



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

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May 2, 2012

Cheryl Henlin, Acting Director
Office of Environmental Stewardship
City of New Bedford – City Hall
133 William Street
New Bedford, Massachusetts 02740

RE: **NEW BEDFORD**
Release Tracking Number: 4-0015685
Parker Street Waste Site
SPECIAL PROJECT DESIGNATION
EXTENSION & MODIFICATION APPLICATION
CONDITIONAL APPROVAL & INTERIM DEADLINE

Dear Ms. Henlin:

The Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (MassDEP), is in receipt of the document titled, "*Special Project Designation Permit Extension and Modification*" dated February 2012 (the Application) for the Parker Street Waste Site, Release Tracking Number 4-0015685, located in New Bedford, Massachusetts (the Site). The Application was prepared on behalf of the City of New Bedford (the City) by TRC Environmental Corporation (TRC). The Application includes a status update on actions the City has taken at the Site under the Special Project Status Designation (the Designation), a request to extend the Designation for an additional two years and a request to modify the Designation to exclude certain portions of the Site.

As you are aware, February 22, 2012 has been established as the official start date for MassDEP's review of the Application. On March 22, 2012 MassDEP notified you in writing that, pursuant to 310 CMR 40.0063 and 310 CMR 40.0720(4), and based on the review criteria set forth in 310 CMR 40.0063(3) and (4), MassDEP was extending the review period on the Application to May 3, 2012. In accordance with 310 CMR 40.0720(5), the Application will be presumptively approved by that date unless MassDEP issues one of the following: (a) a decision to deny the Extension and/or Modification based on the criteria in 310 CMR 40.0063(3) and (4); or, (b) a decision to grant the Extension and/or Modification with conditions, based on the criteria in 310 CMR 40.0063(3) and (4).

SPECIAL PROJECT DESIGNATION EXTENSION CONDITIONAL APPROVAL

MassDEP hereby provides the City, in accordance with 310 CMR 40.0720(5)(b), conditional approval of the Special Project Status Extension and clarification of the Special Project Status Modification, as detailed further below.

In addition to the Special Project Designation Conditions specified at 310 CMR 40.0064, MassDEP establishes the following as conditions of this approval to extend the Designation:

1. The Application contains a schedule of response actions currently underway or to be conducted by the City at the Site during the period of the extension. The schedule as proposed in the Application is summarized in the table below. MassDEP has reviewed the proposed work schedule and by way of this conditional approval hereby establishes the following as Interim Deadlines, pursuant to 310 CMR 40.0167.

Project Area/Location	Deliverable/Activity	City Proposed Due Date	MassDEP Established Interim Deadline
New Bedford High School	RAO/AUL (partial)	TBD (3 months from submittal of RAM Completion Report to MassDEP)	March 31, 2013
	Solar park construction support	TBD	Interim Deadline Not Applicable ¹
	Utility Related Abatement Measures (URAMs) <ul style="list-style-type: none"> • HS-8 Solar • Slim Solar 	TBD (3 weeks for internal City review from NTP)	Interim Deadline Not Applicable ¹
	RAM Status Report	August 6, 2012 (due to MassDEP)	Interim Deadline Not Applicable ²
	VOC SRM/CEP IRA Status Report	May 29, 2012 (due to MassDEP)	Interim Deadline Not Applicable ²
Residential/Commercial Parcels <ul style="list-style-type: none"> • 110 Greenwood • Corner Sports • 110 Greenwood 	RAM Plan	TBD	July 1, 2012
	RAOs	TBD	December 31, 2012
Acquired Residential Properties/Nemasket	Revised Phase III (supporting Class C RAO)	April 13, 2012	Interim Deadline not applicable – draft document was released for public comment on 4.13.12
	Class C RAO	May 4, 2012	Interim Deadline not established

KMS Wetland	Phase III or Phase III in support of Class C RAO	See notes ³	August 31, 2012 (Interim Deadline established for Phase III submittal only)
Parker Street Waste Site	Public Involvement Plan	May 25, 2012	June 30, 2012

1. Solar park construction is not a required MCP response action; therefore, an Interim Deadline is not applicable or established.
2. This is a deadline established in the MCP; therefore an Interim Deadline is not applicable or established.
3. Refers to notes provided in the proposed schedule provided with the Application.

2. The Special Project Designation Status expires on **February 25, 2014**. At that time, pursuant to 310 CMR 40.0064(2)(g), a Tier Classification prepared in accordance with the provisions of 310 CMR 40.0500 and, if applicable, a Tier I Permit Application prepared in full accordance with the provisions of 310 CMR 40.0703 shall be submitted to MassDEP for all portions of the Site for which a Response Action Outcome (RAO) has not been achieved.
3. There are portions of the Site not included in the proposed schedule provided with the Application for which a partial Response Action Outcome has yet to be achieved or submitted to MassDEP. These include the following: (a) sections of City-owned property located along Liberty Street both to the north and south of Parker Street that are identified as City Yard and/or the DPW Yard; (b) a privately-owned Church property located at 129 Hathaway Boulevard; and (c) the property located at 226 Hathaway Boulevard that is owned by the Commonwealth of Massachusetts where the Hetland Memorial Skating Rink is located (the Hetland Property). Please note that data collected by MassDEP and analyzed by the United States Environmental Protection Agency (USEPA) as part of the Supplemental Assessment Plan (SAP) indicates that contaminants consistent with the Parker Street Waste Site have come to be located on the Hetland property. A copy of the report generated by USEPA for the Hetland property is enclosed for your reference.

By **February 25, 2014**, sufficient assessment, risk characterization and/or response actions (if necessary) must be conducted on those parcels to accomplish one of the following: (a) document that they are not part of the Parker Street Waste Site or that the City is not responsible for conducting response actions at the property; (b) include them in the Tier Classification package to be submitted, as described above, or; (c) achieve a partial Response Action Outcome, pursuant to 310 CMR 40.1000.

4. MassDEP has reviewed the information submitted with regard to removing the Walsh Field, the New McCoy Field and 119 Greenwood Street portions of the Site from the Special Project Designation. MassDEP acknowledges that response actions have been conducted at these properties under the Special Project Status that have resulted in the submittal of partial Response Action Outcome Statements to MassDEP for these portions of the Site. Therefore, a deadline extension is not required for these properties under the Special Project Status. However, if it is determined that additional response actions are required at any of these portions of the Site during the period of the extension of the Special Project Designation, those response actions should be conducted in full accordance with the MCP under the Special Project Designation and RTN 4-0015685.

Pursuant to its authority under 310 CMR 40.0167(3)(a), MassDEP hereby establishes certain deadlines specified above as enforceable Interim Deadlines. MassDEP's decision to establish one or more Interim Deadlines in accordance with 310 CMR 40.0167 is not subject to M.G.L. c.30A or any other law governing adjudicatory proceedings.

Please note that, pursuant to 310 CMR 40.0067(2), a Special Project Designation Permit Extension does not forgive any noncompliance of the permittee that resulted from the late submittal or failure to submit any response action submittal due during the duration of the Special Project Designation permit.

Please also note that this Site shall not be deemed to have had all of the necessary and required response actions taken unless and until all substantial hazards have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP. In order to achieve this, the nature and extent of the contamination from the Site must be fully delineated to support the characterization of risk of harm to human health, safety, public welfare and the environment posed by the Site.

Please contact Molly Cote at the letterhead address or by calling (508) 946-2792, should you have any questions regarding the information provided herein. All future communication regarding this matter must reference Release Tracking Number: **4-0015685**.

Sincerely,



Leonard J. Pinaud, Chief
State & Federal Site Management Section
Bureau of Waste Site Cleanup

P/MC/lg

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Enclosure: USEPA Hetland Property Report

cc: without enclosure:

Jon F. Mitchell, Mayor - City of New Bedford
City of New Bedford - Health Department

Eddie Johnson, President - C.L.E.A.N.

David Sullivan, LSP - TRC

Kim Tisa, USEPA Region 1
Steve Novick, USEPA Region 1

MassDEP SERO
David Johnston, Regional Director
Millie Garcia-Serrano, Deputy Regional Director - Bureau of Waste Site Cleanup
Rebecca Tobin, SERO-Regional Counsel
Molly Cote, State & Federal Site Management Section - Bureau of Waste Site Cleanup