



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

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Surface Transportation Board
Rachel D. Campbell, Director,
Office of Proceedings,
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway-
Construction, Acquisition and Operation Exemption
Comments re EPA's November 6, 2015 letter
STB Finance Docket #34797

Dear Director Campbell:

The Department of Environmental Protection of the Commonwealth of Massachusetts (MassDEP) submits the following comments on U.S. EPA's November 6, 2015 letter in the matter of New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway- Construction, Acquisition and Operation Exemption. MassDEP is very concerned about New England Transrail, LLC d/b/a Wilmington & Woburn Terminal Railway's (NET) lack of transparency concerning their proposed project.

The project's description has changed over the years and MassDEP believes it is appropriate for NET to fully set forth in detail the project, including engineering drawings depicting the placement of buildings and rail tracks, along with a description of the amounts and types of materials and wastes to be brought to the site, and a description of any processing to be conducted at the site. Without more detail about NET's project, MassDEP does not see how a proper environmental analysis can be conducted.

Specifically regarding EPA's letter, MassDEP has three other areas of concern. First, MassDEP notes that slurry wall (located along the perimeter of the containment area) has an unknown bearing capacity. MassDEP recommends a 50 foot buffer zone (or other specific delineated boundary) be instituted at the edges of the containment area to prevent any site redevelopment work from potentially damaging the slurry wall or temporary cap. MassDEP notes that the current configuration of New England Transrail, LLC's proposed development appears to encroach on this proposed buffer zone if not the containment

area itself. (See Attachment 1 to EPA's Comfort/Status and Reasonable Steps Letter, May 13, 2015 attached to EPA's Nov. 6, 2015 letter.)

Second, MassDEP agrees with EPA's recommendation to the Board that a more rigorous full Environmental Impact Statement, rather than an Environmental Assessment, is more appropriate for the Olin Site. It would be helpful if the level and type of coordination between the Office Environmental Analysis and EPA (meetings, updates, reports, etc.) be agreed to and explained prior to the commencement of the process.

Third, MassDEP asks EPA to clarify that if NET's redevelopment of the property interferes with the selected remedy for the site, then NET may take on liability for the remediation of the site.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nancy L. Seidman', written over a large, stylized, looped flourish.

Nancy L. Seidman, Assistant Commissioner
Bureau of Air and Waste

Cc. NET:

Patrick J. Berry,
Baker Botts LLP
1299 Pennsylvania Avenue, NW
Washington, DC 20004