



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

COPY

December 20, 2001

David Ferguson, Facility Manager
City of New Bedford School Department
256 Parker Street
New Bedford, Massachusetts 02740

RE: NEW BEDFORD-BWSC/SMP RTN 4-15685
McCoy Field/New Keith Middle School
RTN 4-15824, Keith Middle School
TRANSMITTAL #W023047
SPECIAL PROJECT DESIGNATION
PROPOSED DECISION

Dear Mr. Ferguson:

The Department of Environmental Protection, Bureau of Waste Site Cleanup (the Department), has concluded its administrative and technical review of the Special Project Designation Application for the above-referenced site submitted on your behalf by Vanasse Hangen Brustlin, Inc. The Department also reviewed the Request for Special Project Designation Modification submitted October 10, 2001 and the Second Request for Special Project Designation Modification submitted December 18, 2001, whereby the following areas are to be added to the project: the existing Keith Middle School (RTN 4-15824), the area east of Hathaway Boulevard, the back lot lines of properties located along Durfee Street, and other peripheral areas where polychlorinated biphenyls (PCBs) may have migrated from the original fill materials to adjacent wetlands and/or drainage ways. Following review of the Special Project Designation Application, the Modifications, and numerous site submittals, the Department agrees that continued response actions are necessary at the site to achieve a Permanent Solution pursuant to 310 CMR 40.1000, and that these response actions can be coordinated with the construction of the new Keith Middle School. The Department has therefore prepared this Proposed Decision to Grant the Special Project Designation.

PROPOSED DECISION

Special Project Designation as defined by the Massachusetts Contingency Plan (MCP) 40.0060, is intended to allow for response actions to be conducted concurrent with public projects with flexibility in meeting the generic deadlines in the MCP. As such, this Special Project Designation will establish deadlines by which the response actions may be completed specific to the construction of the New Keith Middle School. The City proposes to conduct

activities to define the extent of the contamination, evaluate remedial alternatives to address the contamination, and implement the selected remedy concurrent with the construction of the school. Pursuant to 310 CMR 40.0060, the Department is hereby proposing to grant the Special Project Designation based on the application and the available information. The Second Modification requested that the Special Project Designation duration be extended from June 2005 to June 2007. However, in accordance with 310 CMR 40.0063, a Special Project Designation can not be approved for longer than five years from the date of the decision. The Designation may be extended pursuant to 310 CMR 40.0063(3)(b) following the procedure set forth in 310 CMR 40.0066.

PUBLIC NOTIFICATION

You are required to publish legal notice in the local newspaper and make other necessary notification regarding the Department's Proposed Decision pursuant to 310 CMR 40.0062. Persons interested in reviewing and presenting comments to the Department on this Proposed Decision shall do so in writing during the public comment period.

The public comment period of 20 days shall run from the date of publication of the legal notice. Should the Department receive "Significant Public Comments" on this Proposed Decision, the applicant shall have 30 days at the close of the public comment period to respond to such comments, in writing, to the Department. Upon receipt of the applicant's response or at the close of the public comment period, whichever is later, the Department shall have 60 days to finalize the decision. In the absence of any "Significant Public Comments", the Department shall have 30 days from the close of the public comment period to conduct the final application review to grant or deny the Special Project Designation.

NOTICE OF APPEALS RIGHT

In accordance with 310 CMR 40.0063(4), any person who is aggrieved by the final decision of the Department, with respect to and Special Project Designation Decision, may request an adjudicatory hearing before the Department in accordance with 310 CMR 40.0050 and 40.0060.

The filing of an appeal shall not prevent the Department from issuing any future orders or taking any other action the Department reasonably deems necessary to respond to a release or threat of release of oil or hazardous material, including but not limited to taking or arranging one or more response actions at the site of which is the subject of the appeal (310 CMR 40.0050 (7)).

Please note that the Department may conduct an audit of this site in the near future to ensure compliance with the terms and conditions of the permit and requirements of the MCP. Should this site become a candidate for an audit, you will be notified promptly.

If you have any questions, please contact Cathy Kiley by writing to the letterhead address or calling (508) 946-2839. All future correspondence regarding the site should reference the following Release Tracking Number: 4-15685.

Sincerely,



Gerard M.R. Martin, Chief
Site Management & Permitting Section

M/MCK/re

CERTIFIED MAIL NO. 7001 0320 0001 4830 5646
RETURN RECEIPT REQUESTED

cc: City of New Bedford
Mayor's Office
133 William Street
New Bedford, Massachusetts 02740

Health Department
City of New Bedford
181 Hillman Street
New Bedford, MA 02740

Mr. Alan D. Hanscom
Vanasse Hangen Brustlin, Inc.
101 Walnut Street
Watertown, MA 02471

DEP-SERO
ATTN: Millie Garcia-Surette, Deputy Regional Director
Cathy Kiley, Permitting Branch Chief
Data Entry