



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

FD 34797
240283

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

ENTERED
Office of Proceedings
March 11, 2016
Part of
Public Record

March 11, 2016

VIA E-FILING

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
Service of Previously filed Commonwealth of Massachusetts Department of Environmental Protection Comments re EPA's November 6, 2015 letter

Dear Director:

I hereby certify that on March 7, 2016, a copy of the enclosed comments of the Commonwealth of Massachusetts Department of Environmental Protection previously filed electronically with the Surface Transportation Board on January 15, 2016 has been sent via U.S. mail to the entities on the attached service list.

Sincerely,

Laura Swain, Senior Counsel

Enc.

Service List for: New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway--
Construction, Acquisition And Operation Exemption-- In Wilmington And Woburn, Mass.
Docket No. FD 34797

Party Of Record: Armbrust, Steven
Csx Transportation Inc.
500 Water Street (J150)
Jacksonville, FL 32202

Party Of Record: Barry, Kathleen M
Wilmington Woburn Collaborative
14 Powder House Circle
Wilmington, MA 01887

Party Of Record: Deutsch, Daniel R.
Deutsch Williams
One Design Center Place, Suite 600
Boston, MA 02210

Party Of Record: Leifer, Steven L.
Baker Botts Llp
1299 Pennsylvania Avenue, Nw
Washington, DC 20004

Party Of Record: Raymond, Linda
Woodburn Neighborhood Association, Inc.
10 North Maple Street
Woburn, MA 01801

Party Of Record: Richards, Curtis M.
Olin Corporation
3855 North Ocoee Street, Suite 200
Cleveland, TN 37312

Party Of Record: Stevenson, Martha K
Wilmington Environmental Restoration Committee
7 Chandler Rd
Wilmington, MA 01887

Party Of Record: Swain, Laura
Commonwealth Of Massachusetts Department Of Environment Protection
One Winter Street
Boston, MA 02108

Party Of Record: Walsh-Rogalski, William
United States Environmental Protection Agency, Region 1 Office Of Environmental Review
Mail Code ORA 17-1
Boston, MA 02109-3912

Non-Party: Bauer, Jeffrey M.
Baker Botts Llp
1299 Pennsylvania Avenue Nw
Washington, DC 20004

Non-Party: Berry, J. Patrick
Baker Botts Llp
1299 Pennsylvania Avenue, Nw
Washington, DC 20004

Non-Party: Dilorenzo, Jim
United States Environmental Protection Agency, Region 1
Mail Code OSRR07-4
Boston, MA 02109-3912

Non-Party: Gingrich, Valerie
Director, Planning & Conservation Town Of Wilmington
121 Glen Road
Wilmington, MA 01887

Non-Party: Hull, Jeffrey M.
Town Manager Town Of Wilmington
121 Glen Road
Wilmington, MA 01887

Non-Party: Mchugh, John F.
New England Transrail, Llc
6 Water Street Suite 401
New York, NY 10004

Non-Party: Newhouse, Shelly
Director Of Public Health Town Of Wilmington
121 Glen Road
Wilmington, MA 01887

Non-Party: Pechulis, Kevin
U.S Environmental Protection Agency, Region 1
Mail Code: OES04-3
Boston, MA 02109-3912

Non-Party: Van Tine, Kirk
Baker Botts Llp
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004

Non-Party: Woods, Michael J
Director Of Public Works Town Of Wilmington
121 Glen Road
Wilmington, MA 01887



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VIA E-FILING
January 15, 2016

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

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Office of Proceedings
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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

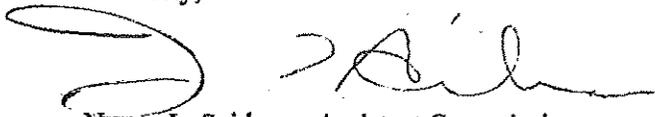
area itself. (See Attachment 1 to EPA's Comfort/Status and Reasonable Steps Letter, May 13, 2015 attached to EPA's Nov. 6, 2015 letter.)

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 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