



CITY OF NEW BEDFORD

SCOTT W. LANG, MAYOR

***Response to comments received on the
REVISED MODIFIED RELEASE ABATEMENT MEASURE (RAM) PLAN
FOR DEMOLITION ACTIVITIES***

The following are comments (shown in italics) which were received by the City on the RAM Plan for the demolition of 101, 102, and 111 Greenwood Street and 98, 108, and 118 Ruggles Street. The City's response follows each comment.

1) Are the personnel from the Department of Public Infrastructure (DPI) qualified to be demolishing homes whose foundations have polychlorinated biphenyls (PCB's)? If so, what are their qualifications?

Yes, DPI personnel who will be working on this project have received initial 40-hour Occupational Safety and Health Administration (OSHA) Hazardous Waste Operations and Emergency Response (HAZWOPER) training and have participated in annual 8-hour refresher trainings for this course material. OSHA is part of the U.S. Department of Labor and is the main federal agency charged with the enforcement of health and safety legislation nationwide. Personnel who will be serving as site supervisors have also participated in OSHA's 8-hour site supervisor training, which complements these workers' on-the-job training and experience.

DPI personnel work daily on the Sullivan's Ledge Superfund Operable Unit (OU)-1 and OU-2 sites off Hathaway Road. They have direct technical experience with the demolition of homes throughout the city, and have worked on several contaminated sites in addition to the Parker Street Waste Site such as the Rail Yard.

A list of DPI personnel who may work on site, along with copies of their current certifications, will be submitted to the Massachusetts Department of Environmental Protection (MassDEP) along with the RAM Plan per MassDEP's request.

2) What protective gear will the workers be wearing while demolishing these homes?

Workers will be required to wear steel-toed work boots, hardhats, and safety glasses when working on the site, and will wear work gloves for certain activities. Workers may choose to wear disposable overboots and coveralls. No respiratory protection is required for this project since the engineering controls implemented will control potential dust emissions.

This comment is addressed in TRC's and DPI's Health and Safety Plans, which can be provided to the Massachusetts Department of Environmental Protection (MassDEP) upon request.

3) *Who can guarantee me that my family is safe and will not be harmed by the dust that will form when they are breaking up the concrete to remove from 102 Greenwood St.? I would like someone who knows about contamination to perform a safety assessment and explain the risks of living there while the city pollutes the air with PCB's.*

The City has worked with experienced environmental professionals in developing this RAM Plan, and the plan's site management practices (dust suppression, dust monitoring, and monitoring for volatile organic compounds [VOCs]) will be implemented to be protective of your health and your family's health during demolition activities. Dust that is generated during the removal of the concrete foundation from 102 Greenwood Street will be controlled using water sprays and will not pose a risk to residents at neighboring properties.

This comment was not incorporated into the RAM Plan because the RAM Plan currently includes a description of site management practices designed to be protective of human health (Section 6.2 and Appendix E).

4) *I would ask that Department of Environmental Protection (DEP) make a stipulation to the RAM plan demanding that the city allow the abutting propriety owners four weeks prior to the start of the demolition to move out if they so wish.*

The City has notified MassDEP of your request. On Friday, June 25, 2010, the City mailed letters to residents in the Ruggles and Greenwood Street neighborhoods to notify them of the range of dates in which the City expects to begin working (July 12-19). The City will send out another notification when it has received both MassDEP and Environmental Protection Agency (EPA) approval, and will notify residents at that time of the firm start date for demolition activities.

5) *Why is the city not waiting for the abutting properties test results to come back? Considering my land is surrounded by contamination, it is highly likely that my land is just as contaminated as the other parcels.*

Test results from samples collected by the EPA on abutting properties will not affect this RAM Plan because they will not change how the demolition of the six City-owned houses is expected to proceed or how demolition debris and foundation materials will be managed. The RAM Plan does not involve the removal of soil from the Acquired Residential Properties at this time, nor from abutting properties. The RAM Plan targets only the proposed building demolition activities on the Acquired Residential Properties, and is an interim step toward the implementation of a remedy for the subject parcels, currently in the planning stage and subject to future regulatory approvals.

6) *My understanding is that the land is going to continue to be contaminated. When will they remediate this land? What are the risks of continuing to live surrounded by contamination? And what is the plan for remediation?*

The City has not yet determined the plans or timeframe for remediation. These plans will be incorporated into a separate regulatory submittal (e.g., RAM plan), which will be subject to public comment and MassDEP approval.

Upon completion of demolition, the properties will be covered by three to four inches of laboratory-certified clean loam stabilized by grass and other vegetation, and will continue to be enclosed by the black chain link fence. PCBs and metals remaining in soil will not pose a risk to residents of abutting properties because there will be no opportunity for these residents to come into direct contact with the impacted soil/fill.

7) My understanding if I'm not misinformed is that the black chain link fence that makes me feel like I'm living in a prison is to be taken down once the grass has grown on those properties. However, I would like to know who is going to take care of cutting those lawns or am I going to have to continue living in a jungle? Maybe I can make some money setting up safari tours.

The City will remove the *black silt fencing fabric* which currently stands between the hay bales and the black, metal, chain link security fence once the grass has grown on disturbed areas. The black, metal, chain link security fence will remain in place. This information can be found in Appendix E of the RAM Plan. In addition, Sections 1.0, 1.1, 4.1 and 4.2.6 of the RAM Plan have been updated to clarify this information.

The Department of Public Facilities (DPF) is in charge of cutting the lawns at these six properties. A "Property Maintenance" item has been added to Tasks 2 and 3 of Appendix E to address this comment.

8) I would like an explanation as to why the demolition of those homes cannot be done in September other than because we said so. As a tax payer I think we deserve a better response than that.

The City has noted an increased level of unwanted activity (trespassing and looting) at these six properties in recent months and believes that by proceeding with the demolition, these activities will not continue. The City is also working to balance the interests and concerns of both homeowners and parents of students at Keith Middle School and New Bedford High School in proceeding with demolition during a time of year when many people travel and when fewer people are present on the schools' campuses than there would be during the school year.

9) Secondly, I asked this question a year ago and again yesterday and still had no answer neither from the city or DEP, I would be ashamed not to be able to answer a question that had been presented over a year ago, but anyway I'm putting it in writing to see if this way someone can do their job and tell me and the other residents what is the status of limitations of when the contamination is found to when it needs to be remediated. It is clear that everyone agrees that there is a time frame but no one has been able to or has not wanted to give the residents that number. I would appreciate it if someone would do their job and get the statutes of limitations on remediation and when it needs to be completed.

Under the Massachusetts Contingency Plan (MCP), once a release condition has been identified at a site, the responsible party, which in this case is the City of New Bedford, has up to one year to clean up or to Tier Classify the site. The responsible party may apply to MassDEP for a Special Project Designation, which extends the deadline for Tier Classification from one year to up to five years for public projects including projects undertaken by a public entity aimed at cleaning up multiple disposal sites. The City of New Bedford first applied for a Special Project Designation in 2001 when it became evident that the site (which included the current location of the Keith Middle School) would require soil remediation in coordination with construction activities for a new school. MassDEP granted the City's request in 2002 for five years. As the City proceeded with investigation, new properties were added to the Special Project Designation, and the City applied for an extension of the Special Project Designation in 2007, which MassDEP granted. Under the current Special Project Designation, the City is required to complete remediation or Tier Classify the site by 2012, or apply for an additional extension to the Special Project designation.

If the site is Tier Classified by 2012, the City will have an additional five years to achieve a permanent solution (Class A or B Response Action Outcome) or temporary solution (Class C Response Action Outcome) by 2017. Under the MCP, a permanent solution is a measure or combination of measures which ensure attainment of a level of control of disposal site impacts such that a condition of no significant risk of damage to health, safety, public welfare or the environment is achieved for any foreseeable time period. A response action outcome (or RAO) is applied to the disposal site when that condition of no significant risk is achieved and may include an activity and use limitation (AUL), registered to the deed, to ensure that condition is maintained for the foreseeable future. A Temporary Solution means any measure or combination of measures which will, when implemented, eliminate any substantial hazard which is presented by a disposal site or by any oil and/or hazardous material at or from such site in the environment until a Permanent Solution is achieved. The MCP includes provisions for extending the Tier Classification permit where site conditions warrant, via a process subject to MassDEP review and approval.

10) What's going to be done to retain privacy (buffer zone) to abutting properties after houses are torn down, in the immediate future?

By leaving trees and shrubs in place which do not need to be removed as part of the demolition (as discussed in Appendix E), the City will help to maintain privacy for abutting properties. Sections 1.1 and 4.1 of the RAM Plan have been updated to reflect this information.

11) If the City purchased the six properties for school-related purposes, why didn't the money come from the Keith Building fund? Where did the money for the acquisitions come from?

The School Building Authority does not pay for property acquisitions. The money for the acquisition of these six properties came from the Keith Bond.

12) Can we use the wetland behind Keith Middle School as the water supply for dust suppression?

No. Under the Wetlands Protection Act (Massachusetts General Laws Chapter 131, Section 40), it is illegal to alter a wetland without filing a written notice of intent with the local conservation commission to describe why such activity would be necessary and without receiving a permit from the commission. Using the wetland as a water supply is unnecessary because the City will use water from fire hydrants in these neighborhoods for dust suppression, as discussed in Tasks 2 and 3 of Appendix E.

13) When the houses are knocked down, can the City take down all of the houses first, and then come through to crush the foundations rather than doing both activities at the same time?

According to DPI, it will be more efficient to begin crushing foundations while demolitions are ongoing. It would take a longer period of time and therefore be more disruptive to neighbors if DPI were to demolish all of the houses first and then return to crush the foundations.

14) Can the demolition activities be halted when the wind is blowing towards neighboring properties where people are living?

The City will implement best management practices (air and dust monitoring and dust suppression) regardless of wind direction. The City will coordinate with its Licensed Site Professional and DPI personnel to determine whether it is appropriate to proceed with demolition activities should high winds occur. Section 6.2 of the RAM Plan has been updated to provide further detail on dust suppression and monitoring activities.

15) When will the grass at 118 Ruggles Street be cut?

Please contact the Department of Public Facilities (DPF) at (508) 979-1520 to discuss their mowing schedule.

16) Can the City make a firm commitment to cut the grass at the six properties every other week after the houses are demolished, and keep the properties free of high grasses, shrubbery, and debris?

The City will cut the grass at these six properties up to twice a month once the new grass is established through the end of the growing season (October). This schedule may be adjusted based on rainfall (i.e. drier conditions will not promote growth). Neighboring residents are permitted to trim shrubbery from City-owned property that is extending onto their property. The City will inspect properties weekly (Dept. of Environmental Stewardship) and remove noted debris (DPF). Section 4.2.6 of the RAM Plan has been updated, and a "Property Maintenance" item has been added to Tasks 2 and 3 of Appendix E to address this comment.

17) Dust suppression should be performed as part of the demolition (as opposed to being available if dust monitoring levels are exceeded for 15 minutes). By suppressing

the dust as a routine measure, dust is far less likely to be an issue for anyone in the neighborhood. Furthermore, dust suppression will not add additional costs as the mist is not being collected for disposal. The weight of materials designated for offsite disposal will not be significantly increased by water mist used to suppress the dust.

Dust suppression in the form of water sprays will be routinely applied throughout all dwelling structure demolition, concrete foundation and basement slab crushing and management, and soil displacement activities, and potential fugitive dust emissions will be monitored simultaneously. Dust suppression will be implemented in advance of any instrument readings and potential action level triggers. This water spray method has been implemented in this way and has proven effective in the past (e.g., New Andrea McCoy Field soil treatment activities). The use of dust monitoring units and the appropriate action level (150 ug/m³ concentration sustained for 15 minutes) will provide a “check” on the effectiveness of dust suppression activities and help determine the need for instituting additional safety measures. Sections 5.1, 6.2 and 6.2.1 of the RAM Plan have been revised to clarify the environmental monitoring activities.

18) It is inadequate to say contractors will “implement means ...such as water sprays” to prevent fugitive dusts. The RAM Plan should state what measures, including backup measures, will be on site.

As described in the response to Comment #17, dust suppression in the form of water sprays will be routinely applied throughout RAM-related activities. The use of water sprays for dust suppression is a common and accepted industry practice and has been proven effective during response actions within other portions of the Parker Street Waste Site. Should the fugitive dust monitoring action level be exceeded during demolition activities, the usage of water sprays will be increased. Work will be temporarily stopped and the demolition methods will be evaluated and potentially modified to increase dust control if planned techniques are not sufficient. However it is not anticipated that such steps will be necessary based on past dust suppression activities performed under TRC supervision at the Parker Street Waste Site and the City’s experience at other demolition projects. Sections 5.1, 6.2 and 6.2.1 of the RAM Plan have been revised to clarify the environmental monitoring activities.

19) Clean fill brought to the Site should be tested for MCP metals, not just RCRA metals. For example, nickel, detected at 102 Greenwood, is not a RCRA metal.

Any imported backfill and/or loam will be laboratory tested for the volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), volatile petroleum hydrocarbons/extractable petroleum hydrocarbons (VPH/EPH), polychlorinated biphenyls (PCBs), the Resource Conservation and Recovery Act (RCRA) eight metals, pesticides and herbicides. The analytical results of these analyses will be compared to MCP Method 1 S-1 soil cleanup standards. The suite of analysis is consistent with MassDEP approved response actions throughout the investigation of the disposal site and provides an ample screen for the presence of contaminant impacted soil. This information is described in Section 4.2.5 of the RAM Plan.

20) For worker and public safety, please verify that the gas lines have been purged and not just shut off at the street.

NSTAR Gas has confirmed that they have stopped services to these properties. DPI will not disconnect any gas lines. However, DPI will shut off water and sewer services prior to disconnecting them. Sections 4.2.1.1, 4.2.1.2, and 4.2.2 of the RAM Plan have been edited to reflect this clarification.

21) *The plan should state how wind direction will be measured.*

The prevailing wind direction will be determined daily based on the available national weather service data (e.g., current National Oceanic and Atmospheric Administration conditions for New Bedford, Massachusetts). The localized site wind direction will be monitored at each dust monitoring location by equipping each station with a free hanging flag/ribbon subject to the influence of the wind. Onsite field personnel will regularly check the wind direction and fugitive dust monitors will be adjusted, based on changes in the localized wind direction, throughout RAM-related activities.

A portable digital meteorological station may also be deployed during the execution of the RAM to monitor and record temperature, wind speed and direction, wind chill, and daily and accumulated rainfall, barometric pressure, humidity, and dew point. These data would be collected continuously and downloaded for record preservation regularly. Field oversight personnel would also periodically manually record instrument readings during the progress of the work to monitor field conditions and as a basis for checking the recorded data. Conditions at the time of a weather-related suspension of field activities (e.g., excessive winds impacting the effectiveness of dust suppression) would also be recorded manually and checked against the data recorded by the instrument. Section 6.2.1.1 of the RAM Plan has been edited to provide clarification.

22) *The dust monitoring is unclear. It says on p. 6-1 that “real-time screening” will be conducted. However, on p.6-2 it says that the data will be “monitored periodically” and “downloaded daily”. How will one know whether dust suppression is needed if the data are only reviewed daily?*

As described in the response to Comment #17, dust suppression in the form of water sprays will be routinely applied throughout RAM-related activities. Real-time screening will be conducted by onsite personnel throughout RAM-related activities. The dust monitors are equipped with real-time displays, allowing onsite personnel to periodically observe and manually record current dust monitoring conditions. Each dust monitor is also equipped with an alarm which will be set at the prescribed action level concentration of 150 ug/m³ to alert onsite personnel if/when elevated fugitive dust levels are present at any of the monitoring stations and allow for institution of additional safety measures (as needed). In addition, each dust monitor will continuously log data (60-second intervals) and the data will be downloaded and reviewed daily. This will provide necessary backup that dust monitoring was appropriately conducted and dust suppression methods were adequate. This is the typical process employed by TRC environmental oversight personnel, which has been the routine practice at other portions of the Parker Street Waste Site. Section 6.2.1 of the RAM Plan has been revised to clarify the environmental monitoring activities.

23) *The use of National Ambient Air Quality Standards is not applicable. These standards are intended for long term monitoring and not for monitoring of particulates with contaminants. The 150 ug/m³ and 15 minute interval are not applicable. I do understand the proposed action levels discussed in Section 6.3 but I believe that exposure can be readily and simply avoided through dust suppression. Dust that comes to be in someone's home may present a potentially significant direct contact risk (inhalation, ingestion).*

As described in the response to Comment #17, dust suppression in the form of water sprays will be routinely applied throughout RAM-related activities. The prescribed EPA National Ambient Air Quality Standard (NAAQS) for PM₁₀ particulates is applicable and provides a means for monitoring the effectiveness of the dust suppression activities and determining the need for instituting additional control measures (as needed). The 150 ug/m³ action level is a short term (24-hour average) standard and represents the EPA primary standard designed to be protective of public health, including the health of "sensitive" populations (e.g., asthmatics), children and the elderly. Furthermore, modeling conducted in support of the 150 ug/m³ action level shows it to be very conservative and protective during the relatively short duration of RAM implementation. The NAAQS standard is widely accepted and used to monitor fugitive dust during construction activities. The standard is also consistent with previous MassDEP approved response actions at the Parker Street Waste Site. This information is described in Section 6.3 of the RAM Plan.

The following questions were submitted during the public comment period but do not pertain to the RAM plan.

1) *Can the City control the snake population that appears to be coming from the Nemasket Street Lots and becoming a nuisance to neighbors on Ruggles Street?*

Any residents experiencing wildlife issues should contact Animal Control at (508) 991-6366.

2) *Can the City cut the vegetation growing outside the Nemasket Street fence bordering Ruggles St. and Hathaway Blvd.? It is reaching into the road and obstructing visibility.*

The Department of Environmental Stewardship has notified the Department of Public Facilities (DPF) of this concern. Please contact DPF at (508) 979-1520 if this vegetation continues to be an issue.