSCA deed notice will also meet the requirements of an Activity Use Limitation (AUL) in accordance with the MCP. The TSCA deed notice will describe the location of the capped area, and it will restrict the use of this area as a low occupancy area as defined in 40 CFR 761.3. The TSCA deed notice will also include language describing the maintenance requirements for the cap. The deed restriction documents will be recorded at the Registry of Deeds in Bristol County.

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SECTION 4

Section 4

Regulatory Compliance

This section summarizes the projects relationship to and compliance with the Massachusetts Wetlands Protection Act (WPA) and regulations, as well as the City of New Bedford Wetlands Protection Ordinance (Chapter 17).

4.1 Massachusetts Wetlands Protection Act

4.1.1 Limited Project Status

The proposed activities qualify as a Limited Project per 310 CMR 10.53(3)(q), being remediation of a release of hazardous material in accordance with MCP provisions 310 CMR 40.0000 and the general conditions listed at 310 CMR 10.53(3)(q):

Assessment, monitoring, containment, mitigation, and remediation of, or other response to, a release or threat of release of oil and/or hazardous material in accordance with the provisions of 310 CMR 40.0000 and the following general conditions (although no such measure may be permitted which is designed in accordance with the provisions of 310 CMR 40.1020 solely to reduce contamination to a level lower than that which is needed to achieve "No Significant Risk" as defined in 310 CMR 40.0006(10)): . . .

4.1.1.1 Alternatives Analysis

In accordance with the Limited Project provisions set forth at 310 CMR 10.53(3), an alternatives analysis was prepared for the proposed activities. Remedial technologies typically utilized for the remediation of PCBs in site soils were reviewed. Since groundwater at the site has not been significantly impacted by the release, groundwater treatment was not reviewed as part of the alternatives analysis. Also, since building demolition is scheduled to occur and no future buildings are planned for the site, potential indoor air exposure is not a concern. Consequently, action alternatives considered focused on the remediation of PCBs in soil at the site. In addition, the City is using MassDevelopment funding for this project, and that funding is limited to approximately \$1,370,000. The delineation of the PCB impacts into Hobomock Swamp has not been completed to date. Therefore, a Permanent Solution for the site release cannot be achieved without completing either additional assessment and/or a Method 3 (Stage II) Ecological Risk Characterization. Due to these factors and because the site cleanup is also governed under TSCA regulations, there are limited alternative actions that have been considered. Four alternatives were evaluated for the proposed project:

- **Option 1:** This option involves excavation and off-site disposal of all soils and wetland soils with PCBs ≥ 1 mg/kg. With an estimated cost of \$3,053,250, this option costs more than double the amount of available funding. Accordingly, implementing this alternative is cost prohibitive and is considered not feasible at this time.
- **Option 2:** This option involves excavation and off-site disposal of all soils and wetland soils with PCBs ≥ 100 mg/kg, and consolidation of the remaining soils with

PCBs \geq 1 mg/kg under a TSCA cap. This alternative would cost approximately \$2,067,125, and accordingly implementing this alternative is cost prohibitive and is considered not feasible at this time.

- Option 3:** This option involves excavation and off-site disposal of all soils and wetland soils with PCBs \geq 500 mg/kg, and consolidation of the remaining soils with PCBs \geq 1 mg/kg under a TSCA cap. This option has an estimated cost of \$1,624,375 and most closely matches the amount of available funding while still meeting the project goals. Utilization of City-owned equipment and other resources may also assist in minimizing costs, to keep the costs of this cleanup option closer to the amount of funding available. This option is the preferred alternative, and is the proposed alternative.
- Option 4 – No Action:** This option explores the option of not conducting needed remediation to the contaminated soils at the site. However, as previously indicated, the current contaminant levels in the soil are above Method 1 Cleanup Standards and, therefore, a Condition of No Significant Risk as defined by the MCP does not exist at the site. The no action alternative does not reduce risks associated with the exposure to on-site contamination and provides no additional protection to human health, public welfare, safety or the environment. Based on the unrestricted access to the site and the presence of contaminants wetland and upland soils, this remedial option is not considered a feasible remedial alternative for the site.

4.1.2 Summary of MAWPA Jurisdictional Alterations

A portion of the proposed remediation activities will occur within BVW and within the 100-foot Buffer Zone. The remediation activities will result in beneficial alterations to BVW, Buffer Zone, and the surrounding Hobomock Swamp. An approximately 1,880 sf area will be excavated to a depth of four feet, resulting in the removal of an estimated 320 cubic yards (cy) of PCB-contaminated soils. This area will be backfilled with clean fill and restored in-kind with a native wetland seed mix. Existing vegetation within this area is entirely herbaceous, with large patches of multiflora rose. The 100-foot Buffer Zone will also be subject to remediation activities, in the form of the building demolition, contaminated soil excavation, and installation of the TSCA capping system consisting of a paved surface area. The existing buffer is severely degraded, with high levels of PCBs, existing impervious surfaces, and large piles of trash/debris litter the area as a result of unauthorized dumping activities.

TABLE 4-1
Summary of Approximate Jurisdictional Alterations

	BVW (sf)	BVW (cy)
Total:	1,880	320

Additionally, up to approximately 34,130 square feet of alteration (demolition/excavation) will occur within the 100-foot Buffer Zone of to BVW, as described above this table.

4.1.3 MAWPA Performance Standards Compliance

This section describes how the proposed project has been designed to comply with the General Performance Standards set forth at 310 CMR 10.55(4). The language of the

Standards is provided below in italic font, while the demonstration of compliance is provided immediately thereafter.

(a) Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.

The proposed project involves the cleanup of PCB-contaminated soils within the wetland and associated Buffer Zone. These cleanup activities will serve to improve the functions and values of the wetland on-site.

(b) Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

1. the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");

There will be no loss of BVW as a result of the cleanup activities. BVW will be temporarily impacted during excavation of contaminated soil, and then will be backfilled with clean soils with a high organic content, revegetated, and ultimately restored, in-situ.

2. the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;

There will be no replacement area associated with this project, the temporarily impacted portion of BVW will be restored, resulting in ground water and surface elevations approximate to those under existing conditions.

3. The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;

Not applicable, there will be no replacement area created as there is no loss in BVW.

4. the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;

Not applicable, there will be no replacement area created as there is no loss in BVW.

5. the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;

Not applicable, there will be no replacement area created as there is no loss in BVW.

6. at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized

to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and

The portion of BVW subject to cleanup activities will be reestablished with native wetland plant species and a wetland seed mix. All exposed soils will be stabilized following completion of remediation work.

7. the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

There are no other resource areas associated with BVW at this site.

4.1.4 Stormwater Management

This project qualifies as a redevelopment project and will meet the Massachusetts Stormwater Management Standards to the maximum extent practicable. A Stormwater Drainage Report has been prepared and is provided along with this NOI submittal under separate cover. A DEP Stormwater Checklist has also been completed and is provided.

4.1.5 Abutter Notification

Abutters were notified in accordance with the MAWPA. The abutter notification form, a copy of the list of abutters, and tax map are provided in Appendix F.

4.2 City of New Bedford Wetlands Protection Ordinance

The City of New Bedford Wetlands Protection Ordinance (NBWPO) regulates work within 100 feet of wetlands, and also encourages (but does not mandate) the preservation of a 25-foot undisturbed buffer setback from resource areas. The nature of this remediation project and the extent of PCB contamination within the soils at this site necessitate cleanup activities within the wetland itself, along with the 25-foot and 100-foot Buffer Zones. Approximately 7,465 sf of the limit-of-work will fall within the 25-foot Buffer, while an estimated 34,130 sf will fall within the 100-foot Buffer Zone. The proposed project will ultimately improve the functions and values of these areas, and shall not impair the ability of these resource areas to serve the interests of the WPA or the NBWPO. In addition to the cleanup of PCB-contaminated materials, the project will also reduce the amount of impervious surface within the buffer zone to BVW further improving the quality of this resource area.

J:\N\N1011 New Bedford\Wetlands\NOI\Final_February 2016\Narrative_final.docx

Tighe&Bond

APPENDIX B

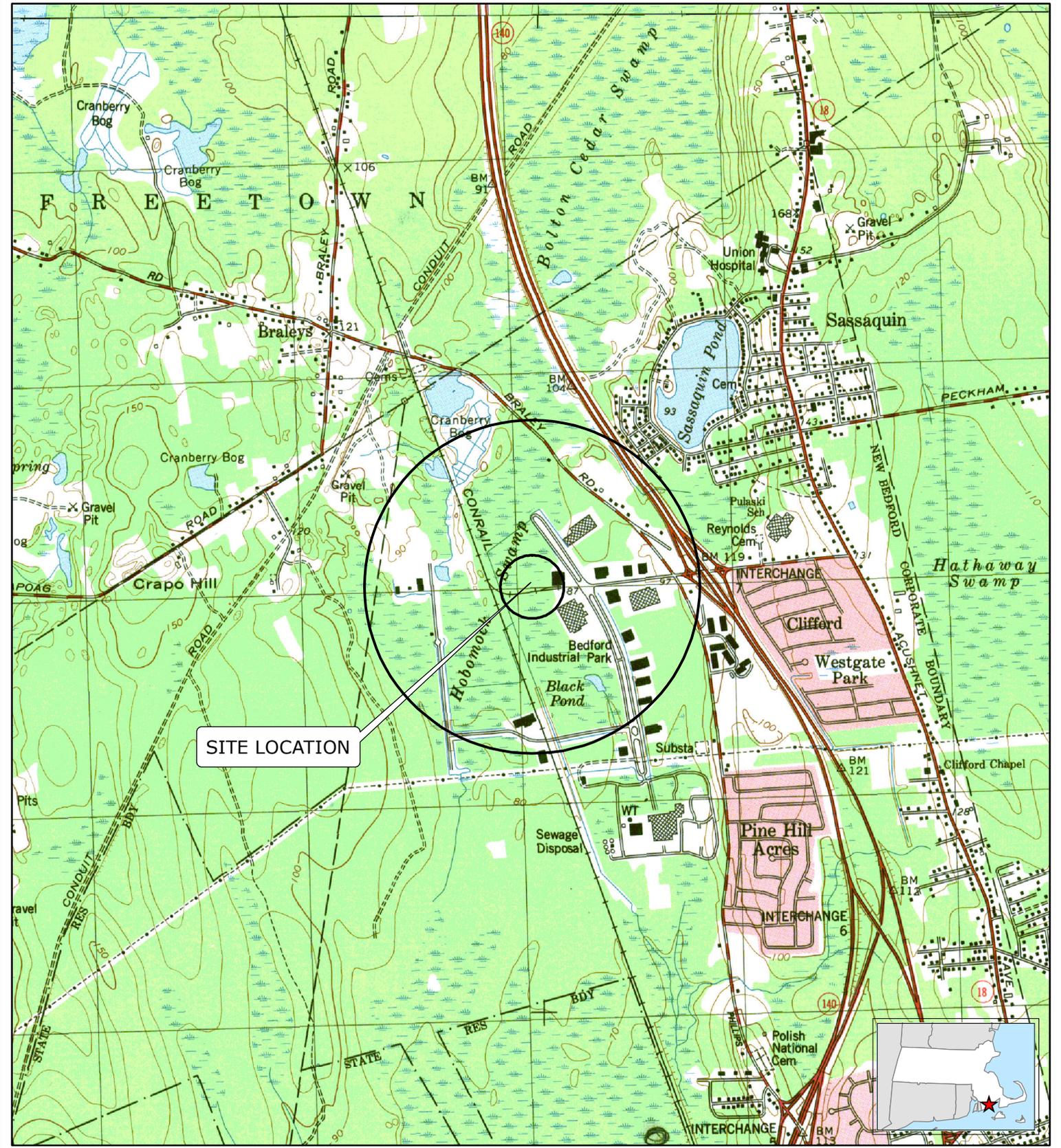
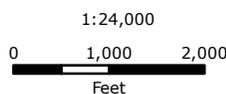


FIGURE 1
SITE LOCATION MAP

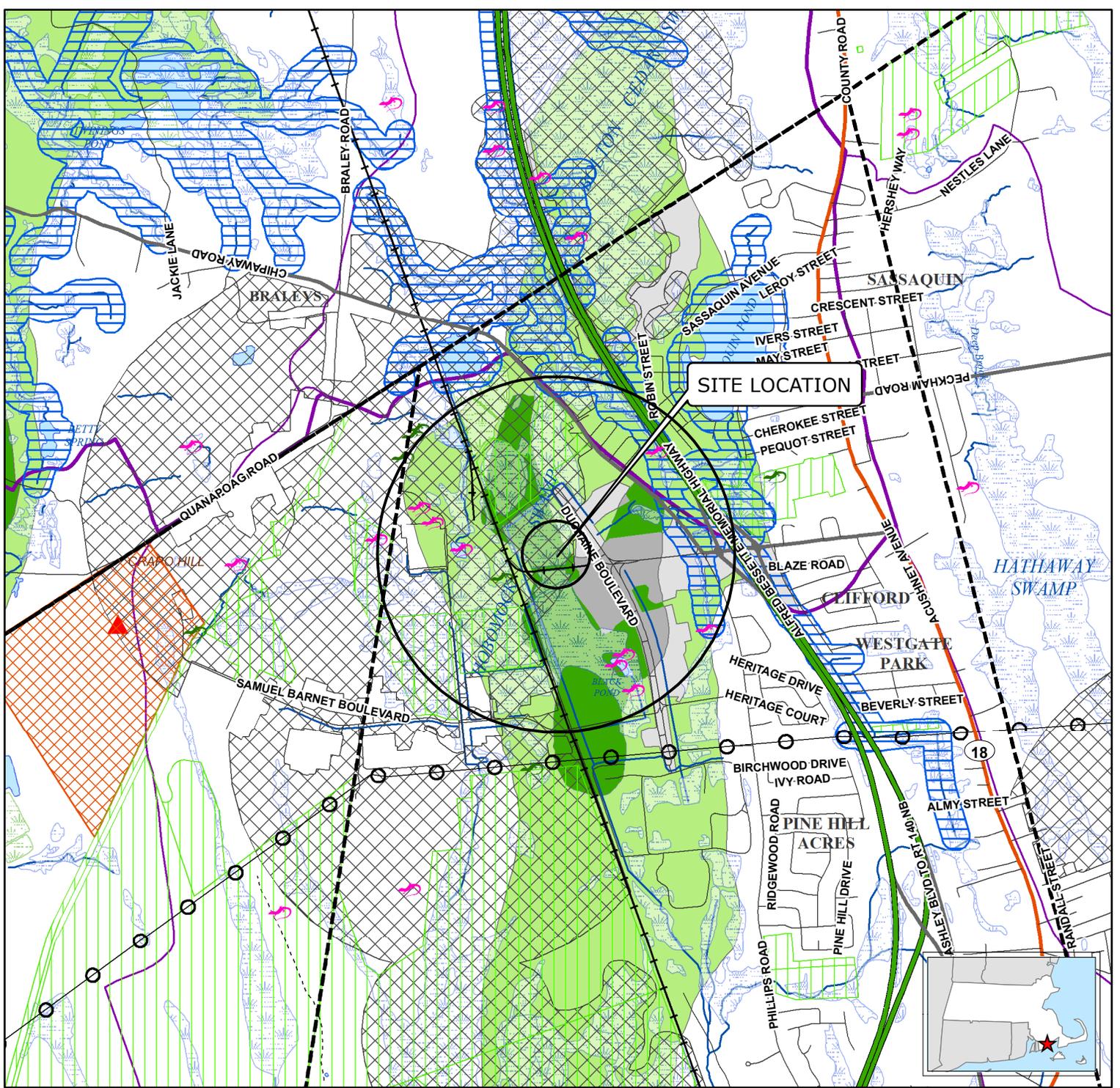
PCB Cleanup Plan
241 Duchaine Boulevard
New Bedford, Massachusetts



Based on USGS Topographic Map for
New Bedford North, MA Revised 1979.
Contour Interval Equals 10-Feet.
Circles indicate 500-foot and half-mile radii



December 2015



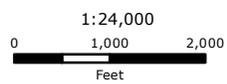
Legend

- | | | |
|--|--|--|
| <ul style="list-style-type: none"> County Boundary Town Boundary USGS Quadrangle Sheet Boundary NHESP Certified Vernal Pools NHESP Potential Vernal Pools Community Public Water Supply - Surface Water Community Public Water Supply - Groundwater Non-Community Non-Transient Public Water Supply Non-Community Transient Public Water Supply Limited Access Highway Multi-Lane Highway, NOT Limited Access Other Numbered Highway Major Road - Collector Minor Street or Road Aqueducts Powerline Pipeline Track or Trail | <ul style="list-style-type: none"> Trains Public Surface Water Supply Protection Area (Zone A) DEP Approved Wellhead Protection Area (Zone I) DEP Approved Wellhead Protection Area (Zone II) DEP Interim Wellhead Protection Area (IWPA) Protected and Recreational Open Space Solid Waste Landfill Non-Landfill Solid Waste Sites Area of Critical Environmental Concern (ACEC) NHESP Priority Habitats for Rare Species NHESP Estimated Habitats for Rare Wildlife EPA Designated Sole Source Aquifer Major Drainage Basin Sub Drainage Basin Inland Wetlands Coastal Wetlands Public Surface Water Supply (PSWS) Water Bodies Stream/Intermittent Stream | <ul style="list-style-type: none"> Non-Potential Drinking Water Source Area - High Yield Non-Potential Drinking Water Source Area - Medium Yield Potentially Productive Medium Yield Aquifer Potentially Productive High Yield Aquifer |
|--|--|--|

FIGURE 2
PRIORITY RESOURCE MAP

PCB Cleanup Plan
241 Duchaine Boulevard
New Bedford, Massachusetts

Data source: Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT)
Executive Office of Environmental Affairs.
Circles indicate 500-foot and half-mile radii.
Data valid as of December 2015.



December 2015



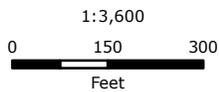


Legend

- Site Parcel
- Parcel Boundary



Based on MassGIS Color Orthophotography (2014).
Parcel data downloaded from MassGIS: FY 2015.



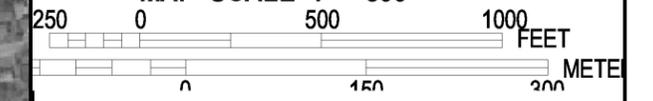
**FIGURE 3
ORTHOGRAPH**

PCB Cleanup Plan
241 Duchaine Boulevard
New Bedford, Massachusetts

December 2015



MAP SCALE 1" = 500'



**CITY OF NEW BEDFORD
255216**

NFIP

PANEL 0377F

NATIONAL FLOOD INSURANCE PROGRAM

**FIRM
FLOOD INSURANCE RATE MAP
BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)**

PANEL 377 OF 550
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ACUSHNET, TOWN OF	250048	0377	F
DARTMOUTH, TOWN OF	250051	0377	F
FREETOWN, TOWN OF	250056	0377	F
NEW BEDFORD, CITY OF	255216	0377	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



**MAP NUMBER
25005C0377F
EFFECTIVE DATE
JULY 7, 2009**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Tighe&Bond

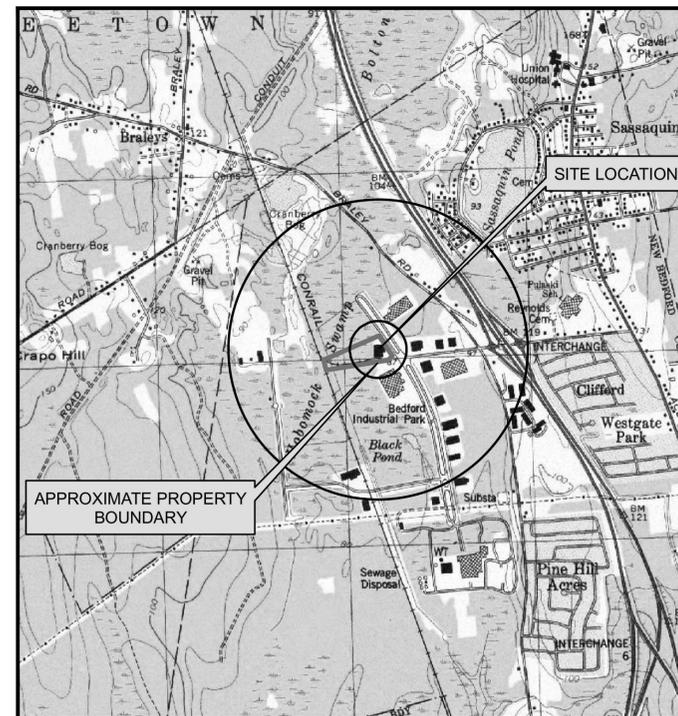
APPENDIX C

CITY OF NEW BEDFORD FORMER POLYMERINE SITE SITE IMPROVEMENTS PROJECT

241 DUCHAINE BOULEVARD NEW BEDFORD, MASSACHUSETTS

DECEMBER 2015

SHEET	DRAWINGS
1	COVER SHEET
2	LEGEND, ABBREVIATIONS, NOTES, AND EROSION CONTROL DETAILS
3	EXISTING CONDITIONS PLAN
4	DEMOLITION PLAN
5	CONTAMINATED SOIL EXCAVATION AND CONSOLIDATION PLAN
6	PROPOSED PAVEMENT CAP LAYOUT AND GRADING PLAN



LOCATION PLAN

NO SCALE

**DEPARTMENT OF
ENVIRONMENTAL STEWARDSHIP**

MICHELE PAUL

Tighe & Bond

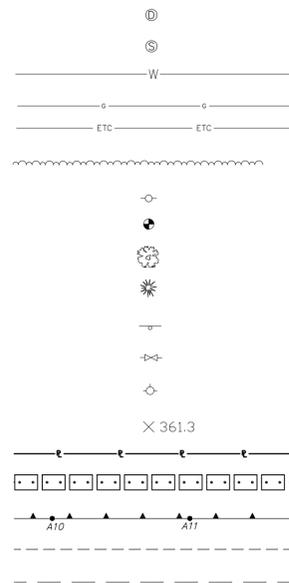
**PERMIT SET
NOT FOR CONSTRUCTION**

COMPLETE SET 6 SHEETS

**PERMIT SET
 NOT FOR CONSTRUCTION**

LEGEND

- EXISTING DRAIN MANHOLE
- EXISTING SANITARY OR COMBINED MANHOLE
- EXISTING PUBLIC WATER LINE
- EXISTING GAS LINE
- EXISTING ELECTRICAL/TELEPHONE/COMM LINE
- EDGE OF WOODED AREA
- UTILITY POLE
- MONITORING WELL
- DECIDUOUS TREE
- CONIFEROUS TREE
- STREET SIGN
- WATER GATE
- HYDRANT
- SPOT ELEVATION
- PROPERTY LINE
- SEDIMENT AND EROSION CONTROL
- WETLAND DELINEATION AND FLAGGING
- 25 FOOT BUFFER ZONE (WWPO)
- 100 FOOT BUFFER ZONE (MAWPA)



ABBREVIATIONS

- | | |
|--------------------------|--------|
| CATCH BASIN | CB |
| CONCRETE | CONC |
| CONCRETE CURB | CC |
| CONCRETE WALK | CW |
| DEBRIS | DB |
| DIRT PILE | DP |
| DRAIN MANHOLE | DMH |
| EDGE OF PAVEMENT | EOP |
| HYDRANT | HYD |
| INVERT | INV |
| MANHOLE | MH |
| PROPERTY LINE | PL |
| PROPOSED | PROP |
| REINFORCED CONCRETE PIPE | RCP |
| SANITARY MANHOLE | SMH |
| STORM DRAIN | SD |
| STRUCTURE | STRUCT |
| UTILITY POLE | U.P. |
| WATER GATE | WG |

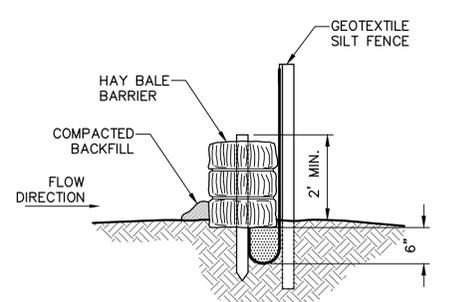
GENERAL NOTES

1. NOTIFY "DIGSAFE" AT 1-888-344-7233 TO ARRANGE FOR MARKING OUT EXISTING UNDERGROUND UTILITIES AT LEAST 72 HOURS IN ADVANCE OF MAKING EXCAVATIONS AT ANY GIVEN LOCATION. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR BE ALLOWED TO START ANY KIND OF EXCAVATION WORK PRIOR TO HIS OBTAINING ALL NECESSARY INFORMATION REGARDING THE LOCATION OF UNDERGROUND UTILITIES AT THE SITE.
2. TOPOGRAPHY AND EXISTING UTILITY LOCATIONS AND ELEVATIONS ARE BASED ON SURVEY PROVIDED BY THE CITY OF NEW BEDFORD AND THOMPSON FARLAND. DATED JULY 22, 2014
3. NOTIFY THE OWNER AND THE ENGINEER OF ANY STORM, SANITARY OR OTHER UTILITY DISCOVERED DURING CONSTRUCTION THAT IS NOT SHOWN ON THE DRAWINGS.
4. IMMEDIATELY REPORT SPILLS OF OIL AND/OR HAZARDOUS MATERIALS (OHM) TO THE MA DEPARTMENT OF ENVIRONMENTAL PROTECTION.
5. PROPERTY LINE INFORMATION AS SHOWN ON THE PLANS WAS COPIED FROM AVAILABLE ASSESSOR MAP INFORMATION AND IS SHOWN FOR REFERENCE PURPOSES ONLY.
6. VERTICAL DATUM = ASSUMED DATUM (FEET)
 HORIZONTAL DATUM = ASSUMED DATUM (FEET)
7. WETLAND FLAGS BASED ON PLANS PREPARED BY TIGHE & BOND, INC. FOR THE CITY OF NEW BEDFORD
8. NO MATERIALS OR EQUIPMENT SHALL BE STORED ON-SITE WITHOUT PRIOR APPROVAL OF CITY OF NEW BEDFORD. CONTRACTOR SHALL COORDINATE ACTIVITIES ACCORDINGLY.

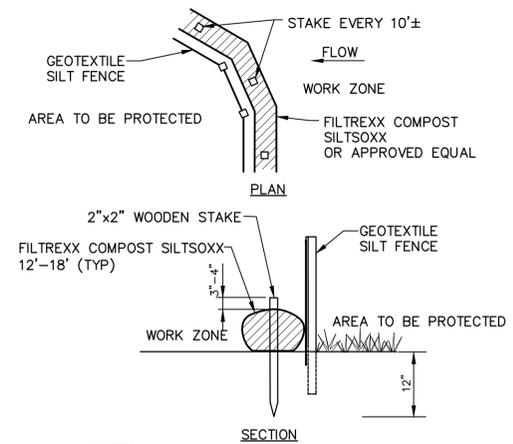
ENVIRONMENTAL REQUIREMENTS:

1. PORTIONS OF THE WORK AREA ARE LOCATED WITHIN OR IN CLOSE PROXIMITY TO DESIGNATED INLAND WETLANDS AND/OR WATERWAYS. THE LIMITS OF THESE WETLANDS ARE SHOWN ON THE CONTRACT DRAWINGS. CONDUCT ALL WORK IN THESE AREAS ACCORDING TO THE REQUIREMENTS NOTED ON THE CONTRACT DRAWINGS, CALLED FOR IN THE PROJECT MANUAL, AND IN STRICT COMPLIANCE WITH PERMITS OBTAINED FOR THIS CONTRACT.
2. PROVIDE DUST CONTROL USING WATER FOR ALL RAW SLOPES, ALL EARTH STOCKPILES, ANY EARTH PILED ALONG EXCAVATIONS, AND SURFACES OR REFILLED TRENCHES. IN NO CASE SHALL EXCAVATED MATERIAL BE STOCKPILED AT SUCH LOCATIONS WHERE THE MATERIAL CAN RUNOFF INTO WETLAND AREAS, WATERWAYS OR ADJACENT PROPERTIES.
3. CLEAN ALL ROADWAY AND ADJOINING AREAS AFFECTED BY THE PROPOSED WORK TO AVOID SEDIMENT BUILD-UP.
4. PLACE SILT FENCING AND/OR HAY BALES ALONG THE DOWNHILL SIDE OF ANY CONSTRUCTION RELATED (TEMPORARY) STOCKPILE OF MATERIAL. SURROUND STAGING AREAS WITH SILT FENCING AND/OR HAY BALES TO PREVENT EROSION AND SEDIMENTATION, OR SECONDARY IMPACT OF WETLAND AREAS. SUITABLE STAGING AREAS WILL BE DETERMINED DURING THE PRECONSTRUCTION MEETING.

Tighe & Bond, Inc. - J:\N\N1011 New Bedford\CAD\Sheets\Legend.dwg, Jun 15, 2016 - 12:06pm, Plotted By: Imp



HAY BALE AND SILT FENCE COMBINED BARRIER
 NO SCALE



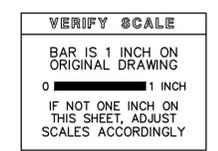
STRAW WATTLE & SILT FENCE COMBINED BARRIER
 NO SCALE

- NOTES:**
1. ALL MATERIAL IS TO MEET FILTREXX SPECIFICATIONS.
 2. COMPOST, SOIL, ROCK AND SEED FILL TO MEET APPLICATIONS REQUIREMENTS.
 3. SILTSOCX DEPICTED IS FOR MINIMUM SLOPES. GREATER SLOPES MAY REQUIRED LARGER SOCKS.
 4. COMPOST MATERIAL TO BE DISPERSED ON SITE, AS DIRECTED.

**City of
 New Bedford**

 Former Polymerine
 Site
 241 Duchaine
 Boulevard

 New Bedford,
 Massachusetts



Mark	Date	Description

PROJECT NO:	N1011
FILE:	Legend.dwg
DRAWN BY:	CNT
CHECKED:	X
APPROVED BY:	X

LEGEND, ABBREVIATIONS, NOTES, AND EROSION CONTROL DETAILS
 SCALE: NONE

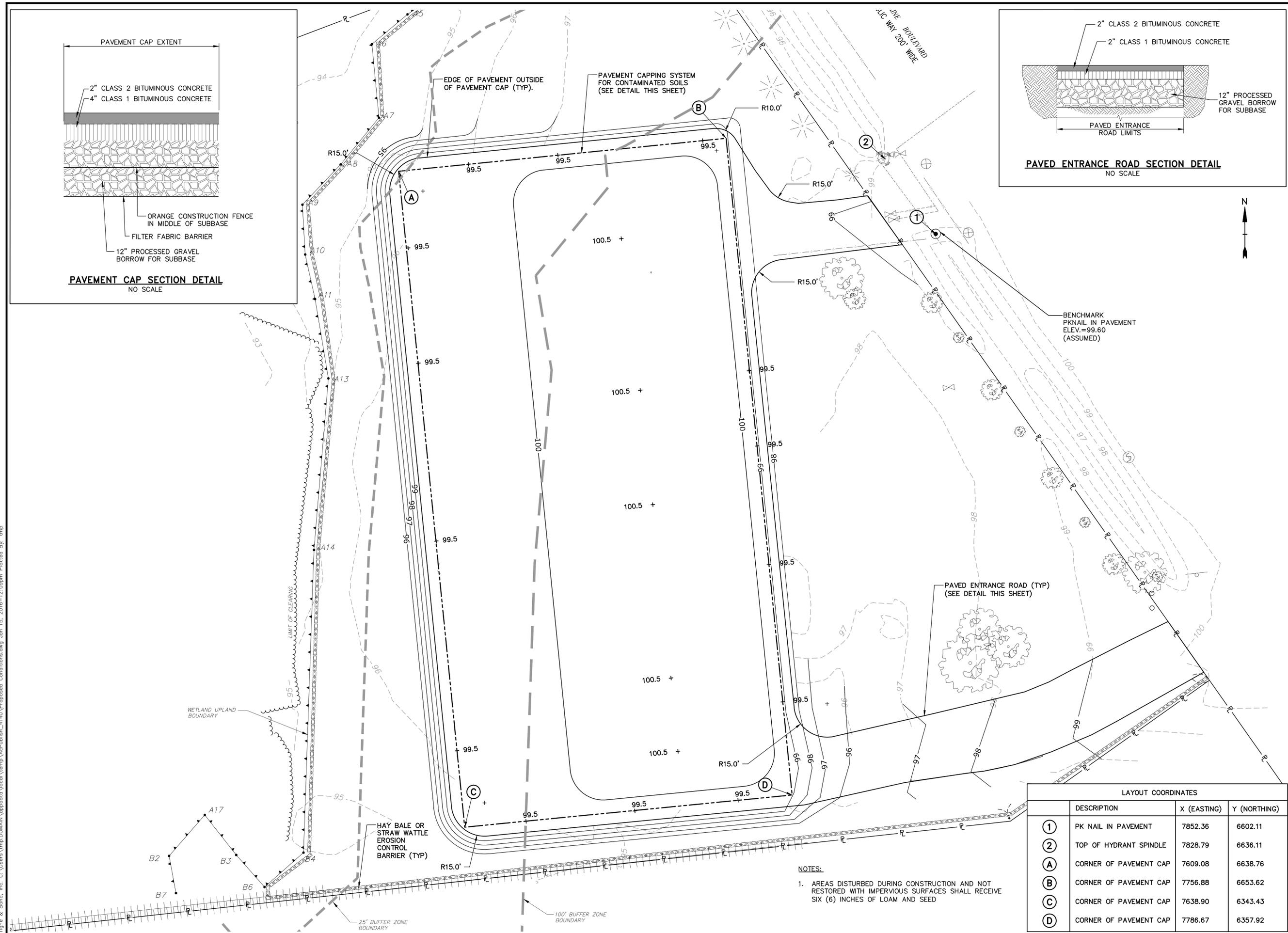
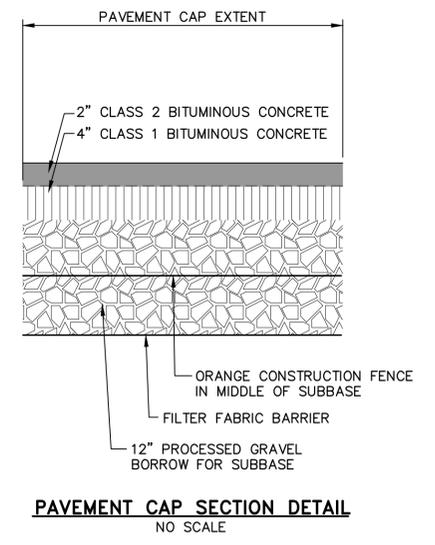
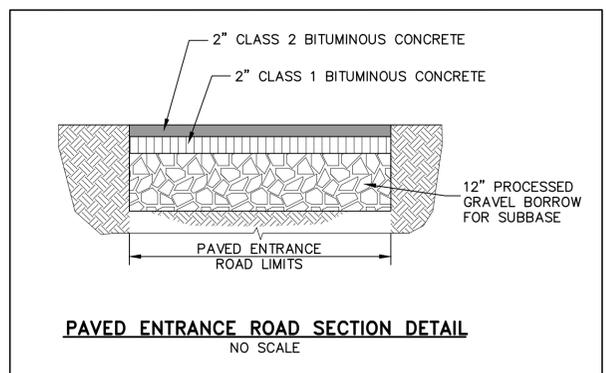
**PERMIT SET
 NOT FOR CONSTRUCTION**

**City of
 New Bedford**

 Former Polymerine
 Site
 241 Duchaine
 Boulevard

 New Bedford,
 Massachusetts

VERIFY SCALE
 BAR IS 1 INCH ON
 ORIGINAL DRAWING
 0 1 INCH
 IF NOT ONE INCH ON
 THIS SHEET, ADJUST
 SCALES ACCORDINGLY



LAYOUT COORDINATES			
	DESCRIPTION	X (EASTING)	Y (NORTHING)
①	PK NAIL IN PAVEMENT	7852.36	6602.11
②	TOP OF HYDRANT SPINDLE	7828.79	6636.11
Ⓐ	CORNER OF PAVEMENT CAP	7609.08	6638.76
Ⓑ	CORNER OF PAVEMENT CAP	7756.88	6653.62
Ⓒ	CORNER OF PAVEMENT CAP	7638.90	6343.43
Ⓓ	CORNER OF PAVEMENT CAP	7786.67	6357.92

NOTES:
 1. AREAS DISTURBED DURING CONSTRUCTION AND NOT RESTORED WITH IMPERVIOUS SURFACES SHALL RECEIVE SIX (6) INCHES OF LOAM AND SEED

Mark	Date	Description

PROJECT NO: N1011
 FILE: Proposed Conditions.dwg
 DRAWN BY: CNT
 CHECKED: X
 APPROVED BY: X

PROPOSED PAVEMENT CAP LAYOUT AND GRADING PLAN
 SCALE: 1"=20'
SHEET 6 OF 6

Tighe & Bond, Inc. C:\Users\jimp.DOMAIN\AppData\Local\Temp\AcPublish_4140\Proposed Conditions.dwg Jan 15, 2016--12:09pm Plotted By: jmp

Tighe&Bond

APPENDIX D



Photo 1: The former Poylmerine, Inc. building and parking area at 241 Duchaine Boulevard in New Bedford, Massachusetts.



Photo 2: The parking area at the former Polymerine facility looking towards the entrance at Duchaine Boulevard.



Photo 3: Old pavement to be demolished at the site.



Photo 4: Additional view of the parking area and building to be demolished. The wetland boundary is located just in front of the tree line.



Photo 5: Bordering vegetated wetland (BVW) on the property. This is the approximate area that will be included in the cleanup activities, where PCB soils will be removed from the wetland and replaced with clean fill and restored.



Photo 6: Additional view of the wetland below the utility easement.

Tighe&Bond

APPENDIX E

Illicit Discharge Compliance Statement

Project Location: Former Polymerine Site
241 Duchaine Boulevard
New Bedford, Massachusetts 02745

Illicit discharges to the stormwater management system are discharges that are not entirely comprised of stormwater. Illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated groundwater, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used for street washing, and water used to clean residential buildings without detergents.

To the best of my knowledge, I am not aware of any existing illicit discharges located at the Project Location. If any illicit discharges are discovered during the execution of the project, DEP and EPA will be notified.

Signature:



Printed Name & Title:

MICHELLE PAUL, DIRECTOR OF ENVIRONMENTAL STEWARDSHIPS

Tighe&Bond

APPENDIX F



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

August 15, 2013

Todd Kirton
Tighe & Bond, Inc.
53 Southampton Road
Westfield MA 01085

RE: Project Location: 241 Duchaine Blvd
Town: NEW BEDFORD
NHESP Tracking No.: 13-32465

To Whom It May Concern:

Thank you for contacting the Natural Heritage and Endangered Species Program of the MA Division of Fisheries & Wildlife (the "Division") for information regarding state-listed rare species in the vicinity of the above referenced site. Based on the information provided, this project site, or a portion thereof, is located **within** *Priority Habitat 1349* (PH 1349) and *Estimated Habitat 1* (EH 1) as indicated in the *Massachusetts Natural Heritage Atlas* (13th Edition). Our database indicates that the following state-listed rare species have been found in the vicinity of the site:

<u>Scientific name</u>	<u>Common Name</u>	<u>Taxonomic Group</u>	<u>State Status</u>
<i>Terrapene carolina</i>	Eastern Box Turtle	Reptile	Special Concern

The species listed above is protected under the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). State-listed wildlife are also protected under the state's Wetlands Protection Act (WPA) (M.G.L. c. 131, s. 40) and its implementing regulations (310 CMR 10.00). Fact sheets for most state-listed rare species can be found on our website (www.mass.gov/nhesp).

Please note that projects and activities located within Priority and/or Estimated Habitat **must** be reviewed by the Division for compliance with the state-listed rare species protection provisions of MESA (321 CMR 10.00) and/or the WPA (310 CMR 10.00).

Wetlands Protection Act (WPA)

If the project site is within Estimated Habitat and a Notice of Intent (NOI) is required, then a copy of the NOI must be submitted to the Division so that it is received at the same time as the local conservation commission. If the Division determines that the proposed project will adversely affect the actual Resource Area habitat of state-protected wildlife, then the proposed project may not be permitted (310 CMR 10.37, 10.58(4)(b) & 10.59). In such a case, the project proponent may request a consultation with the Division to discuss potential project design modifications that would avoid adverse effects to rare wildlife habitat.

A streamlined joint MESA/WPA review process is available. When filing a Notice of Intent (NOI), the applicant may file concurrently under the MESA on the same NOI form and qualify for a 30-day
www.mass.gov

Division of Fisheries and Wildlife

Temporary Correspondence: 100 Hartwell Street, Suite 230, West Boylston, MA 01583

Permanent: Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game

streamlined joint review. For a copy of the NOI form, please visit the MA Department of Environmental Protection's website: <http://www.mass.gov/dep/water/approvals/wpaform3.doc>.

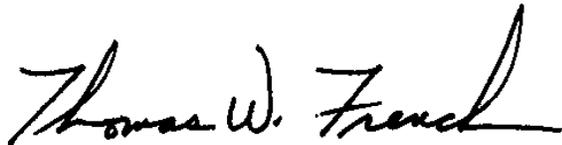
MA Endangered Species Act (MESA)

If the proposed project is located within Priority Habitat and is not exempt from review (see 321 CMR 10.14), then project plans, a fee, and other required materials must be sent to Natural Heritage Regulatory Review to determine whether a probable "take" under the MA Endangered Species Act would occur (321 CMR 10.18). Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16). For a MESA filing checklist and additional information please see our website: www.mass.gov/nhesp ("Regulatory Review" tab).

We recommend that rare species habitat concerns be addressed during the project design phase prior to submission of a formal MESA filing, as avoidance and minimization of impacts to rare species and their habitats is likely to expedite endangered species regulatory review.

This evaluation is based on the most recent information available in the Natural Heritage database, which is constantly being expanded and updated through ongoing research and inventory. If you have any questions regarding this letter please contact Amy Coman-Hoenig, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Thomas W. French, Ph.D.
Assistant Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

NHESP
 Division of Fisheries & Wildlife
 1 Rabbit Hill Road
 Westborough, MA 01581



9590 9403 0978 5223 3049 72 N-1011

2. Article Number (Transfer from service label)

7015 1520 0003 5295 8568

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

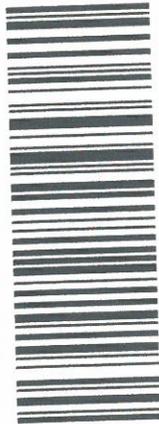
D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Mail Restricted Delivery (J)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



7015 1520 0003 5295 8568

7015 1520 0003 5295 8568

**U.S. Postal Service™
 CERTIFIED MAIL® RECEIPT
 Domestic Mail Only**

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Postmark Here

Sent To
 NHESP - Div. of Fisheries & Wildlife
 Street and Apt. No., or PO Box No.
 1 Rabbit Hill Road
 City, State, ZIP+4®
 Westborough, MA 01581

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

I, *Colleen Arnold*, Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

Date: 5/13/2015

SUBJECT PROPERTY:

MAP 136 LOT 321

LOCATION 241 Duchaine Boulevard

OWNER'S NAME City of New Bedford

MAILING ADDRESS 133 William Street

CONTACT PERSON Amanda Crouch-Smith (Representative)

TELEPHONE NUMBER 508-564-7285 x104

EMAIL ADDRESS acsmith@tighebond.com

REASON FOR REQUEST

Notice of Intent Permit Application with the Conservation Commission. We respectfully request a
radius map and list of abutters within 100 feet of the above referenced parcel.

PLANNING
MAY 05 2015
DEPARTMENT

PLANNING
MAY 05 2015
DEPARTMENT

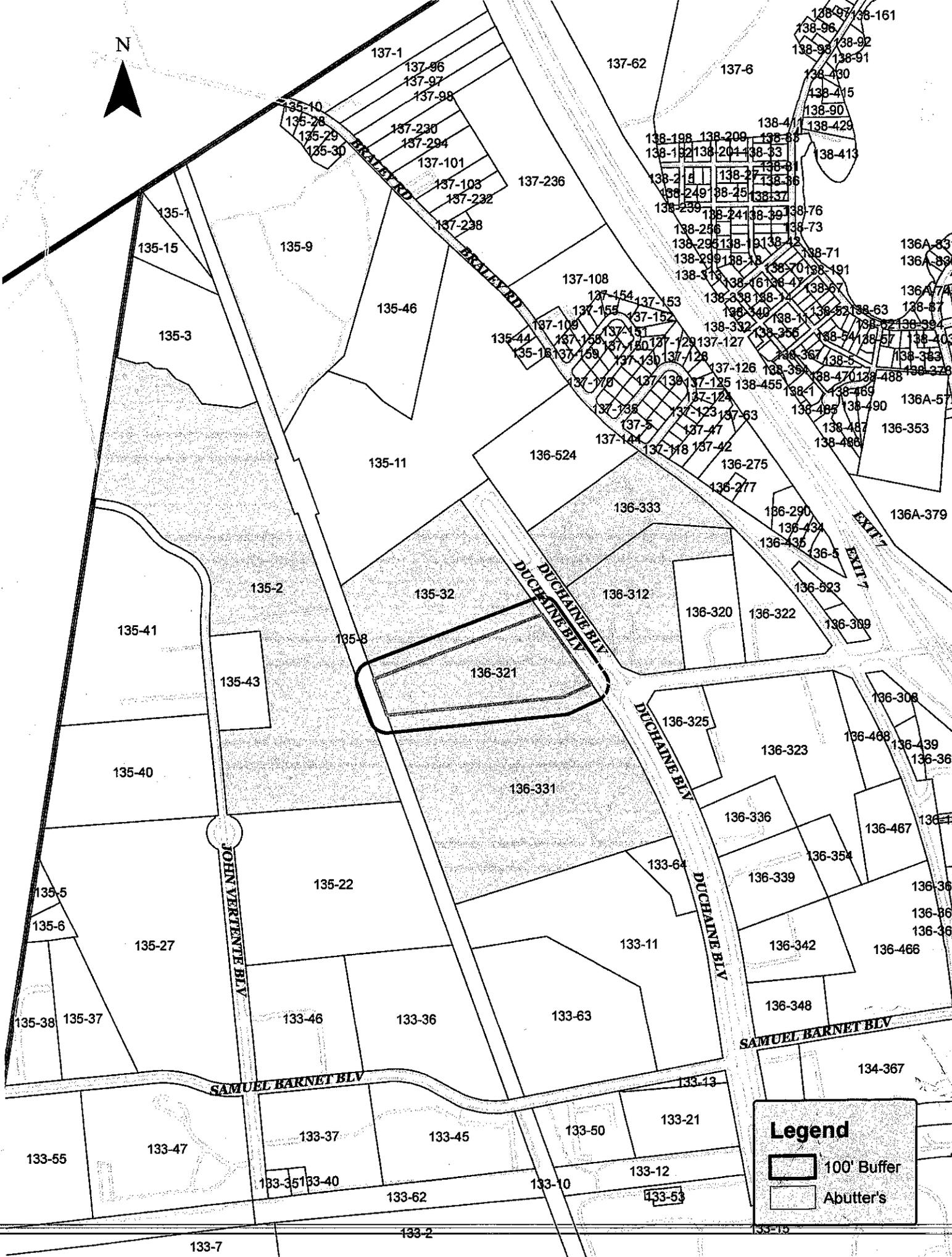
May 6, 2015
 Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 241 Duchaine Boulevard (136-321). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

Parcel	Location	Owner and Mailing Address
136-333	260 DUCHAINE BLVD	AFC CABLE SYSTEMS INC, 272 DUCHAINE BLVD 260 NEW BEDFORD, MA 02745 - 1222
136-331	215 DUCHAINE BLVD	ACUSHNET COMPANY, C/O SUE BRENNER P O BOX 965 FAIRHAVEN, MA 02719-0965
136-321	241 DUCHAINE BLVD WS	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740 - 6132
136-312	225 THEODORE RICE BLVD	ALBEROX CORPORATION, 225 THEODORE RICE BLVD NEW BEDFORD, MA 02745 - 1213
135-32 WS	DUCHAINE BLVD	PILLAR LLC, 150 JOHN VERTENTE BOULEVARD NEW BEDFORD, MA 02745 - 1207
135-2 ES	JOHN VERTENTE BLVD	CITY OF NEW BEDFORD, 131 WILLIAM STREET NEW BEDFORD, MA 02740 - 6132

N



Legend

-  100' Buffer
-  Abutter's

**Notification to Abutters under the City of New Bedford
Wetlands Ordinance**

In Accordance with the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112) you are hereby notified of the following.

The name of the applicant is: City of New Bedford

The applicant has filed a Notice of Intent application _____ for the municipality of New Bedford, Massachusetts seeking permission to remove, fill, dredge or alter an area subject to protection under the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112).

The address of the lot where the activity is proposed is: 241 Duchaine Boulevard
Assessor's Map 136 ; Lot 321

Copies of the Notice of Intent application _____ may be examined at the New Bedford Conservation Commission, City Hall, 133 William St. Room 304 New Bedford, MA 02740 between the hours of 8:00 AM and 4:00 PM, Monday through Friday. For more information call (508) 991-6188.

Copies of the Notice of Intent application _____ may be obtained from either (check one) the applicant _____ or the applicant's representative by calling this telephone number 508-304-6354 between the hours of 8:00 AM and 4:00 PM on the following days of the week: Monday through Friday.

Information regarding the date, time and place of the public hearing may be obtained from New Bedford Conservation Commission by calling 508-991-6188 between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Note: Notice of the Public hearing, including its date, time and place, will be posted in the City Hall not less than forty eight (48) hours in advance of the meeting.

Note: Notice of the Public Hearing including its date, time and place, will be published at least five (5) days in advance in the Standard Times.

Note: You may also contact the New Bedford Conservation Commission at 508-991-6188 for more information about this publication or the City of New Bedford Wetlands Ordinance