

Parker Street Waste Site Public Involvement Plan Meeting
Keith Middle School Community Room
May 2, 2012
6:00-9:00pm

Questions and Comments received during the meeting related to the City's work which were not answered that evening

Draft Public Involvement Plan

- 1. Comment: The Public Involvement Plan, as written, is not inclusive of citizens or supportive of transparent sharing of key information. Specifically, the comments presented in Appendix A are not all addressed in the draft Public Involvement Plan.**

The City believes that the draft Public Involvement Plan provides opportunities for meaningful public engagement through public comment periods and public meetings, and that key information is shared with the public. At the May 2nd PIP meeting, the Mayor announced that he is willing to hold meetings with stakeholders in addition to the public meetings detailed in the draft Public Involvement Plan.

- 2. Request for more time to review data before meetings.**

The City exceeded the requirements set forth in the Massachusetts Contingency Plan [310 CMR 40.1405(5)(b)] by providing the draft Public Involvement Plan for public comment one week prior to the public meeting, rather than on the date of the meeting. The City has previously sought to make reports that will be discussed at public meetings available at a minimum of several business days prior to the meetings, and it will continue to do so.

- 3. Request that all project documents include a short (5-page maximum) summary of key points.**

An executive summary is already included with many reports. The City will include such a summary at a minimum with all future regulatory submittals that will be publically reviewed.

- 4. Request to include a list of relevant acronyms and definitions of technical terms as part of technical reports.**

A list of acronyms and their definitions used in each report will be provided with future reports. It is also the City's understanding that community groups have access to technical advisors who can assist them in understanding technical terms.

- 5. Request for the city to distribute Power Point slides ahead of meetings (i.e. not the day of the meeting), and have printed copies of the slides available at meetings.**

The City will post slides two business days before future public meetings so that interested individuals may print their own copies ahead of time. If community members do not have access to a printer, they may contact Cheryl Henlin at 508-961-4576 or Cheryl.Henlin@newbedford-ma.gov to request that the City provide a printed copy at the public meeting.

6. Request to have the Mayor require that a representative of the Health Department, a representative of the Inspectional Services Department, and the Conservation Agent attend future PIP meetings.

The Mayor will ask a representative from the named departments to attend a PIP meeting if he determines that specific questions submitted in writing to the Department of Environmental Stewardship prior to the PIP meeting would be best addressed by a representative of those departments.

7. Request to have Army Corps of Engineers involved in cleanup effort.

On October 7, 2011, the US Army Corps of Engineers (USACE) issued a letter to the City that reminded the City that USACE would need to review any proposed remediation work in the wetlands to the west of Keith Middle School. On October 25, 2011, the City provided a response to USACE acknowledging its obligation to seek USACE review for any necessary permits regarding work in this wetland. Both letters are available on the City of New Bedford’s Parker Street Waste Site website, Wetland page, under “Correspondence.”

Draft Phase III Remedial Action Plan

8. When was the initial bond appropriation for Keith Middle School made? Is the bond from MSBA?

On May 11, 2000, City Council authorized the Treasurer to borrow \$42,000,000.00 to acquire land for, construct, equip, and furnish Keith Middle School. Additional appropriations were authorized by City Council on July 19, 2001 (\$11,784,000.00), December 15, 2005 (\$15,339,695.00), and September 14, 2006 (\$34,564,165.00), for the total present authorization of \$103,687,860.00.

The City obtained a bond from a bank; a bond is a loan mechanism that municipalities often use to handle longer-term debt for large projects. The City also established a Project Funding Agreement with the Massachusetts School Building Authority (MSBA). Under the Keith Middle School Project Funding Agreement, MSBA agreed to reimburse the City up to 90% for eligible expenses (eligibility determined by MSBA through discussions with City) related to the construction of a new Keith Middle School, the demolition of Keith Junior High School, and certain improvements at Walsh Field and McCoy Field. A separate Project Funding Agreement has since been established for New Bedford High School remediation work.

Under the Project Funding Agreements, the City conducts work and pays for expenses out of the bond. The City then submits expenses to MSBA, and MSBA reimburses the City. The City, in turn, may use these funds to make payments on the bond to the bank.

9. Question: What was the cost of six homes purchased by the city? Request to break down the cost by home.

LOCATION	ACQUISITION DATE	TOTAL VALUE	MINUS EXPENSES	PAYMENT TO OWNER/VENDOR
98 RUGGLES	11/3/2008	\$295,191.00	\$78,695.92	\$216,495.08
108 RUGGLES	11/3/2008	\$305,266.50	\$7,302.60	\$297,963.90

LOCATION	ACQUISITION DATE	TOTAL VALUE	MINUS EXPENSES	PAYMENT TO OWNER/VENDOR
118 RUGGLES	3/2/2009	\$285,266.50	\$2,179.73	\$283,086.77
101 GREENWOOD	11/3/2008	\$295,194.00	\$255,544.08	\$39,668.92
102 GREENWOOD	12/15/2008	\$302,403.60	\$89,473.93	\$212,929.67
111 GREENWOOD	11/3/2008	\$235,266.50	\$2,281.91	\$232,984.59
	Totals:	\$1,718,588.10	\$435,478.17	\$1,283,128.93

“Expenses” include but are not limited to the then outstanding loan amounts on first and/or second mortgages, then due taxes and water bills, and registry fees to record the deeds.

Note that property values are also publicly available on the assessor’s card for each property. These cards can be viewed electronically through the City of New Bedford’s website by choosing “Most Requested” from the left-hand toolbar, and selecting “Parcel Lookup.”

10. Question: What is the plan is for educating and training utility workers that dig in the street and in right-of-ways on the site? Concern expressed about the health and safety of those workers.

Department of Public Infrastructure Commissioner Ron Labelle stated that he and his staff are well aware of the possibility of workers encountering potentially impacted fill materials when conducting utility work at this site. All of the DPI foremen, as well as several other DPI field staff, have received 40-hour Hazardous Waste Operations and Emergency Response Training. A foreman with the proper training would be working with any crew that responded to a utility repair at the site, whether an emergency repair or a regular repair, and would be advising all crew members of best soil management practices.

11. Concern expressed about access to information in other languages for non-English speaking residents abutting contaminated property. Request for city to do more active outreach to this population.

The City has developed and will continue to update fact sheets at least annually about various portions of the site that highlight key issues related to each area. These fact sheets are translated into Spanish and Portuguese; they are available in print at PIP meetings and on the City’s Parker Street Waste Site website. The City continues to offer Spanish and Portuguese interpretation services at PIP meetings if interpretation is requested in advance (the hard copy mailer that is sent out to notify people of the meeting includes Spanish and Portuguese text directing interested residents to contact Mali Lim at Community Services to request interpretation). The City also advertises the meetings in *O Jornal*, a weekly Portuguese paper; there is no longer a Spanish equivalent since *El Latino Expreso* was discontinued. If a Spanish or Portuguese speaker would like to request translation for a specific document, he/she may contact the City’s Community Services Department at (508) 961-3136 to make a request; English speakers may contact Community Services or the Department of Environmental Stewardship at (508) 961-4576. All requests will be considered, as will suggestions for additional methods of outreach to non-English speaking residents.

12. Request to suspend Phase III comment period until dialogue between DEP, EPA, and the City is completed.

The public comment period on the draft *Phase III: Remedial Action Plan* for the Acquired Residential and Nemasket Street properties (originally set as April 13th through May 11th) was suspended May 3rd pending further discussions with EPA and MassDEP. Notice will be given when the comment period is reactivated.

13. Request for a buffer zone between acquired properties and abutting residences OR for the city to buy up abutting properties. Frustration expressed by two abutting residents whose properties have not been purchased.

As discussed at the meeting, the City is actively engaged in discussions with the Environmental Protection Agency (EPA) regarding the remediation of the six acquired properties and the Nemasket Street Lots. The City may provide an opportunity for abutters to comment on proposed end uses when discussions reach that level of detail.

14. Please provide further details of the land transfer that occurred from residents of Ruggles and Greenwood Streets to the city. Request for paperwork documenting purchase and/or land transfer (titles). At any time, did the School Department own the properties?

Using the Book and Page information provided below, all titles can be viewed through the Bristol County Registry of Deeds' website at <http://www.newbedforddeeds.com/mason/main/search/bp.html>, or by visiting the Registry at 25 North Sixth Street from 8am – 4:30pm, Monday - Friday. Property titles were transferred from the previous homeowner to the City of New Bedford as a Massachusetts Municipal Corporation. Deeds were recorded on the dates listed above in the response to question 9.

	Registry of Deeds Title Information	
Property	Book	Page
98 Ruggles St.	9185	139
108 Ruggles St.	9185	338
118 Ruggles St.	9281	343
101 Greenwood St.	9185	217
102 Greenwood St.	9215	149
111 Greenwood St.	9186	57

City Council records for October 23, 2008 (available for review in the City Council Clerk's office, Room 215, City Hall), reflect a recommendation by City Solicitor Irene Schall to City Council to accept deeds for these six properties "to provide a parking lot and storage shed for the Keith Middle School Project." The "Keith Middle School Project" later became known by its current name of the Parker Street Waste Site; the prior naming does not indicate that properties were intended for use by Keith Middle School.

15. Request for more information about the architectural sketches that were previously done to show potential end use scenarios for the acquired residential properties. Who paid for these sketches to be made?

The City had requested that Mount Vernon Group create a sketch that was used as a visual aid for meetings that the City had individually with abutters in 2009 in advance of the planned September start of demolition. The City paid Mount Vernon Group for this work as part of Mount Vernon Group's contract with the City at the time. Further assessment and discussion has taken place since the houses were demolished during the summer of 2010 to consider other end uses for these properties. As discussed at the meeting, the City is actively engaged in discussions with the Environmental Protection Agency (EPA) regarding the remediation of the six acquired properties and the Nemasket Street Lots. The City may provide an opportunity for abutters to comment on proposed end uses when discussions reach that level of detail.

Keith Middle School: Wetland & Overview

16. Request for documentation about steps taken to address the water in the sub-slab vault in Room 170 (prep room located between science rooms 169/171) and current status.

Documentation regarding regular (three times per year) inspection of the Keith Middle School cap under the Long-Term Monitoring and Maintenance Implementation Plan (LTMMIP), including the presence of water in the vault in Room 170, are included in TRC's April 2011 and August 2011 cap inspection reports. These reports can be viewed electronically on the City's Parker Street Waste Site website on the Keith Middle School page.

During TRC's cap inspection on April 13, 2011, water was observed in a vault located in a preparation room between the western science classrooms. The source of the water in the vault was not immediately known; however, given that the vault space is traversed by drain lines from the science rooms and contains a limestone neutralization tank, the potential for a leaking pipe/valve existed. Alternatively, the presence of water indicated the potential for groundwater seepage into the vault. Since groundwater sampling results from the three groundwater monitoring wells at Keith Middle School have not indicated any chemical concentrations at levels above regulatory standards, if the water was groundwater, it would not pose a health risk to building occupants. The City opted to wait to see if the water level would drop by the August 2011 cap inspection, when the groundwater table is typically lower than in the spring. A similar level of standing water was again observed in the vault during the August 2011 cap inspection.

Following the August 2011 inspection, the science room vault was pumped out by School Department personnel and inspected by the City; water was discharged to the ground surface on the west side of the school building. There were no evident cracks in the concrete vault walls or in the limestone neutralization tank. All pipe joints running through the vault were dry, and there was no wall staining to indicate previous leaking. The floor of the vault had a layer of algae/other material that prevented a full examination of the concrete floor. In October 2011, Department of Public Infrastructure provided personnel to inspect the concrete floor; no evidence of cracks or leaks were observed, and the joints were re-sealed with hydraulic cement. The vault was dry during the November/December 2011 and April 2012 cap inspections. The science room vaults will continue to be monitored during periodic cap inspection activities.

17. Request for dioxin testing in wetland to the west of Keith Middle School.

The City responded to a similar comment as part of the response summary for the Phase II report for the wetland that was issued in January 2012. The City's prior environmental consultant (BETA) collected samples of the soil/fill material at the Keith Middle School (KMS) property for laboratory analysis of chlorinated dibenzo-p-dioxins and dibenzofurans during the risk-based cleanup activities that took place as part of the school's construction. As noted in prior submittals by TRC, the City's current environmental consultant, the City has subsequently conducted investigation of dioxins and dioxin-like compounds throughout a larger portion of the Parker Street Waste Site (PSWS), including the New Bedford High School campus, Acquired Residential Properties and Nemasket Street Lots. Overall, while dioxin-like compounds have been detected at the PSWS, their presence has not had a significant effect on the design and/or implementation of permanent remedies. In fact, most of the dioxin-like compound results obtained to date, including those from the KMS property, are consistent with levels that are considered to be background in urban areas. Given that the Phase II report for the KMS wetland has already identified that, based on detected concentrations of PCBs, lead and zinc, a Condition of No Significant Risk does not exist in the northern wetland, the collection of dioxin-like compound data are not likely to materially affect the outcome of that conclusion. The data collection performed in the wetland is extensive (over 1,300 samples collected for PCBs alone), sufficient to assess the site, support an evaluation of remedial action alternatives, and design/implement specific remedial actions.

New Bedford High School Update

18. Request for an update about window replacement plan.

Polychlorinated biphenyls (PCBs) have not been detected at regulated levels in either the window glazing or window caulking for New Bedford High School's windows (see Table 1 in the March 2011 *Removal and Abatement Plan* for a full listing of sampling results; this report can be viewed on the City of New Bedford's Parker Street Waste Site website, New Bedford High School page, Building Materials Assessment and Remediation section). Accordingly, the School Department has not included window replacement among the capital improvements proposed for the school district for fiscal year 2013.

19. Request for city to take additional steps to alert students/teachers/staff who used the seven NBHS rooms that have been closed (past and present), and see if there have been particular health issues with those individuals.

The Massachusetts Department of Public Health (MDPH) conducted the requested investigation as part of a larger study of students, teachers, and staff who have occupied NBHS and published a draft report for public comment in September 2011, referenced below and available to the public at the following web address:

<http://www.newbedford-ma.gov/McCoy/sitemap/bloodtesting.html> . The study was conducted in response to a petition signed by NBHS teachers and neighbors of NBHS, requesting a study of the area near the Keith Middle School (KMS) and high school because of concerns related to historical contamination, notably polychlorinated biphenyls (PCBs). The scope of MDPH's study was the entire school, not just the seven rooms referenced in the question (rooms closed for some portion of time from Aug. 2006 – May 2008: B-240, A-114-3, A-110-4, A-212/213-4. Rooms

closed since April 2011: A-110-1, A-315-1, A-203-2). MDPH sought participation of all interested current and former NBHS staff, teachers, and students by publicizing the study in English and Portuguese. The study included evaluation of cancer incidence information for NBHS occupants that was provided to MDPH by community members, cancer incidence data from the Massachusetts Cancer Registry, and non-cancer health concerns reported by NBHS occupants. Therefore, it is not appropriate for the City to duplicate MDPH's efforts by conducting an independent study of a portion of the high school. Nevertheless, the City does believe that it is important for MDPH to expedite its response to all comments received on the draft report.

In its study, MDPH reported:

- **No unusual PCB exposures** - NBHS occupants' exposure to PCBs, as reflected in blood serum concentrations, are within typical ranges detected in the U.S. population and, as a result, do not indicate unusual PCB exposures (see p. 59, DPH report); and
- **Absence of PCB/health effects linkage** - Results of its indoor investigation of NBHS, combined with blood serum concentration data and information obtained during interviews with study participants, do not suggest a link between PCBs in closed rooms or any other rooms at NBHS and adverse cancer or noncancer effects, regardless of how long individuals occupied the high school or where they spent most of their time in the high school (see pp. 59-60, DPH report).

At the same time, MDPH explains the difficulty in discerning relationships given the relatively low number of study participants. Given the broad scope and complexity of the study, it is understandable that the City of New Bedford, along with members of the community and their representatives, had questions and comments on the report.

In preparing for this public meeting, the City contacted MDPH to request an update on when MDPH expects to issue a finalized report. MDPH responded that they are using all resources available to them to respond to the comments they've received, and they expect to issue a final report by early summer 2012.

[Reference: Massachusetts Department of Public Health. 2011. *Health Consultation: Evaluation of Indoor Environmental Conditions and Potential Health Impacts*. New Bedford High School, 230 Hathaway Boulevard. New Bedford, MA. Prepared by the Bureau of Environmental Health. September 27, 2011.]

20. In 1985, EPA requested that US Army Corps of Engineers do a site investigation of New Bedford High School. A 1989 report recommended further investigation on ground water. Is there any data for the ground water at the high school from 1985-1989? What did the city do with that information at that time?

The City does not have a copy of the referenced report, but is working with the US Army Corps of Engineers to see if they can provide one. The City does not have groundwater data for New Bedford High School from 1985-1989.