

Environmental Assessment

Finance Docket No. 34391

New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co. - Construction, Acquisition, and Operation Exemption - in Wilmington and Woburn, MA

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TABLE OF CONTENTS

	<u>Page</u>
GLOSSARY	GL-1
EXECUTIVE SUMMARY	ES-1
CHAPTER 1: DESCRIPTION OF THE PROPOSED ACTION AND PURPOSE AND NEED	1-1
1.1 INTRODUCTION	1-1
1.2 BOARD’S OBLIGATIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT	1-1
1.3 BOARD JURISDICTION	1-1
1.4 DESCRIPTION OF THE PROPOSED ACTION	1-2
1.4.1 Description of the Proposed Project Site	1-3
1.4.2 Location	1-3
1.4.3 Commodities	1-4
1.4.4 New Rail Traffic	1-4
1.4.5 Truck Traffic	1-4
1.5 PURPOSE AND NEED FOR THE PROPOSED ACTION	1-7
1.6 BOARD DECISION	1-7
1.7 SEA’S ENVIRONMENTAL REVIEW PROCESS	1-7
1.8 PUBLIC PROCESS FOR THE OLIN PROPERTY	1-8
CHAPTER 2: ALTERNATIVE ACTIONS CONSIDERED	2-1
2.1 NO-ACTION ALTERNATIVE	2-1
2.2 BUILD ALTERNATIVES	2-1
2.2.1 Olin Alternative (Proposed Action)	2-1
2.2.1.1 Construction	2-1
2.2.1.2 Operation	2-2
2.2.2 Tewksbury Alternative	2-2
2.2.3 Ayers Alternative	2-2
CHAPTER 3: AFFECTED ENVIRONMENT	3-1
3.1 TRANSPORTATION AND SAFETY	3-1
3.1.1 Rail Resources	3-1
3.1.2 Road Network	3-2
3.2 NOISE	3-4
3.3 AIR QUALITY	3-5
3.4 TOPOGRAPHY, GEOLOGY, AND SOILS	3-5
3.4.1 Topography	3-5
3.4.2 Geology	3-5
3.4.3 Soils	3-6
3.5 WATER RESOURCES	3-6
3.5.1 Groundwater	3-7

TABLE OF CONTENTS
(continued)

	<u>Page</u>
3.5.2 Drinking Water Sources	3-7
3.5.3 Surface Water	3-8
3.5.4 Wetlands	3-8
3.5.5 Floodplains	3-10
3.6 BIOLOGICAL RESOURCES	3-10
3.6.1 Vegetation	3-11
3.6.2 Wildlife	3-11
3.6.3 Threatened, Endangered, and Rare Species	3-11
3.7 LAND USE	3-11
3.7.1 Local Zoning	3-11
3.7.2 Coastal Zone Management	3-12
3.7.3 Prime Farmland	3-12
3.8 HAZARDOUS MATERIALS/WASTE SITES	3-12
3.8.1 Overview of the Ongoing Environmental Remediation at the Olin Site	3-12
3.8.1.1 Regulatory Context	3-12
3.8.1.2 Remediation Process	3-13
3.8.1.3 Remedial Actions Performed To Date by Olin	3-13
3.8.1.4 Actions Required Before Olin Site Redevelopment	3-14
3.8.1.5 Ongoing Activities	3-15
3.8.2 Applicant’s Responsibilities for Redevelopment of the Proposed Project Site	3-15
3.9 SOCIOECONOMICS	3-16
3.9.1 Demographics and Employment	3-16
3.9.2 Aesthetics	3-16
3.10 ENERGY	3-16
3.11 CULTURAL RESOURCES	3-16
3.12 ENVIRONMENTAL JUSTICE	3-17
3.12.1 Project Area Information	3-18
CHAPTER 4: ENVIRONMENTAL CONSEQUENCES	4-1
4.1 TRANSPORTATION AND SAFETY	4-1
4.1.1 Transportation	4-1
4.1.2 Effects of the Proposed Action on Local Roadways	4-2
4.1.3 The Proposed Action’s Impact on the Level of Service on Local Roadways	4-4
4.1.4 Safety and Delay	4-5
4.2 NOISE	4-6
4.2.1 Noise Impacts Related to the Proposed Action	4-6
4.3 AIR QUALITY	4-7
4.3.1 Impact Analysis of Construction Activities	4-8
4.3.2 Impact Analysis of Operation	4-9

TABLE OF CONTENTS
(continued)

	<u>Page</u>
4.4 TOPOGRAPHY, GEOLOGY, AND SOILS	4-10
4.4.1 Topography	4-11
4.4.2 Geology	4-11
4.4.3 Soils	4-11
4.5 WATER RESOURCES	4-12
4.5.1 Groundwater	4-12
4.5.2 Drinking Water Sources	4-13
4.5.3 Surface Water	4-13
4.5.4 Wetlands	4-14
4.5.5 Floodplains	4-14
4.6 BIOLOGICAL RESOURCES	4-14
4.6.1 Threatened, Endangered, and Rare Species	4-14
4.7 LAND USE	4-15
4.8 HAZARDOUS MATERIALS/WASTE SITES	4-15
4.8.1 Remedial Action	4-15
4.8.2 Impact of Implementation of the Proposed Action on Human Health and the Environment	4-16
4.9 SOCIOECONOMICS	4-17
4.9.1 Demographics and Employment	4-17
4.9.2 Aesthetics	4-17
4.10 ENERGY	4-17
4.11 CULTURAL RESOURCES	4-17
4.12 ENVIRONMENTAL JUSTICE	4-17
4.13 CUMULATIVE IMPACTS	4-18
4.13.1 MBTA Connection	4-18
4.13.2 Break Bulk Facility	4-19
 CHAPTER 5: MITIGATION	 5-1
 APPENDIX A: BOARD’S MARCH 2, 2004 DECISION	 A-1
 APPENDIX B: CONSULTATION CONTACT LIST AND SAMPLE CONSULTATION LETTER	 B-1
 APPENDIX C: COMMENT LETTERS	 C-1

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GLOSSARY

ADT (Average Daily Traffic)

Total traffic volume over a given period (1 to 364 days) divided by the number of days in the period. Usually includes traffic in both directions on a road.

AS/SVE (Air Sparging/Soil Vapor Extraction)

Air sparging involves the injection of contaminant-free air into the subsurface saturated zone, enabling a phase transfer of volatile compounds to a vapor phase. The air is then vented through a soil vapor extraction (SVE) system.

BMP (Best Management Practice)

The use of materials, processes or practices that reduce or eliminate the creation of pollutants or wastes at the source. It includes practices that reduce the use of hazardous materials, energy, water, or other resources, and practices that protect natural resources through conservation or more efficient use.

BRTP (Butters Row Treatment Plant)

A water treatment plant located at the Wilmington Maple Meadow Brook Aquifer well area.

COC (Contaminants of Concern)

Any contaminant that is expected to be present at the site based upon past and current land uses and sample analytical data.

Construction RAM (Construction-Related Abatement Measure)

Any action taken to reduce the risks at a construction site and/or increase the cost effectiveness of response actions by allowing the implementation of certain accelerated remedial actions to stabilize, treat, control, minimize, or eliminate releases.

DAPL (Dense Aqueous Phase Liquid)

A liquid which consists of a solution of organic compounds (e.g., chlorinated hydrocarbons) and which is denser than water. DAPLs sink through the water column until they reach the bottom of the aquifer where they form a separate layer.

ENF (Environmental Notification Form)

An Environmental Notification Form is filed with Massachusetts Environmental Policy Act (MEPA) Office for certain proposed development/construction projects that require MEPA review. The form describes the area in which the project is taking place, the effects the project will have on the surrounding area including; modification of land, wetlands, additional structures, increased traffic, water use, waste water generation, and effect on wildlife.

EOEA (Massachusetts Executive Office of Environmental Affairs)

A Massachusetts State Office that oversees the Massachusetts Department of Agricultural Resources, the Department of Conservation and Recreation, the Department of Environmental Protection, and the Department of Fish and Game. The MEPA Office is located within EOEA.

GWPD (Groundwater Protection District)

A Groundwater Protection District (GWPD) is defined as an area created to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the town or city, preserve and protect existing and potential sources of drinking water supplies and, conserve the natural resources of the town or city and prevent temporary and permanent contamination of the environment.

IRA (Interim Remedial Action)

An IRA is a discrete set of planned actions for both emergency and non-emergency situations that can be conducted quickly to address contamination without the extensive investigation and evaluation of a Remedial Investigation/Feasibility Study.

MCL (Maximum Contaminant Level)

The maximum level of certain contaminants permitted in public drinking water supplies. EPA sets these levels through regulations.

MCP (Massachusetts Contingency Plan)

The regulations cited collectively as 310 CMR 40.0000, promulgated by the Massachusetts Department of Environmental Protection. These regulations provide for the protection of health, safety, public welfare and the environment, and provide for cleanup of contaminated sites within the Commonwealth.

MMBA (Maple Meadow Brook Aquifer)

A water supply aquifer in Wilmington. Wells drawing from this aquifer have been shut down following discovery of NDMA in ground water.

NDMA (N-nitrosodimethylamine)

N-Nitrosodimethylamine is commonly known as NDMA. It is a yellow liquid which has no distinct odor. It is produced in the U.S. only for use as a research chemical. NDMA was used to make rocket fuel, but this use was stopped after unusually high levels of this compound were found in air, water, and soil samples collected near a rocket fuel manufacturing plant. NDMA is, however, unintentionally formed during various manufacturing processes at many industrial sites and in air, water and soil from reactions involving other chemicals called alkylamines.

Alkylamines are both natural and man-made compounds which are found widely distributed throughout the environment.

OHM (Oil and Hazardous Materials)

Oils and Hazardous Materials include any insoluble or partially soluble oils including, but not limited to, crude and fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal, or vegetable oils and white oil. A Hazardous Material is any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separate or in combination with any substance or substances, constitute a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used or otherwise managed.

PCMP (Post Construction Monitoring Plan)

A plan to monitor environmental quality following a construction project.

RAM (Release Abatement Measure)

Any Response action taken to reduce the risks at a disposal site and/or increase the cost effectiveness of response actions by allowing the implementation of certain accelerated remedial actions to stabilize, treat, control, minimize, or eliminate releases.

RCRA (Resource Conservation and Recovery Act)

Resource Conservation and Recovery Act is environmental legislation aimed at controlling the generation, treating, storage, transportation and disposal of hazardous wastes. It is administered by EPA.

VOC (Volatile Organic Compound)

A group of organic compounds characterized by their tendency to evaporate easily at room temperature. Some familiar substances containing VOCs are solvents, gasoline, paint thinners, and nail polish remover.

W&WTR (Wilmington and Woburn Terminal Railroad Company)

The railroad name under which New England Transrail would operate.

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EXECUTIVE SUMMARY

ES.1 INTRODUCTION

On December 3, 2003, New England Transrail, LLC d/b/a the Wilmington and Woburn Terminal Railroad Company (Applicant or W&WTR) filed a petition with the Surface Transportation Board (Board)¹ pursuant to 49 United States Code (U.S.C.) 10502 seeking exemption from the formal application procedures of 49 U.S.C. 10901 for authority to acquire 1,300 feet of existing track, construct 2,700 feet of new line, and to operate the entire approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corporation (Olin) in Wilmington, Massachusetts, upon which Olin had in the past operated a chemical plant.² The Olin-owned parcel is located in Wilmington, Massachusetts, but a portion of the line to be constructed and operated by W&WTR also would be located in Woburn, Massachusetts. The Applicant also explains that it proposes to construct on-site improvements, including a reload facility, and to rehabilitate the 1,300 feet of existing track on the property, that is the subject of the Applicant's acquisition, to facilitate the transload of various commodities between truck trailers and rail cars.

ES.1.1 BOARD'S OBLIGATIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

The Board's Section of Environmental Analysis (SEA) is responsible for preparing this Environmental Assessment (EA) to meet the Board's obligations under the National Environmental Policy Act (NEPA). The EA identifies and evaluates the potential direct, indirect, and cumulative environmental impacts of the Proposed Action including the potential of the Proposed Action to impact Olin's ongoing remediation activities. After comments on the EA are received, SEA will prepare final environmental documentation. The Board will then issue a decision addressing the environmental aspects of the proposal and deciding whether to allow the conditional exemption to become effective.

ES.1.2 BOARD JURISDICTION

The Board has exclusive jurisdiction under Sections 10901 and 10501 of the Interstate Commerce Act (Act) over the construction, acquisition, and operation of common carrier rail lines. The Board's authorization may take the form of a "certificate of public convenience and necessity" issued under 49 U.S.C. 10901, or, as in this case, an exemption under 49 U.S.C.

¹ The Surface Transportation Board is an economic regulatory agency with jurisdiction over the construction, acquisition, and operation of railroad lines, and railroad consolidations and abandonments, as well as rail transportation rates.

² By notice filed on June 19, 2003, and clarified on July 2, 2003, the Applicant filed a notice of exemption to acquire and operate a portion of the subject trackage in STB Finance Docket No. 34365, New England Transrail, LLC - Acquisition and Operation Exemption - Lines of Boston and Maine Railroad Company. Citing errors in its notice of exemption, the Applicant subsequently requested and obtained permission, in a decision served on August 5, 2003 in that proceeding, to withdraw it. This proceeding supersedes Finance Docket No. 34365.

10502 from the formal application procedure of Section 10901. Whether authorization is sought under the procedures of Section 10502, or Section 10901, the Board subjects the proposal to a careful review including preparation of the environmental documentation required to meet the Board's obligations under NEPA. In this case, the EA considers in detail the expected environmental impacts of the proposed acquisition and construction and operation of the entire 4,000-foot W&WTR line (i.e., the 2,700 feet of new construction and the acquisition of 1,300 feet of existing industrial track).

The construction and operation of a railroad facility, such as the reload facility at issue here, is not a matter subject to the Board's regulatory authority. In other words, the Board does not have licencing authority over the construction and operation of the reload facility. Nonetheless, the Applicant's reload facility, and the truck traffic that it is expected to generate, are addressed in this EA since the traffic-related impacts of that facility are connected to the proposed rail acquisition, construction, and operation activities that do require a Board license. Moreover, the proposed rehabilitation³ of the 1,300 feet of existing track on the property is not an action before the Board and does not trigger an environmental review under the Board's rules at 49 C.F.R. 1105. However, under NEPA⁴ and the Council of Environmental Quality (CEQ) guidelines,⁵ matters that fall outside the Board's regulatory control must be considered to the extent that they are a direct consequence of actions, such as the construction, acquisition, and operation of a rail line, that are within the Board's regulatory authority.⁶

Thus, this EA also addresses the potential environmental impacts of the Applicant's proposed actions on truck traffic, impacts resulting from the operation of the proposed reload facility and rehabilitation of the exiting track. At the same time, however, it is important to note that there are limits to the Board's authority to impose mitigation related to the potential environmental effects of operating the reload facility and rehabilitating of the existing line that the Applicant proposes to acquire. The Board may not impose mitigation with respect to matters that are outside of its regulatory control.

ES.1.3 BOARD DECISIONS

By petition filed on December 3, 2003, the Applicant requested that the Board conditionally grant the exemption, subject to the agency's later consideration of the environmental impacts. On March 2, 2004, the Board issued a decision and found that, from a transportation perspective, the proposed acquisition, construction, and operation meets the standards for the grant of a conditional exemption. However, the Board will issue a final decision as to whether the conditional exemption should be allowed to go into effect after completion of the environmental review process.

³ Board approval is not required to improve or upgrade an existing line without extending the railroad's territory.

⁴ 42 USC 4321 et seq.

⁵ 40 CFR 1500 et seq.

⁶ See 40 CFR 1508.25.

ES.2 PURPOSE AND NEED FOR THE PROPOSED ACTION

According to the Applicant, the purpose of the Proposed Action is to acquire, construct, and operate a railroad and a reload facility to facilitate the transload of various commodities between highway and rail transportation modes in the Boston metropolitan area of Massachusetts. The Applicant states that the Proposed Action would address a shortage of highway to rail transload facilities in the greater Boston metropolitan area by providing additional rail transportation infrastructure.

ES.3 PROPOSED ACTION AND ALTERNATIVES

ES.3.1 PROPOSED ACTION

The Applicant proposes to acquire the Olin property, restore to operating condition the 1,300 feet of existing industrial trackage located on the property, construct approximately 2,700 feet of new trackage, and, once construction is completed, provide rail common carrier service over both the newly-built and rebuilt trackage. According to the Applicant, the trackage to be restored and constructed would be approximately 4,000 feet in total length. The Applicant also proposes to construct on-site improvements, including a reload facility, to facilitate the transload of various commodities between truck trailers and rail cars. The reload facility would consist of one or two sprung type structures⁷ of approximately 50,000 square feet spanning the tracks where the reloading would occur, a bridge crane to lift containers onto rail cars, and associated paved areas for loading trucks. All reloading would occur within the sprung structures.

As explained above, under NEPA and the CEQ guidelines, matters that fall outside the Board's regulatory control must be considered to the extent that they are a direct consequence of actions that are within the Board's regulatory authority. Because the acquisition and rehabilitation of the existing track, construction and operation of the new track, and operation of the reload facility are connected (one action would not occur without the other), SEA analyzed these actions as the "Proposed Action." Thus, the Proposed Action is composed of the proposed acquisition and rehabilitation of 1,300 feet of existing track, construction and operation of 2,700 feet of new track, operation of the entire 4,000 foot line, and operation of the reload facility, including an analysis of the related truck activities. Although, the Board does not have exclusive jurisdiction over all aspects of the Proposed Action, nevertheless, analyzing these actions as the Proposed Action assists the reader in understanding the context for the Applicant's redevelopment proposal for the Olin property.

ES.3.1.1 Rail Traffic

The Applicant intends to operate one round trip train six days a week with approximately 25 rail cars.

⁷ These structures are generally made from a Teflon-coated, fire retardant polyester fabric stretched tight over lightweight aluminum I-beams providing support in much the same manner as the collapsible frame of an umbrella.

ES.3.1.2 Truck Traffic

The Applicant estimates that approximately 400 truck trips per day could be generated by the reload facility, depending on the success of the business. Initial operations are expected to generate approximately 200 truck trips per day.

ES.3.1.3 Commodities

The Applicant anticipates that upon commencement of operations over the proposed new line, it would handle a variety of commodities, including: aggregates, brick, coal, cement, construction debris, contaminated soils, liquids chemicals (all of which would be non-hazardous and non-explosive),⁸ lumber, newsprint, non-hazardous waste, paper products, plastics, propane, recycled paper and plastic, sand, gravel, scrap steel, steel, stone, wood products, and any other products which could be transported in intermodal containers. Except for propane, aggregates, lumber, sand, salt and gravel, and stone, none of these commodities would be stored, processed or handled at the reload facility other than during the reload process itself.

ES.3.1.4 History of the Proposed Project Site (Olin Property)

The 53-acre parcel is located at 51 Eames Street in Wilmington, Massachusetts on land formerly occupied by chemical manufacturing facilities. The Olin property has an extensive history of chemical contamination of its soils and groundwater. The manufacturing processes conducted at the facility generated liquid chemical wastes, including oils. The major source of the contamination of the property has been linked to the uncontrolled releasing of contaminated wastewater generated on the property into the soil.

Spills or leaks of chemicals have occurred at the property. In addition, drums containing organic chemicals were buried on the property. Releases of these chemicals have resulted in the presence of a layer of process oil on the groundwater at the northeast corner of the property. This area of the property is the subject of an ongoing groundwater recovery and treatment system under the supervision of the Massachusetts Department of Environmental Protection (MADEP).

The Olin property is classified as a Tier 1A industrial site because oil, chemicals, and hazardous materials have been released into the environment and soils on the property and require remediation. MADEP classified the Olin property as a Tier 1A site in accordance with the provisions of the Massachusetts Contingency Plan (MCP).⁹ Under the terms of the Tier 1A

⁸ The Applicant states that examples of non-hazardous and non-explosive chemicals that could be transported over the proposed line are soda ash and calcium carbonate. Neither chemical is regulated for shipping by US Department of Transportation due to their non-hazardous status.

⁹ The MCP is the Commonwealth's regulatory document that specifies measures to control, abate, remediate, and respond to releases or threats of releases of oil and hazardous material. The "Olin Site", as defined in the MCP, includes the area where contaminants were deposited, stored, disposed of, placed, or otherwise came to be located. Thus, MCP's remediation extends beyond the Olin Site and includes areas where contaminants have migrated beyond the Eames Street property boundaries.

Permit, all MCP assessment and response actions are performed under the direct supervision of MADEP.

ES.3.1.5 Public Process for the Olin Property

Redevelopment of the Olin property has been the subject of much public controversy. In the past, activities at the proposed project site have been linked to the closure of drinking water wells in Wilmington. Concerns have been raised by officials and residents in the Town of Wilmington regarding the ongoing remediation of the Olin property. Community leaders have also expressed concern that redevelopment of the Olin property poses a risk to public health and safety. Specifically, members of the community are concerned that redevelopment activities at the Olin property could result in a reoccurrence of groundwater contamination and it has requested that MADEP prohibit redevelopment of the Olin property until the entire remediation process has been completed and approved by MADEP.

The Olin property was established by the MADEP as a Public Involvement Site, providing agencies, residents, and the Town of Wilmington with opportunities to review and comment on the progress of remediation plans for the Olin property. The Applicant maintains that it is committed to working closely with Olin as part of the ongoing remediation of the property. The Applicant also has committed to working with the town officials and residents during planning and redevelopment activities at the property.

ES.3.2 NO-ACTION ALTERNATIVE

Under the No-Action Alternative, the Applicant would not acquire, construct, or operate the entire 4,000 feet of track or the proposed multi-commodity truck-to-rail reload facility. If the Proposed Action is not built, the environmental impacts associated with the Build Alternatives would not occur. There would be no need for the Applicant to acquire the Olin property. The only activity occurring at the Olin property would be the ongoing environmental remediation from previous industrial activity involving Olin.

ES.3.3 BUILD ALTERNATIVES

SEA considered three build alternatives for the Proposed Action: the Olin Alternative (Proposed Action), the Tewksbury Alternative, and the Ayers Alternative. The build alternatives were identified and assessed to determine their potential to meet the Applicant's purpose and need. Two of these alternatives, the Tewksbury and Ayers Alternatives, were eliminated from further consideration. The Build Alternatives are discussed below.

ES.3.3.1 Olin Alternative (Proposed Action)

As stated above, the Proposed Action is composed of the proposed acquisition and rehabilitation of 1,300 feet of existing track, construction and operation of 2,700 feet of new track, operation of the entire 4,000-foot line, and operation of the reload facility, including related truck activities.

The Olin property was selected for the Applicant's proposed project site because of its potential to develop a viable reload facility near downtown Boston, truck access via nearby

Interstates 93 and 95, rail access via interchange with the Boston and Maine Railroad (B&M), and the possibility of a connection with the Massachusetts Bay Transit Authority (MBTA) line (active rail line adjacent to the proposed project site) at some point in the future. The Olin property is located in an existing industrial area. Although the property has a history of contamination, it is undergoing remediation activities under the supervision of the MADEP, to make the property suitable for redevelopment.¹⁰ The Olin Alternative meets the Applicant's purpose and need and provides the most preferable location for the Proposed Action.

ES.3.3.2 The Tewksbury Alternative

As explained above, the Applicant's purpose and need is to acquire rail facilities and operate a reload facility accessible to the center of the Boston metropolitan area and its highway network and with the capacity to transload materials from truck to rail. A property located in Tewksbury, Massachusetts was considered because of its access to the Boston metropolitan area and its meeting the minimal requirements of the Applicant's purpose and need for the railroad and reload facility. The Applicant evaluated the Tewksbury location and determined it to be unsuitable because it is located close to residential and retail areas and comprises only 8 acres of land, which is not enough to support the new railroad and reload facility. In addition, the property is located approximately 30 miles from downtown Boston. Therefore, this property was eliminated from detailed analysis in this EA.

ES.3.3.3 Ayers Alternative

Another potential alternative considered in this EA was the Ayers Alternative located in Ayers, Massachusetts. The Ayers Alternative was eliminated from consideration for detailed analysis because it was located more than 35 miles from downtown Boston does not meet Applicant's need for land suitable to support a rail line and reload facility. Moreover, the Ayers Alternative would not be suitable for future development activities because it is not located near an active rail line. Therefore, this property was eliminated from detailed analysis in this EA.

ES.4 OVERVIEW OF AFFECTED ENVIRONMENT

The property is bounded to the east by the MBTA Boston-Concord main line, to the west by the B&M rail spur that was formally used to serve the Olin property, to the north by Eames Street, and to the south by an industrial area and a former calcium sulfate landfill. The land uses in the immediate vicinity of the proposed project site include general industrial parcels. The proposed project site is located within the property boundaries of the Olin property.

¹⁰ Olin is preparing Construction-Related Release Abatement Measures in accordance with the requirements of MADEP's "Construction of Buildings in Contaminated Areas" for the property.

ES.5 SUMMARY OF ENVIRONMENTAL CONSEQUENCES OF THE PROPOSED PROJECT

SEA conducted an in-depth review of the Applicant's proposal, which included independent environmental analysis of potential project impacts and evaluation of issues raised by government agencies and the public.

ES.5.1 TRANSPORTATION AND SAFETY

The rail construction activities associated with the Proposed Action would have negligible impacts on the road network surrounding the proposed project site, as the construction activities would occur on private property within an enclosed area at proposed project site. The small number of construction vehicles that would need to access the construction site during the construction phase (up to four months) would have a negligible impact on the existing traffic patterns.

Under the Proposed Action, up to 400 truck trips could be generated each day (under the worst-case scenario). This EA based its analysis of transportation impacts on the worst-case scenario. Initially, the Applicant projects that about 200 truck trips per day would be generated by the Proposed Action. These trucks would typically be a combination of 30 foot trucks and 18-wheel semi-tractors. The 400 daily truck trips that would be generated by the reload facility would increase the average daily traffic (ADT) on the adjacent roadways, Eames Street and Woburn Street, by 5 percent and 3 percent, respectively, which is not considered a substantial increase in the average daily traffic.

The community has expressed concern regarding safety impacts associated with increased truck movements on residential and commercial streets. To reduce the impact of the additional truck traffic on Wilmington's main residential and commercial roadway, Route 38, the Applicant would require all non-local trucks to use a designated route to and from the reload facility to Interstate 93, avoiding Route 38. Under the Proposed Action, all 400 daily truck trips would leave the Olin property along Eames Street and travel south along Woburn Street to access Interstate 93.

SEA concluded that the addition of up to 400 trucks per day would not degrade the current and forecast Level of Service (LOS)¹¹ at the affected intersections near the Olin property. The Eames Street and Woburn Street intersection operates at LOS F (characterized by congestion and extensive delay). The Woburn Street and Presidential Way intersection operates at LOS B (characterized by freely moving traffic). Increased rail movements over the Eames Street crossing would have a negligible impact on delay and safety, as the trains would operate between 1 a.m. and 5 a.m. weekdays.

¹¹ LOS is represented by the letters "A" through "F", with "A" generally representing the most favorable driving conditions and "F" representing the least favorable.

ES.5.2 NOISE

Consistent with the Board's rules at 49 C.F.R. 1105.7(e)(6), SEA used the Day-Night Average Noise Level (L_{dn}), the day-night equivalent sound level to characterize community noise. L_{dn} is a measure of cumulative noise over a 24-hour period, adjusted to account for the perception that a noise at night is more bothersome than the same noise during the day. The Board's rules further specify that the noise analysis should determine the number of noise-sensitive receptors (residences, school, hospitals, and churches) in two cases: an increase in community noise exposure as measured by L_{dn} of 3 A-weighted decibels (dBA) or more and an increase to a noise level of 65 dBA L_{dn} or greater.

The proposed project site is located in an industrial area. The noise associated with the construction and operation of the Proposed Action would have negligible impacts because there are no noise-sensitive receptors (schools, residential housing, or concentrated population centers) within 1,300 feet of the proposed project site. The Proposed Action would not result in an incremental increase in noise levels of three decibels L_{dn} or an increase to a noise level of 65 decibels L_{dn} at or beyond the proposed project site.

Horn noise is an additional noise source at grade crossings. The Federal Railroad Administration regulates the sounding of locomotive horns at highway-rail grade crossings. One at-grade crossing, at Eames Street, would be affected under the Proposed Action. B&M currently operates a freight train that crosses the Eames Street at-grade crossing during night time hours. Under the Proposed Action, one additional train bound for the proposed reload facility would also cross the Eames Street at-grade crossing between 1 a.m. and 5 a.m. six days a week. Impacts associated with horn noise are not expected to be significant because no sensitive receptors are located close to the proposed project site and operations would occur at night.

ES.5.3 AIR QUALITY

Rail operations can affect air quality through emission of air pollutants from locomotive diesel- fuel combustion. The Board typically applies a threshold level of rail traffic increase for determining whether to quantify the air pollution impacts that would be generated by rail traffic over a new rail line. This threshold is contained in 49 C.F.R. 1105.7(e)(5). SEA evaluated whether increases in rail activity, truck-to-rail diversions, local truck movements, and potential traffic delay on roadways would affect air quality on a county level. SEA used the county level to represent local air quality because EPA evaluates air quality on a county level. Because the proposed project site is located in an Ozone Nonattainment area that is classified as "serious" under the Clean Air Act, SEA has evaluated emissions of the ozone precursor compounds, oxides of nitrogen (NO_x) and volatile organic compounds (VOCs) that would be generated during construction and operation of the Proposed Action.

Emissions of NO_x and VOCs would be generated by the proposed rail operations and related changes in freight-truck traffic operations. Based on SEA's estimate of the types of construction equipment that would be used, the emissions from construction activities would result in a short-term negligible impact on air quality. The emissions from the operation of the on-site locomotive associated with the Proposed Action would result in negligible impacts on air quality. SEA has proposed mitigation to ensure that fugitive dust emissions during construction and rehabilitation activities would be minimal.

Although, the Applicant's proposed operation of a reload facility would result in an increase in local truck movements of more than 50 vehicles per day on local roadways, which exceeds the Board's environmental thresholds requiring analysis,¹² SEA did not include the emissions from the trucks that would transfer commodities to and from the proposed project site in its analysis of emissions. Although additional local truck traffic would be diverted to the proposed reload facility, the commodities that would be carried by these trucks are currently transported by truck in the region. Therefore, SEA believes that although some small adverse air quality impact would be experienced locally, the regional emissions from trucks would not increase but would remain essentially the same. The trucks that currently transport the commodities operate within the same ozone nonattainment area that covers all of Massachusetts.

ES.5.4 TOPOGRAPHY, GEOLOGY, AND SOILS

Implementation of the Proposed Action should result in a beneficial impact on the topography at the proposed project site through the removal of various mounds of stock-piled soils collected as part of prior on-site industrial activities. The final topography would match the surrounding flat area. The Proposed Action would have no impact on the geology of the region. Implementation of the Proposed Action would result in a negligible impact on soils. Soil compaction, as well as soil erosion during construction, would have some potential short-term adverse impacts. However, because the proposed project site has been extensively disturbed over its operational history, such impacts are considered negligible.

ES.5.5 WATER RESOURCES

ES.5.5.1 Groundwater

Implementation of the Proposed Action would result in negligible impacts on groundwater. Possible short-term impacts could result from the potential for accidental spills of fuel, oil, or other fluids associated with construction equipment, on-site maintenance of the switch locomotive, or the accidental release of any of the commodities transported during transfer at the proposed reload facility. SEA considers the potential for significant short-term impacts to be negligible, however, as the Applicant would have to comply with existing Federal, state and local regulations concerning prevention and cleanup of spills. The Applicant has advised the Board that its on-site personnel would be trained in handling the commodities at issue and in spill response.¹³ In addition, the reload process would occur over an impervious surface, concrete or asphalt, that also would have a berm to contain accidental spills of liquid commodities.

¹² 49 CFR 1105.7(e)(5)(i)(c).

¹³ The Applicant has advised SEA that it employs several personnel trained in emergency response, including an on site emergency response coordinator who is also responsible for preparing any required Spill Prevention Countermeasure and Control Plans and other planning activities required for emergency response activities; an environmental engineering professional; and a hazardous materials technician. The hazardous materials technician is also a trained certified hazardous materials instructor.

ES.5.5.2 Drinking Water Sources

Historically, the Town of Wilmington obtained most of its drinking water from groundwater supply wells within the Maple Meadow Brook Aquifer (MMBA), which is located west of the Olin property. Several drinking water wells in the Wilmington area have been found to be contaminated due to past migration of contaminants from the Olin property. The use of water supply wells in the MMBA was suspended in March 2003, due to the discovery of a contaminant linked to the historic release of large quantities of industrial wastewater at the Olin property. Wilmington currently receives its water supply from the Massachusetts Water Resources Authority. The Proposed Action is located in the Town of Wilmington Groundwater Protection District (GWPD). The GWPD establishes bylaws detailing permitted uses within the GWPD. The Proposed Action is located within the mapped GWPD and is a permitted use within the area.¹⁴ Because the Proposed Action is on property partially located within the mapped GWPD, the Applicant would not transfer or handle any commodities that are prohibited in the GWPD. Thus, SEA determined that the Proposed Action would not have an adverse impact on drinking water sources within the MMBA.

ES.5.5.3 Surface Water

Implementation of the Proposed Action would result in short-term negligible impacts on the surface water within and adjacent to the proposed project site. Such impacts would result from sediment carried by storm water runoff during storm events into the onsite and offsite surface water. During construction activities the increase in suspended sediment in the surface water would decrease the water quality, however, effects would be minimal and temporary. To reduce any impacts on surface water from runoff, SEA has recommended mitigation requiring the Applicant to minimize sedimentation into water bodies, by using Best Management Practices, such as straw bales and silt screens during project-related construction.

ES.5.5.4 Wetlands

The Proposed Action would not directly impact the wetlands located on the proposed project site. The wetlands are primarily located in the southern portion of the property and Olin has designated this area as restricted under its remediation plan for the Olin Site. Under the Proposed Action, no development would occur in the southern portion of the property. There is a small potential for indirect impacts to wetlands during construction from sedimentation migrating from the construction site to the wetland area. However, this would be reduced through the use of siltation fencing and other Best Management Practices, which SEA has recommended as mitigation.

ES.5.5.5 Floodplains

The Proposed Action is not located in the 100-year floodplain and would have no impact on floodplains.

¹⁴ The Town of Wilmington Zoning By-Law was adopted pursuant to and under the authority of “The Zoning Act” of the Commonwealth of Massachusetts, Chapter 40A of the General Laws.

ES.5.6 BIOLOGICAL RESOURCES

No state- or federally-listed threatened or endangered species or critical habitat are located on the Olin property. The property has been heavily disturbed by human activity and the surrounding area is developed. The U.S. Fish and Wildlife Service indicated that there would be no anticipated impacts on threatened or endangered species, which are protected under the Endangered Species Act.

Nevertheless, short-term impacts could result from the temporary displacement of common species of wildlife, such as birds, raccoons, and opossums and the minor destruction of the vegetation in the northern portion of the site during construction, but these are not expected to be significant. No construction would occur in the southern portion of the proposed project site, where Olin has agreed to establish a conservation restriction and wetland preserve as part of its remediation activities.

ES.5.7 LAND USE

The proposed project site is zoned for commercial/industrial use. The Proposed Action would have no impact on land use, local zoning, coastal zone management, or prime farmland.

ES.5.8 HAZARDOUS MATERIALS/WASTE SITES

Implementation of the Proposed Action would result in negligible impacts associated with the handling of hazardous materials at the proposed project site. Although the Applicant has proposed not to transport hazardous wastes, small quantities of propane,¹⁵ which is classified as hazardous, could be handled at the reload facility or used on the site during construction and as part of everyday operations once the Proposed Action is operational.¹⁶ SEA does not believe that impacts associated with the handling of a small quantity of propane at the proposed project site would be significant, because the Applicant would be required to handle all hazardous materials in accordance with all appropriate Federal, state, and local regulations.

ES.5.8.1 Olin's Ongoing Remedial Activities

ES.5.8.1.1 Remediation Process

The process for assessing and cleaning up disposal sites, such as the Olin property, is designed to address the possible effects of the property on health, safety, public welfare, and the environment. A Construction Release Abatement Measure (Construction RAM) is being prepared for the Olin property under the supervision of the MADEP. In accordance with MADEP regulations, a Construction RAM is required for redevelopment of property in

¹⁵ The Department of Labor - Occupational Safety and Health Administration and the U.S. Department of Transportation have regulations that apply to Most Propane Operations and Employees and Emergency Responders.

¹⁶ The Applicant states that approximately one railcar per week of propane would be handled at the reload facility. The Applicant expects to utilize no more than one rail car delivery over the course of a year related to on-site activities.

contaminated areas to ensure no significant risk to future developers/workers/occupants of the property.

ES.5.8.1.2 Remedial Actions Performed To Date by Olin

The following investigations have been performed to date on the property under the supervision of the MADEP:

- Installation of a groundwater recovery and treatment system at the Plant B Treatment Plant.¹⁷ This system is designed to capture contaminated groundwater and process oils that are present on the groundwater surface, and to prevent the discharge of contaminated groundwater and oil to the nearby East Ditch (drainage feature on the property).
- Installation of air sparging and vapor extraction (AS/SVE) System in vicinity of Plant B. An AS/SVE system was installed to recover and treat volatile organic compounds (contaminants) that are present in soil and groundwater in the vicinity of Plant B.
- Buried drums and debris containing contaminants were removed from the property.
- Sediment removal and management of flocculant (Floc) in on-property ditch system. Chromium¹⁸-bearing flocculant was removed from the West Ditch located on the property. The sediments were excavated and the original grade of the ditch system and the wetland vegetation was restored. Monitoring of the restored wetland is ongoing.
- A subsurface containment wall, with a cap,¹⁹ was installed on the property to contain the contamination in the groundwater. Olin is maintaining the existing cap until a final cap is constructed as part of the redevelopment of the property.

Prior to development of the property, MADEP must approve Olin's Construction RAM.

ES.5.8.1.3 Applicant's Responsibilities for Redevelopment of the Proposed Project Site

The remediation activity on the Olin property remains the obligation of Olin. The Applicant is bound by contract not to impede that work in any way. The Applicant explains in its petition that, if it were to impede the remediation work or add to the environmental problems at the Olin property the Applicant would be joined with Olin as responsible for the costs of remediation for the property.

¹⁷ Plant B, one of the original facilities on the property, is a groundwater treatment facility.

¹⁸ Chromium is a naturally occurring element found in rocks, animals and plants and can attach to soil. Large quantities of undissolved chromium in groundwater can adversely affect the ecosystem.

¹⁹ A temporary plastic sheeting over the area within the containment wall.

Pursuant to the Massachusetts Environmental Policy Act (MEPA) and associated MEPA regulations,²⁰ the Applicant is required to file an Environmental Notification Form (ENF) with the Executive Office of Environmental Affairs (EOEA) describing the Applicant's proposed project and to provide preliminary environmental information on the project. Because the Proposed Action is the second of two projects²¹ initiated by the Applicant with the EOEA for the Olin property, the Applicant filed a notice of project change with the EOEA on August 12, 2003. On December 8, 2003, the Applicant received an Order of Conditions and environmental waiver from MEPA,²² the required certifications to proceed with its redevelopment proposal at the Olin property.

ES.5.9 SOCIOECONOMICS

Implementation of the Proposed Action would result in a beneficial long-term impact on employment in the region. The Proposed Action would result in the creation of up to 30 temporary positions during construction of the Proposed Action and 30 to 50 permanent positions to operate the new reload facility. The Boston metropolitan area could easily absorb the increased demand for jobs and services.

ES.5.10 ENERGY

Implementation of the Proposed Action would result in a modest beneficial impact on the transportation of recyclable commodities since the Applicant proposes to transport newsprint, recycled paper and plastic, and scrap steel. These materials and the others that the Applicant proposes to handle would be transported more efficiently by rail than by truck and hence the Proposed Action could have a beneficial impact on energy efficiency.

ES.5.11 CULTURAL RESOURCES

The Proposed Action would have no impact on cultural resources. The Massachusetts Historical Commission determined that there are no recorded historic properties or archaeological sites on the Proposed project site or within areas that would be physically altered under the Proposed Action.

ES.5.12 ENVIRONMENTAL JUSTICE

SEA reviewed 2000 Census data and did not identify any populations in the project area that would meet the criteria for low-income or minority populations. Based on this review of the

²⁰ 301 Code of Massachusetts Regulations (CMR) 11.03(1)(b)(2).

²¹ The first project proposed by the Applicant for the Olin property entailed the development of a 353,000 square foot warehouse and distribution facility.

²² Implementation of the Construction RAM required that an Order of Conditions be granted by the Town of Wilmington for work in and near wetland areas. Implementation of the Construction RAM required a determination of the need for an environmental report for the Proposed Action. The Construction RAM required that an Order of Conditions be granted by the Town of Wilmington for work in and near wetland areas.

demographics of communities within the immediate vicinity of the proposed project, construction and operation of the Proposed Action would have neither a disproportionately high nor an adverse environmental impact on minority or low-income communities.

ES.5.13 CUMULATIVE IMPACTS

Cumulative impacts result when the effects of a proposed action are added to or interact with other effects. SEA identified two actions that the Applicant proposes to undertake at some point in the future.

ES.5.13.1 Massachusetts Bay Transit Authority Connection

The Applicant states that, at some time in the future, it intends to connect the proposed line with a rail line owned by the MBTA, which extends between Boston and Concord, MA. Freight rail service over MBTA's Boston-Concord line is provided by B&M. Potential future development of new track along the east side of the Olin Site that would tie into an existing switch on the MBTA line could result in adverse direct impacts on wetlands associated with the ditch on the east side of the property between the MBTA line and the Olin Site. Such impacts would result from construction activities in the wetlands. If MBTA were to grant W&WTR access to its Boston-Concord mainline, W&WTR would have to perform a wetland delineation study to determine if jurisdictional wetlands are associated with the ditch and would have to complete the necessary wetland permits and consultations with the U.S. Army Corps of Engineers and state and local agencies prior to initiating any construction in jurisdictional wetlands associated with the ditch. SEA cannot determine the acreage of any possible wetlands that might be affected, since the route of the proposed rail line and the location of the switch have not been determined and are subject to future agreement from MBTA.

ES.5.13.2 Break-Bulk Facility

The Applicant's future plans include the development of a break-bulk facility (transit shed/warehouse facility) on the proposed project site with industrial spurs to serve potential industrial customers to the west and south of the Proposed Action. The details of any such facility, and when the property might be developed are not known at this time.

ES.6 SUMMARY OF SEA'S PRELIMINARY RECOMMENDED MITIGATION

During its environmental review, SEA did not identify any significant impacts on resources in the proposed project area. Nevertheless, SEA's proposes the following preliminary recommended mitigation measures.

Transportation and Safety

1. The Applicant shall develop an internal emergency response plan, to notify agencies and individuals in an emergency and to locate and inventory emergency equipment for use in dealing with emergencies. The Applicant shall provide the emergency response plans to the relevant state and local entities.

2. The Applicant shall comply with all requirements of applicable Federal, state, and local regulations regarding handling and disposal of any waste materials including hazardous waste encountered or generated during construction of the proposed rail line.

3. As agreed to by the Applicant, should a spill occur or should contaminated soil and/or groundwater be encountered during construction, the Applicant shall follow the appropriate emergency response procedures required by MADEP and ensure that the spill is cleaned up according to all applicable Federal, state, and local regulations.

Water Resources

4. The Applicant shall use Best Management Practices, such as straw bales and silt screens, during project-related construction to minimize surface water runoff, sedimentation into water bodies, and impacts to wetlands.

5. The Applicant shall obtain all necessary Federal, state, and local approvals required by the U.S. Army Corps of Engineers for storm water discharge resulting from this project, including a National Pollutant Discharge Elimination System permit for project-related construction or reconstruction activities, if required.

6. The Applicant shall not service project-related construction equipment within 25 feet of wetlands and shall refuel such equipment at least 100 feet from these sensitive areas.

Biological Resources

7. Should project-related construction and operation activities affect previously unidentified threatened or endangered species, the Applicant shall immediately cease construction activities and contact the U.S. Fish and Wildlife Service for guidance on how to protect these species.

Air Quality

8. The Applicant shall comply with all applicable Federal, state, and local regulations regarding the control of fugitive dust. Fugitive dust emissions created during construction shall be minimized by using such control methods as water spraying and installation of wind barriers.

Cultural Resources

9. If previously undiscovered archaeological remains are found during construction activities, the Applicant shall cease work and immediately contact the Massachusetts Historical Commission regarding appropriate measures to protect the resource.

Community Relations

10. As agreed to by the Applicant, the Applicant shall establish a Community Liaison to consult with local agencies and officials on project-related issues during the construction and operation of the Proposed Action and for one year following the commencement of rail

operations. The Applicant shall provide the name and phone number of the Community Liaison to appropriate local officials in Wilmington and Woburn.

Road Network

11. As agreed to by the Applicant, the Applicant shall employ the following measures to reduce transportation impacts in the proposed project area:

- As new customers are added to the reload facility, the Applicant shall instruct drivers that they must approach/depart the reload facility from/to the east, and shall not use Route 38 to the west, except for local deliveries;
- The Applicant shall design the entrance/driveway at Eames Street to encourage traffic exiting the facility to make a right turn towards Woburn Avenue. This will be accomplished by having the east side of the entrance/driveway angled towards the east to facilitate turns to and from the east;
- The Applicant shall post signs at the entrance and exist driveways instructing customers leaving the reload facility not to make left turns, except for local deliveries;
- The Applicant shall monitor trucks at the reload facility's security gate or truck scales as they enter/leave. Customers shall be notified if their drivers repeatedly ignore the instructions not to use Route 38. Drivers who repeatedly ignore the foregoing directions shall be prohibited from using the reload facility.

12. As agreed to by the Applicant, the Applicant shall provide the Town of Wilmington with up to \$50,000 to assist the town in purchasing land to expand the Eames Street right-of-way and improve the right-turn geometry of the Eames Street and Woburn Street intersection.

ES.7 CONCLUSION AND REQUEST FOR COMMENTS

Based on the information provided from all sources to date and its independent analysis, SEA preliminarily concludes that Proposed Action would have no significant environmental impacts if the Board imposes and the Applicant implements the environmental mitigation conditions recommended above. Therefore, the preparation of an EA for this case is appropriate and the full Environmental Impact Statement process is unnecessary in this proceeding.

SEA specifically invites comments on all aspects of this EA, including suggestions for additional mitigation measures. SEA will consider all timely comments received in response to the EA in making its final recommendations to the Board. The Board will consider the entire environmental record, SEA's final recommendations, including final recommended mitigation measures, and any environmental comments received in this proceeding in making its final decision whether to allow construction to proceed.

Comments (an original and one copy) should be sent to: Case Control Unit, Surface Transportation Board, 1925 K Street NW, Washington, D.C. 20423. The lower left-hand corner of the envelope should be marked: Attention: Ms. Phillis Johnson-Ball, Environmental

Comments, Finance Docket No. 34391. Questions may also be directed to Ms. Johnson-Ball at this address or by telephoning (202) 565-1530. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link.

Date made available to the public: August 4, 2004

Comment due date: September 3, 2004

This EA is also available on the Board's website.

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CHAPTER 1

DESCRIPTION OF THE PROPOSED ACTION AND PURPOSE AND NEED

1.1 INTRODUCTION

On December 3, 2003, New England Transrail, LLC d/b/a the Wilmington and Woburn Terminal Railroad Co. (Applicant or W&WTR) filed a petition with the Surface Transportation Board (Board)¹ pursuant to 49 United States Code (U.S.C.) 10502 seeking exemption from the formal application procedures of 49 U.S.C. 10901 for authority to acquire 1,300 feet of existing track, construct 2,700 feet of new line, and to operate the entire approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corporation (Olin) in Wilmington, Massachusetts, upon which Olin had in the past operated a chemical plant.² The Olin-owned parcel is located in Wilmington, Massachusetts, but a portion of the line to be constructed and operated by W&WTR also would be located in Woburn, Massachusetts. The Applicant also explains that it proposes to construct on-site improvements, including a reload facility, and to rehabilitate the 1,300 feet of exiting track on the property, that is the subject of the Applicant's acquisition, to facilitate the transload of various commodities between truck trailers and rail cars.

1.2 BOARD'S OBLIGATIONS UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT

The Board's Section of Environmental Analysis (SEA) is responsible for preparing this Environmental Assessment (EA) to meet the Board's obligations under the National Environmental Policy Act (NEPA). The EA identifies and evaluates the potential direct, indirect, and cumulative environmental impacts of the Proposed Action, including the potential of the Proposed Action to impact Olin's ongoing remediation activities. After comments on the EA are received, SEA will prepare final environmental documentation. The Board will then issue a decision addressing the environmental aspects of the proposal and deciding whether to allow the exemption to become effective.

1.3 BOARD JURISDICTION

The Board has exclusive jurisdiction under Sections 10901 and 10501 of the Interstate Commerce Act (Act) over the construction, acquisition, and operation of common carrier rail

¹ The Surface Transportation Board is an economic regulatory agency with jurisdiction over the construction, acquisition, and operation of railroad lines, and railroad consolidations and abandonments, as well as rail transportation rates.

² By notice filed on June 19, 2003, and clarified on July 2, 2003, the Applicant filed a notice of exemption to acquire and operate a portion of the subject trackage in STB Finance Docket No. 34365, New England Transrail, LLC - Acquisition and Operation Exemption - Lines of Boston and Maine Railroad Company. Citing errors in its notice of exemption, the Applicant subsequently requested and obtained permission, in a decision served on August 5, 2003 in that proceeding, to withdraw it. This proceeding supersedes Finance Docket No. 34365.

lines. The Board’s authorization may take the form of a “certificate of public convenience and necessity” issued under 49 U.S.C. 10901, or, as in this case, an exemption under 49 U.S.C. 10502 from the formal application procedure of Section 10901. Whether authorization is sought under the procedures of Section 10502, or Section 10901, the Board subjects the proposal to a careful review including preparation of the environmental documentation required to meet the Board’s obligations under NEPA. In this case, the EA considers in detail the expected environmental impacts of the proposed acquisition and construction and operation of the entire 4,000-foot W&WTR line (i.e., the 2,700 feet of new construction and the acquisition of 1,300 feet of existing industrial track).

The construction and operation of a railroad facility such as at issue here is not a matter subject to the Board’s regulatory authority. In other words, the Board does not have licensing authority over the construction and operation of the reload facility. Nonetheless, the Applicant’s reload facility, and the truck traffic that it is expected to generate, are addressed in this EA since the traffic-related impacts of that facility are connected to the proposed rail acquisition, and construction and operation activities that do require a Board license. Moreover, the proposed rehabilitation³ of the 1,300 feet of existing track on the property is not an action before the Board and does not trigger an environmental review under the Board’s rules at 49 C.F.R. 1105. However, under NEPA and the Council of Environmental Quality (CEQ) guidelines, matters that fall outside the Board’s regulatory control must be considered to the extent that they are a direct consequence of actions, such as the construction, acquisition, and operation of a rail line, that are within the Board’s regulatory authority.⁴ Thus, this EA also addresses the potential environmental impacts of the Applicant’s proposed actions on truck traffic, impacts resulting from the operation of the proposed reload facility and rehabilitation of the exiting track. At the same time, however, it is important to note that there are limits to the Board’s authority to impose mitigation related to the potential environmental effects of operating the reload facility and rehabilitation of the existing line that Applicant proposes to acquire. The Board may not impose mitigation with respect to matters that are outside of its regulatory control.

1.4 DESCRIPTION OF THE PROPOSED ACTION

The Applicant proposes to acquire a property located at 51 Eames Street in Wilmington, Massachusetts, currently owned by the Olin Corporation. The Applicant proposes to restore to operating condition the 1,300 feet of existing industrial trackage located on the property, construct approximately 2,700 feet of new trackage, and, once construction is completed, provide rail common carrier service over both the newly-built and rebuilt trackage. The trackage to be restored and constructed would be approximately 4,000 feet in total length. The Applicant also proposes to construct a rail-to-truck reload facility (dependent on long-haul rail transport), to facilitate the transload of various commodities between truck trailers and rail cars. A bridge crane to lift containers onto rail cars would be operated on the property, and associated paved areas for loading trucks would also be constructed. Although, the Board does not have exclusive jurisdiction over all aspects of the Proposed Action, analyzing these actions together as the

³ Board approval is not required to improve or upgrade an existing line without extending the railroad’s territory.

⁴ See 40 CFR 1508.25.

Proposed Action assists the reader in understanding the context for the Applicant's redevelopment proposal for the Olin property.

1.4.1 DESCRIPTION OF THE PROPOSED PROJECT SITE

The 53-acre parcel is located on land formerly occupied by chemical manufacturing facilities. The Olin property has an extensive history of chemical contamination of its soils and groundwater.⁵ The manufacturing processes conducted at the facility generated liquid chemical wastes. The major source of the contamination of the property has been linked to the uncontrolled releasing of contaminated wastewater generated on the property into the soil.

The property is classified as a Tier 1A industrial site because hazardous materials have been released into the soils on the property requiring remediation in accordance with the provisions of the Massachusetts Contingency Plan (MCP).⁶ Under the terms of the Tier 1A Permit, all MCP assessment and response actions are performed under the direct supervision of Massachusetts Department of Environmental Protection (MADEP).

The Olin property has been undergoing environmental and health risk assessments, remediation, and monitoring for over a decade. These remediation, and monitoring activities, which are required by the MADEP will continue.⁷ Ongoing remediation at the Olin property remains the responsibility of Olin. The Applicant is bound by law not to impede the remediation at the property. The Applicant explains in its petition that a consequence of interfering with the remediation would include assuming a portion of the legal and financial responsibilities associated with remediating the property.

The potential redevelopment of the Olin Site has generated public controversy and the Board has received comments expressing concern over the future of remediation activities should the Proposed Action proceed. Given the history of the site and the level of public concern, SEA has closely studied the potential for the Proposed Action to impact remediation activities at the Olin property.

1.4.2 LOCATION

The proposed project site is bordered to the east by the right of way to the Massachusetts Bay Transit Authority (MBTA) commuter rail line, to the north by Eames Street, to the South by

⁵ Contamination on the property has also migrated to areas beyond the property boundaries.

⁶ The MCP is the Commonwealth's regulatory document that specifies measures to control, abate, remediate, and respond to releases or threats of releases of oil and hazardous material.

⁷ The Bureau of Waste Site Cleanup's Response and Remediation Division of MADEP is responsible for statewide implementation of MCP Waste Site Cleanup Program activities. These responsibilities focus on coordinating and implementing responses to oil and hazardous material spills, as well as assessment and cleanup of hazardous waste sites and spills across the state, auditing private sector compliance with site and spill assessment and cleanup regulations, and initiating appropriate enforcement actions when violations are discovered. The Bureau coordinates with other government agencies involved in emergency responses, including EPA to ensure remediation activities meet state requirements.

land owned by the City of Woburn and occupied by the former Woburn Sanitary Landfill, and to the West by an abandoned rail line and commercial properties along Jewel Drive. The 51 Eames Street property is located about 12 miles from downtown Boston.

Figure 1-1 shows the location of the Proposed project site in relation to the Boston metropolitan area. Figure 1-2 illustrates the proposed rail lines and reload facility.

1.4.3 COMMODITIES

The Applicant anticipates that upon commencement of operations over the proposed line, it would handle a variety of commodities, including: aggregates, brick, coal, cement, chemical products (non-hazardous; non-explosive),⁸ construction debris, contaminated soils, liquids (non-hazardous; non-explosive), lumber, newsprint, non-hazardous waste, paper products, plastics, propane⁹, recycled paper and plastic, sand and gravel, scrap steel, steel, stone, wood products, and any other products that can be transported in intermodal containers. Except for propane used during day to day operations at the reload facility, aggregates, lumber, sand, gravel, and stone, none of these commodities would be stored, processed, or handled on the proposed project site other than during the reload process itself. While the Applicant would provide transload and transportation services, it would not take title to any of the products handled over the proposed rail line. All commodities would be transported and handled in accordance with appropriate regulations including those of the Federal Railroad Administration (FRA) regulations¹⁰ and Department of Transportation (DOT) regulations.

1.4.4 NEW RAIL TRAFFIC

The Applicant intends to operate one round trip train up to 6 days per week with approximately 25 rail cars (flat, gondola, and tank cars) per day, equating to 7,500 carloads per year carrying approximately 665,000 tons of materials per year.

1.4.5 TRUCK TRAFFIC

A maximum of 400 local truck trips per day could be generated by the reload facility, depending on the success of the business. Start-up operations are anticipated to generate about 200 truck trips per day. Interstate access to the proposed project site is provided via Interstate 93 (the North-South highway leading to downtown Boston) and Interstate 95 (the interior Beltway) which is located approximately 3 miles southeast from the proposed project site.

⁸ The Applicant states that examples of non-hazardous and non-explosive chemicals that could be transported over the proposed line are soda ash and calcium carbonate. Neither chemical is regulated for shipping by US Department of Transportation due to their non-hazardous status.

⁹ The Applicant would handle only small amounts of propane at the proposed project site. The transportation of any hazardous materials, such as propane, by W&WTR would be subject to appropriate regulations including those of the DOT (49 CFR 100 through 185).

¹⁰ 49 CFR Parts 200 - 299.

Figure 1-1

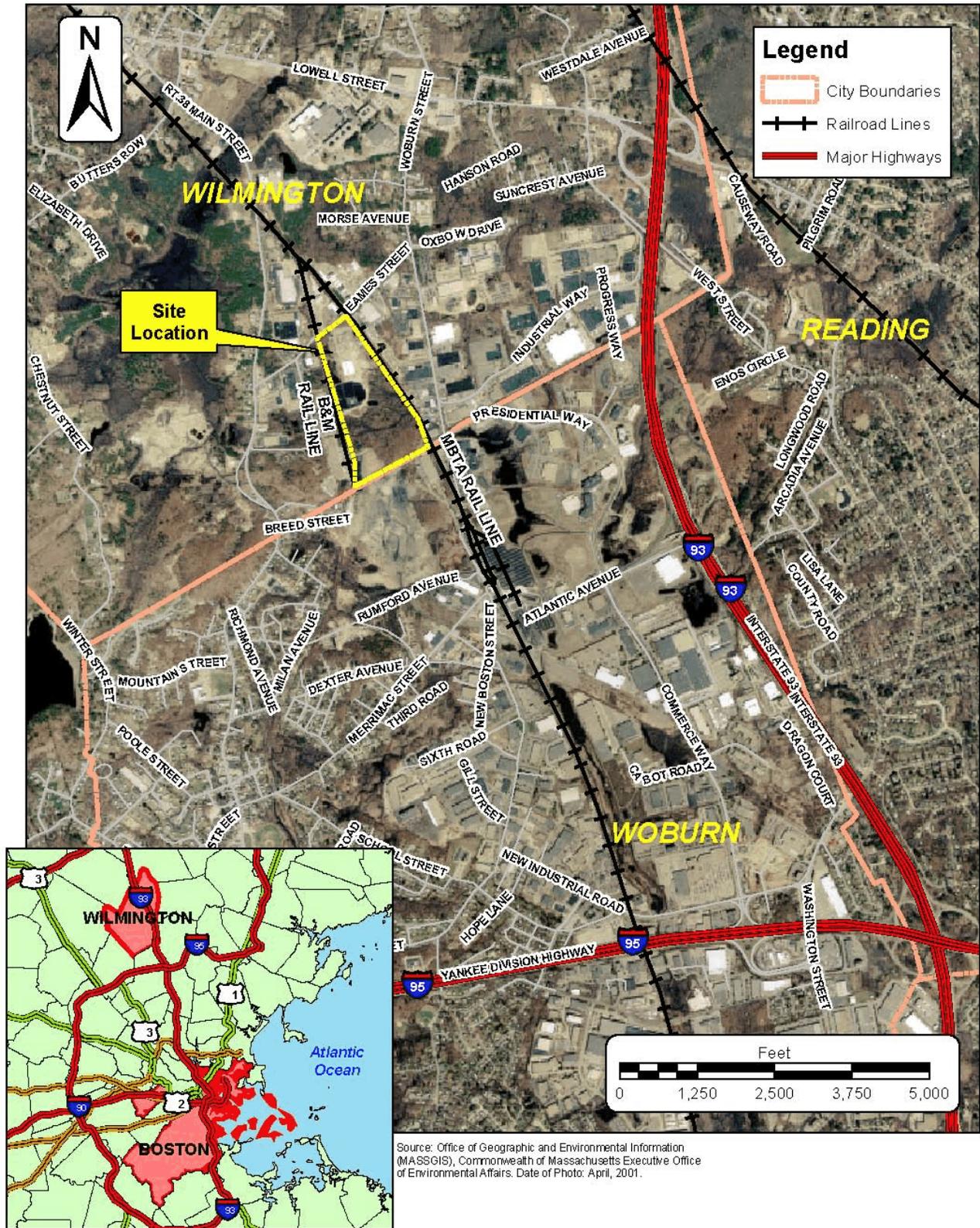
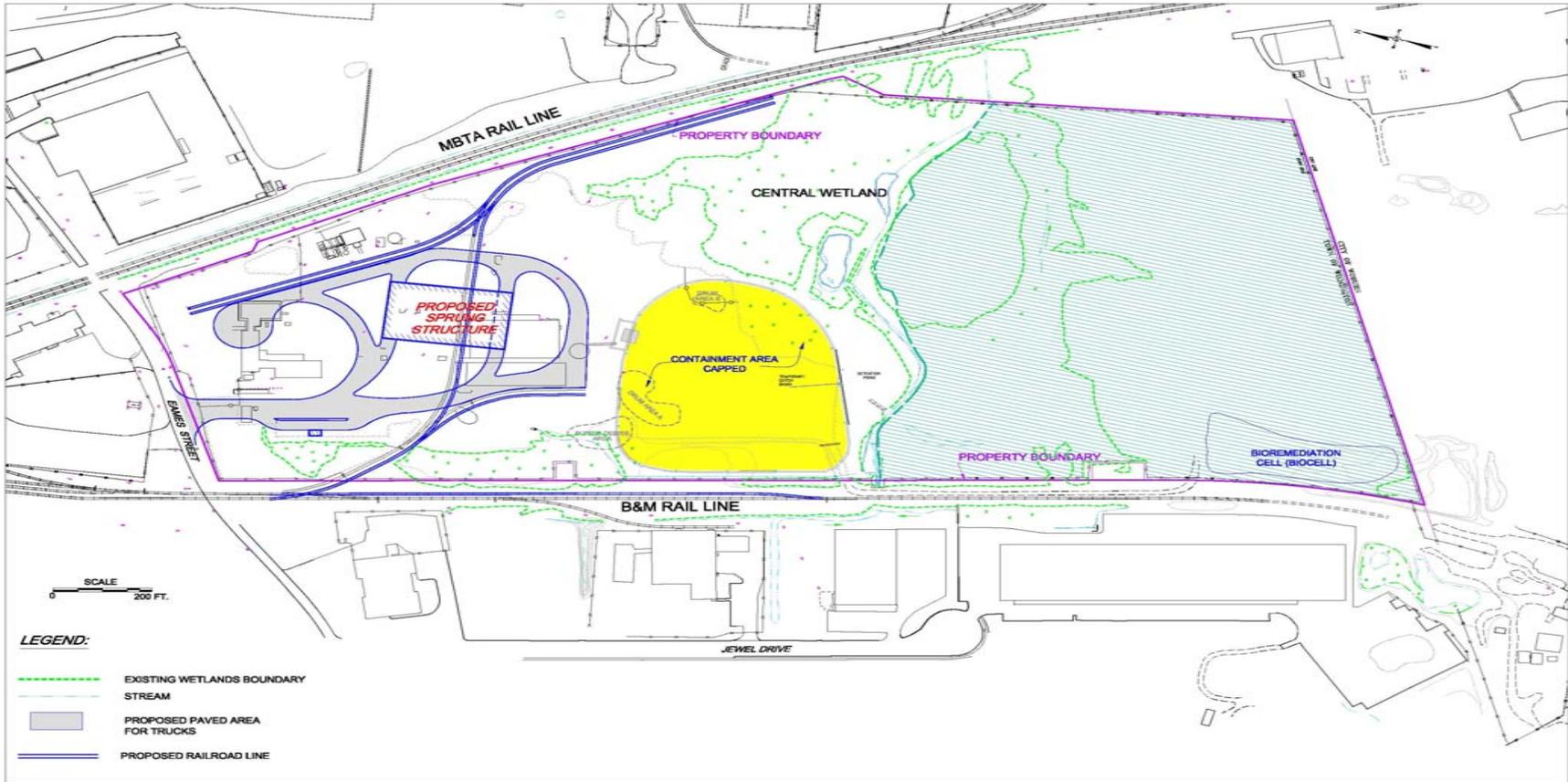


Figure 1-2



1.5 PURPOSE AND NEED FOR THE PROPOSED ACTION

According to the Applicant, the purpose of the Proposed Action is to construct and operate rail lines and related rail facilities to facilitate the transload of various commodities between highway and rail transportation modes in the Boston metropolitan area of Massachusetts. The Applicant states that the Proposed Action would address a shortage of highway-to-rail reload facilities in the greater Boston metropolitan area by providing additional rail transportation infrastructure. According to the Applicant, the greater Boston area has a shortage of rail-highway transload facilities, as shown by the American Association of State Highway Transportation Officials, which identifies that in the greater Boston area the rail market share of transportation is approximately 14 percent compared to a national average of 59.6 percent. The Applicant believes that such additional infrastructure is needed to facilitate the transfer and delivery of various commodities in the region and reduce the reliance on regional and interstate trucking to deliver commodities to the region.

1.6 BOARD DECISION

By petition filed on December 3, 2003, the Applicant requested that the Board conditionally grant the exemption, subject to the agency's later consideration of the environmental impacts. On March 2, 2004, the Board issued a decision and found that, from a transportation perspective, the proposed construction meets the standards for the grant of a conditional exemption. However, the Board will issue a final decision as to whether the conditional exemption should be allowed to go into effect after completion of the environmental review process. A copy of the Board's March 2, 2004 decision can be found in Appendix A.

1.7 SEA'S ENVIRONMENTAL REVIEW PROCESS

SEA prepared this EA to comply with the National Environmental Policy Act (NEPA) of 1969, as amended,¹¹ the Board's environmental regulations,¹² and other applicable rules and/or regulations. SEA is responsible for conducting the Board's environmental review of the Proposed Action. The Board has adopted the former ICC environmental regulations¹³ that govern the environmental review process and outline procedures for preparing environmental documents. SEA reviewed the Proposed Action and determined that activities associated with the Proposed Action is not expected to result in significant environmental impacts, and an EA would be appropriate.

SEA analyzed the Proposed Action and other information the Applicant supplied to the Board. SEA prepared the EA based on its independent analysis of the Proposed Action, which included verification and analysis of the projected rail operations, land use, habitat, surface water and wetland surveys, effects to biological resources, and archaeological and historic resource surveys, site visits, and information obtained in the written comments that have been received to date, as well as consultations with Federal, state and local agencies and oral comments at a

¹¹ 42 U.S.C. 4321 et. seq.

¹² 49 C.F.R. Part 1105.

¹³ 49 C.F.R. Part 1105.

public meeting. SEA also considered pertinent Federal statutes, regulations, and Executive Orders.

In addition, SEA visited the proposed rail line construction site to document the existing conditions and assess the potential effects of the Proposed Action on the environment. SEA also initiated contact with the various Federal, state, and local agencies and jurisdictions that might have an interest or a regulatory oversight role in the project, and their comments and concerns are reflected in this EA. A list of agency contacts is presented in Appendix B of this document. After comments on the EA are received, SEA will prepare final environmental documentation. The Board will then issue a decision addressing the environmental aspects of the proposal and deciding whether to allow the exemption to become effective.

1.8 PUBLIC PROCESS FOR THE OLIN PROPERTY

Redevelopment of the Olin property has been the subject of much public controversy. Concerns have been raised by the community regarding the ongoing remediation of the Olin property. Residents and community officials have expressed concern that redevelopment of the Olin property poses a risk to public safety and that it may preclude continued investigation and/or remediation at the property. Specifically, the community is concerned that redevelopment activities at the Olin property could result in a reoccurrence of groundwater contamination and it has requested that redevelopment of the Olin property not occur until the entire remediation process has been completed. In the past, activities at the proposed project site have been linked to the contamination and closure of drinking water wells in Wilmington.

The site was established by the MADEP as a Public Involvement Site, providing agencies, residents, and the Town of Wilmington with opportunities to review and comment on the progress of remediation plans for the Olin property. The Applicant stated that it has committed to working closely with Olin as part of the ongoing remediation of the property. The Applicant also has committed to working with the Town and residents in their planning and redevelopment activities for the property.

CHAPTER 2

ALTERNATIVE ACTIONS CONSIDERED

This chapter describes the No-Build Alternative (the No-Action Alternative) and the three Build Alternatives, including the Proposed Action, considered in SEA's environmental review of the Proposed Action.

2.1 NO-ACTION ALTERNATIVE

NEPA regulations require analysis of a No-Action Alternative to provide the decision-maker with a basis for comparison with a proposal. Under the No-Action Alternative, the Applicant would not acquire, construct, or operate the proposed rail line or a multi-commodity truck-rail reload facility. If the proposed new rail line were not built, and the existing rail lines on the property were not acquired and rehabilitated to permit the planned rail service, the environmental impacts associated with the Build Alternatives would not occur. There would be no need for the Applicant to acquire the Olin Site. Rather, the use of existing reload and bulk storage facilities in the greater Boston area would continue. Ongoing environmental remediation of the property by Olin also would continue, but the property would likely remain vacant and unused.

2.2 BUILD ALTERNATIVES

SEA considered three Build Alternatives: the Olin Alternative, the Tewksbury Alternative, and the Ayers Alternative, which are described below. The Tewksbury Alternative and the Ayers Alternative were eliminated from consideration because they did not meet the Applicant's purpose and need.

2.2.1 OLIN ALTERNATIVE (PROPOSED ACTION)

As stated above, the Proposed Action is composed of the proposed acquisition and rehabilitation of 1,300 feet of existing track, construction and operation of 2,700 feet of new track, operation of the entire 4,000-foot line, and operation of the reload facility, including related truck activities.

2.2.1.1 Construction

The Applicant intends to acquire and rehabilitate 1,300 feet of existing track and construct 2,700 feet of new tracks to serve the proposed multi-commodity truck-rail reload facility. A switch would be re-installed in the same location as the former switch for the industrial spur rail line that connected to the B&M line at milepost 14. This former industrial spur line leads into the northern developed portion of the property from the west. Applicant states that the track would be extended in phases, as volume dictates, to a maximum length of approximately 4,000 feet. A reload center would be constructed consisting of one or two sprung structures, totaling approximately 50,000 square feet, and a bridge crane to lift containers onto and off the rail cars and trucks. Also, the Applicant plans to install in-bound and out-bound truck scales and refurbish the access roads and parking areas, as necessary.

The southern portion of the property would not be developed for rail or reload facilities, but would be subject to a conservation restriction initiated by Olin as part of its ongoing environmental remediation activities.

The Applicant has stated that construction associated with the Proposed Action would require approximately four months to complete and involve a total of no more than 400 man-days of work. The construction activities would include the demolition of most existing abandoned and unused buildings on the property.

2.2.1.2 Operation

The Applicant would acquire running rights from the B&M between a junction with the MBTA Boston-Concord main line at milepost 13.25 in Woburn, MA to a junction with the B&M Wilmington-Woburn-West Medford branch at milepost 14 in Wilmington, MA.

The Applicant would contract with the B&M to serve the proposed project site. B&M would operate one round trip train over the proposed new rail line six days a week. B&M would pick-up and drop-off rail cars between 1 a.m. and 5 a.m. On some days, railcars bound for the proposed project site would be dropped off and picked up by the existing B&M train which operates on the MBTA line adjacent to the proposed project site. The trains would enter the project site from the north on the B&M tracks located to the west of the proposed project site and exit the same way. The Applicant would purchase or lease a switch locomotive and retain a crew to move rail cars around the site during daily operations. Maintenance practices would conform to FRA safety standards.

2.2.2 TEWKSBURY ALTERNATIVE

An alternative location for constructing and operating a multi-commodity truck-rail reload facility in Tewksbury, Massachusetts was reviewed. However, the available location for the proposed facility in Tewksbury is situated in close proximity to residential and retail areas. Also, the property is made up of only eight acres of land, and is located approximately 30 miles from downtown Boston. Because the proposed project site in Tewksbury was not located in an industrial area, had only a limited amount of land, and is so far from the downtown Boston area, the potential location was removed from further consideration as a potential alternative. Therefore, the Tewksbury Alternative was eliminated from detailed analysis in this EA.

2.2.3 AYERS ALTERNATIVE

Another potential alternative location considered for constructing and operating a multi-commodity truck-rail reload facility is located in Ayers, Massachusetts. However, Ayers is over 35 miles from downtown Boston, the parcel did not have adequate acreage for needed rail and reload facilities. Moreover, the Ayers Alternative was not suitable for Applicant's future development plans. Therefore, this property was eliminated from detailed analysis in this EA.

CHAPTER 3

AFFECTED ENVIRONMENT

This chapter describes the existing environment in the area of the Proposed Action. It includes a discussion of the existing transportation infrastructure, noise, air quality, topography, geology, soils, water resources, biological resources, land use, hazardous waste sites, socioeconomics, energy, cultural resources, and environmental justice populations in the vicinity of the proposed project. Information provided by Federal, state, and local agency contacts, members of the general public and data collected in the field is also included.

The existing environment is described so that the potential environmental impacts of the Proposed Action may be adequately assessed. The existing environment described in this chapter includes environmental conditions in the area where the Proposed Action would be constructed and operated.

3.1 TRANSPORTATION AND SAFETY

This section presents information on the existing transportation infrastructure in the project area. Information regarding the existing rail lines, road network, traffic volumes, and grade crossings is based upon field observations, traffic counts, and project plans.

3.1.1 RAIL RESOURCES

The Olin Site contains a Y-shaped set of existing but unused industrial tracks that were connected to the B&M rail spur located along the west side of the property. The switch that connected these tracks to the B&M spur has been removed. The B&M currently runs an average of less than one diesel-powered train per day along the rail spur located on the west side of the Olin Site. The rail spur connects to the MBTA line just south of the Lowell commuter rail station and terminates near the Woburn town line. The B&M provides service to customers located immediately north and south of the proposed project site. One at-grade crossing is located along the B&M rail spur where it crosses Eames Street. B&M currently operates on this branch line between 1 a.m. and 5 a.m. B&M's access to the MBTA commuter rail line dictates the hours of operation for its freight services, as it must operate when the MBTA is inactive.

The MBTA tracks are located east and adjacent to the proposed project site. A bridge located on Eames Street passes over the MBTA tracks in the vicinity of the proposed project site. No at-grade crossings are located along the MBTA tracks in the vicinity of the proposed project site. The MBTA Lowell Line commuter rail station in Wilmington provides commuter rail service to Boston. A total of 47 commuter rail trains depart from or arrive at Lowell every weekday with frequencies of up to eight trains per hour. Commuter train operations on this line begin at 5:35 a.m. and end at 12:43 a.m. A total of 16 commuter rail trains depart from or arrive at Lowell each weekend day with frequencies of up to one train per hour.¹

¹ MBTA-2003 Weekday and Weekend Operating Schedule.

3.1.2 ROAD NETWORK

The proposed project site is located in the southern portion of Wilmington, approximately 12 miles from downtown Boston and approximately 3 miles from the intersection of Interstates 93 and 95. The adjacent road network includes local roads, collector streets, arterials, and one interstate highway (I-93). Interstate highway 95 (I-95) is located approximately 2 miles south of the town Wilmington, in the town of Woburn. (See Figure 3-1).

The local road network surrounding the Olin Site includes Eames Street to the north and adjacent to the proposed project site, Lowell Street (Route 129) to the north of Eames Street, Main Street (Route 38) to the west, Woburn Street and Industrial Way to the east, with no roads located immediately south of the proposed project site.² Routes 38 and 129 are local collector highways with one travel lane in each direction and exclusive turning lanes at major intersections. Route 38 runs north-south and intersects Route 129 to the north and enters Woburn to the south. Route 129 runs east-west and provides access to I-93 to the east. Eames and Woburn Streets and Industrial Way are local collector roadways; Eames Street runs east-west between Route 38 and Woburn Street; Woburn Street runs north-south and intersects with Route 129 to the north and extends south into Woburn and Presidential Way; and Industrial Way extends north off of Woburn Street to West Street, which intersects Route 129. Both Route 129 and Presidential Way provide access to I-93.

The major intersections leading to and from the proposed project site include:

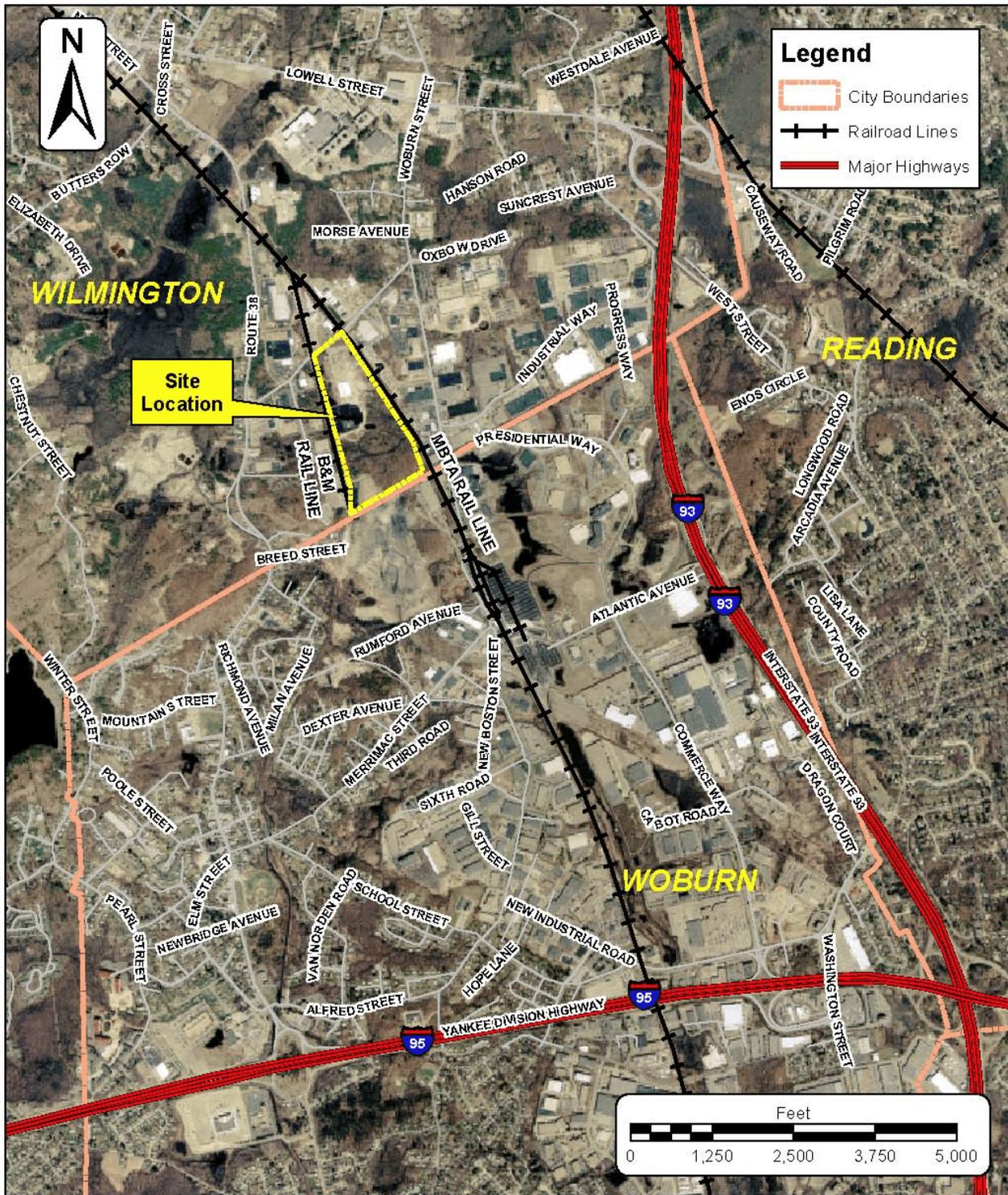
- Eames Street and Route 38 - three-way unsignalized intersection;
- Eames Street, Woburn Street, and Ox Bow Drive - four-way unsignalized intersection with stop-sign control on Eames Street and Ox Bow Drive.

Table 3-1 presents the existing average daily traffic (ADT) for calendar year 2000 and the calendar year 2005 projection of ADT along Eames Street and along Woburn Street, south of Route 129. Table 3-2 presents actual demand, delay, and level of service (LOS) rating values recorded for the major intersections in the vicinity of the proposed project site for calendar year 2000, and provides projections for the intersections for calendar year 2005. The calendar year 2005 projections represent probable conditions without the Proposed Action and take into account increased traffic (1.5 percent increase per year).

In Table 3-2, LOS “A” describes intersection performance with minimal delay, while LOS “F” describes intersection failure with long vehicular delays. LOS A and B are characterized by primarily free flow conditions. LOS C provides stable operations, but lane changes require added care from the driver. All vehicles clear a signal in one signal cycle with levels of service A, B, and C. LOS D borders on unstable flow, a situation where most vehicles would clear the signal in one cycle, but a few turning vehicles, especially multiple trucks in a row, might not clear the signal in one cycle. LOS E and F are characterized by delay and congestion. Changing lanes is difficult under LOS F. Some lanes of traffic may take two or more signal cycles to clear the intersection.

² Continued upgrades to the Route 129 and I-93 interchange are underway.

Figure 3-1



Source: Office of Geographic and Environmental Information (MASSGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs. Date of Photo: April, 2001.

**TABLE 3-1
2000 AND PROJECTED 2005 AVERAGE DAILY TRAFFIC VOLUMES**

Location	2000 ADT (vehicles per day)	2005 ADT Projection (vehicles per day)
Eames Street	7400	7972
Woburn Street (South of Route 129)	11600	12496

Source: Vanasse & Associates, Inc. 2000. Traffic Impact and Access Study, Proposed Warehouse/ Distribution Center, Wilmington, MA.

**TABLE 3-2
2000 AND PROJECTED 2005
DEMAND, DELAY, AND LEVEL OF SERVICE RATINGS AT MAJOR INTERSECTIONS**

Intersection - Morning and Evening Peak Movements	2000 Existing			2005 Projections		
	Demand (vehicles per hour)	Delay*	LOS	Demand (vehicles per hour)	Delay*	LOS
Turning from Eames Street onto Route 38						
Weekday Morning	258	>60	F	315	>60	F
Weekday Evening	429	>60	F	519	>60	F
Turning from Eames Street to Woburn Street, or proceeding onto Ox Bow Drive						
Weekday Morning	301	17.9	C	395	>60	F
Weekday Evening	285	25.9	D	351	>60	F
Turning from Woburn Street onto Presidential Way						
Weekday Morning	43	2.9	A	475	7.6	B
Weekday Evening	194	3.4	A	603	6	B

* Delay is in seconds per vehicle

Source: Vanesse & Associates, 2000

3.2 NOISE

The land in the immediate vicinity of the proposed project site is used for general industrial purposes. The proposed project site is located between two active rail lines. Immediately surrounding the proposed project site are other general industries including light manufacturing and distribution centers, research facilities, and former landfills. The major sources of noise in the vicinity of the Proposed Action include the existing rail traffic, existing truck traffic, and the noise generated by warehouses and industrial units. The nearest noise sensitive receptors to the proposed project site are in a residential area located over 1,000 feet

west of the proposed project site. The closest schools, Wildwood Street School in Wilmington and the Veterans Memorial School in North Woburn, are located over one mile north and south of the proposed project site, respectively. Typical ambient noise levels for the general land use categories in the vicinity of the proposed project site range from 40 to 90 decibels.³

3.3 AIR QUALITY

The proposed project site lies in Middlesex County, which is listed as a “serious” nonattainment area for the one-hour ozone standard and is part of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area. Current sources of emissions in the area near the Proposed Action include vehicles, industries, and locomotives.

3.4 TOPOGRAPHY, GEOLOGY, AND SOILS

3.4.1 TOPOGRAPHY

The project area exhibits an outwash plain landscape, with a relatively flat terrain interrupted by low hills.⁴ At the proposed project site itself, the ground surface slopes gently from Eames Street (approximate elevation 90 ft.) towards its western boundary (El. 85 ft.) and the marshy areas at the center of the property. (El. 74 ft.). An isolated hill (El. 86 ft.) is located in the south-central area of the proposed project site, between the South Ditch (El. 80 ft.) and Ephemeral Drainage channel (El. 79 ft.). The ground surface rises steeply from the Ephemeral Drainage channel to the southeastern corner of the proposed project site (El. 105 ft.). Several bedrock outcrops are located on the proposed project site.⁵

The natural topography has been disturbed by construction and development of the property. The containment area has been graded for controlled drainage. Also, piles of fill are present along the east-central portion of the property.

3.4.2 GEOLOGY

In upland areas on the Olin Site, the shallow overburden soils are glacial outwash deposits consisting of sand, with some silt and gravel. Deeper soils are less well-sorted and contain sand, gravel, cobbles, and occasional boulders. Wetland overburden soils are similar, except for the presence of organic sediments or peat near the ground surface. Overburden is

³ 40 decibels equates to a quiet urban neighbourhood at night. 90 decibels equates to a gas lawnmower three feet away.

⁴ Town of Wilmington, Master Plan 2001. Prepared by: Planners Collaborative, Boston, MA. 21 September 2001 (*amended 2003*).

⁵ GEI Consultants, Inc. April 5, 2000. Focused Feasibility Study–51 Eames Street, Wilmington, Massachusetts.

thickest at the western boundary of the property where the top of the bedrock is about 37 feet below ground surface.⁶

The bedrock surface is highly variable. Depth to bedrock ranges from 0 to 37 feet, and there are bedrock outcrops at several places on the Olin property. Bedrock elevations range from 46 to 105 feet. The primary feature of the bedrock surface is the Western Bedrock Valley, which extends from the containment area toward the west. The type of bedrock on the property is Gabro-Diorite (Normal, Cataclastic, and Granite Intrusives).

3.4.3 SOILS

The Olin Site contains a mixture of soil types, including:

Udorthents (urban land complex, wet substratum, sandy): These soils have been excavated and/or deposited during prior construction activities. These areas have been disturbed to the extent that the natural layers of soil are no longer recognizable and are no longer a major factor in determining limitations or capabilities of the land. These soils are present in the northern half and along the western boundary of the proposed project site.

Freetown and Swansea mucks: These are nearly level, deep, very poorly drained organic soils. Permeability is moderate or moderately rapid in the organic material of the soils. These soils are located south and east of the Udorthents, in the northern portion of the southern half of the proposed project site. This area of the proposed project site contains forested/scrub-shrub wetlands.

Canton loam: Canton soils are very deep, well-drained soils on nearly level to very steep glaciated uplands. They have a stony to extremely fine sandy loam surface soil and subsoil. Permeability is moderately rapid in the surface soil and subsoil and rapid in the substratum. Canton soils, along with a Charlton-Hollis-Rock outcrop complex, occupy the southern-most portion of the proposed project site.

Charlton-Hollis-Rock outcrop complex: This consists of well-drained Charlton soils, somewhat excessively drained Hollis soils, and rock outcrops. Charlton soils are gently sloping to steep soils. It consists of fine sandy loam surface soil and subsoil. Hollis soils are nearly level to very steep upland soils, where the underlying bedrock affects the surface relief. Permeability for both soil types is moderate to moderately rapid.

3.5 WATER RESOURCES

The following subsections present the existing conditions for groundwater, drinking water sources, surface water, wetlands, and floodplains. SEA identified the types and extent of groundwater and surface water resources, including wetlands and floodplains, using a variety of sources, including documentation from MADEP and Olin concerning the remediation of the site, and from field observation.

⁶ Ibid.

3.5.1 GROUNDWATER

Measured groundwater elevations at the proposed project site have varied temporally and spatially between El. 76 and El. 84. At the Plant B groundwater treatment facility, groundwater is approximately ten feet below grade. A groundwater divide runs through the proposed project site and the location of the divide varies seasonally. The divide shifts to the west during the wettest period of the year (late winter and early spring) and shifts to the east during the driest period of the year (late summer and early fall). Thus, a portion of groundwater on the proposed project site flows toward the west into the Ipswich River Basin, and the majority of the groundwater flows toward the east into the Aberjona River Basin. Groundwater at the proposed project site also discharges into the surface drainage system. However, the construction of a capped containment area⁷ in the southern portion of the proposed project site has decreased the volume of contaminated groundwater discharge into surface drainage areas. Some groundwater continues to discharge through the high level equalization window on the western edge of the containment area.

A dense, aqueous-phase liquid (DAPL) containing more than 100,000 milligrams per liter (mg/L) of total dissolved solids in groundwater lies beneath the proposed project site and extends to the west of the property boundary. Chemical constituents that characterize the DAPL include sulfate, chloride, sodium, ammonia, and chromium. Because the DAPL is substantially denser than ambient groundwater, it resides at the bottom of the surficial aquifer, and migrates on top of the bedrock surface, along a bedrock valley that extends from the current containment area towards the west. Although groundwater flow from the containment area is toward the east, DAPL has migrated along the bedrock slope towards the west. Lesser concentrations of DAPL constituents are also present in groundwater above the DAPL. This plume of “diffuse” DAPL constituents extends over a larger area than the existing DAPL because it is less dense than the DAPL, and thus is more easily transported by the groundwater flow system.⁸

Groundwater is pumped at a very low rate at the Plant B groundwater treatment system, located in the northeastern quadrant of the Olin Site. The low pumping rates do not appear to have much influence on groundwater flow.

3.5.2 DRINKING WATER SOURCES

The Wilmington Water Department provides drinking water to 99 percent of all residents and businesses in Wilmington. Historically, the Town of Wilmington obtained most of its drinking water from groundwater supply wells located within the Ipswich River Drainage Basin, and specifically, from the Maple Meadow Brook Aquifer (MMBA), which is located west of (but not within) the proposed project site. The use of the water supply wells in the MMBA aquifer was suspended in March 2003, due to the detection of a contaminant believed to be related to the historic releases of large quantities of industrial wastewater at the Olin property.

⁷ The containment area consists of a slurry wall and temporary cap (plastic covering). The objective of the containment wall and cap is to cut off the migration of contaminated groundwater into drainage systems in the area.

⁸ Geomega, Inc. April 5, 2000. Evaluation of Using Pump-and-Treat for Potential On-Proposed project site Containment/Removal of DAPL Constituents.

Wilmington has established zoning bylaws, creating Groundwater Protection Districts (GWPD) throughout the town. A small portion (less than 5 acres) of the proposed project site is located within a Groundwater Protection District (GWPD) recognized by the Town of Wilmington. This area is located at the northeastern portion of the proposed project site, which is bounded by Eames Street to the north and by the a drainage ditch to the east. The GWPD more or less conforms to the mapped Zone II (the area from which underground water feeds the wells) of the Town of Wilmington Water Supply Wells. The proposed project site is located about 3,500 feet from the Town wells.

3.5.3 SURFACE WATER

Surface water drains through a series of ditches, wetlands and drainage channels on the proposed project site. Consistent with the predominant groundwater flow, surface water drains from the west to east. A wetland area south of the developed area drains into the West Ditch, which currently runs under the capped containment area, through a weir, and into the South Ditch.

Surface water runs to the east in the South Ditch to the Central Wetlands, which is located in the south-central portion of the proposed project site. The South Ditch then extends up to the eastern boundary of the property. An ephemeral drainage channel runs roughly parallel to, and south of the South Ditch. The ephemeral drainage and the South Ditch converge and empty into the East Ditch at the southeastern boundary of the property. The East Ditch runs parallel to the MBTA tracks along the eastern edge of the proposed project site, and is separated from the remainder of the proposed project site by a berm.

Treated effluent from the Plant B groundwater treatment system discharges into the West Ditch under a National Pollutant Discharge Elimination System (NPDES) permit.

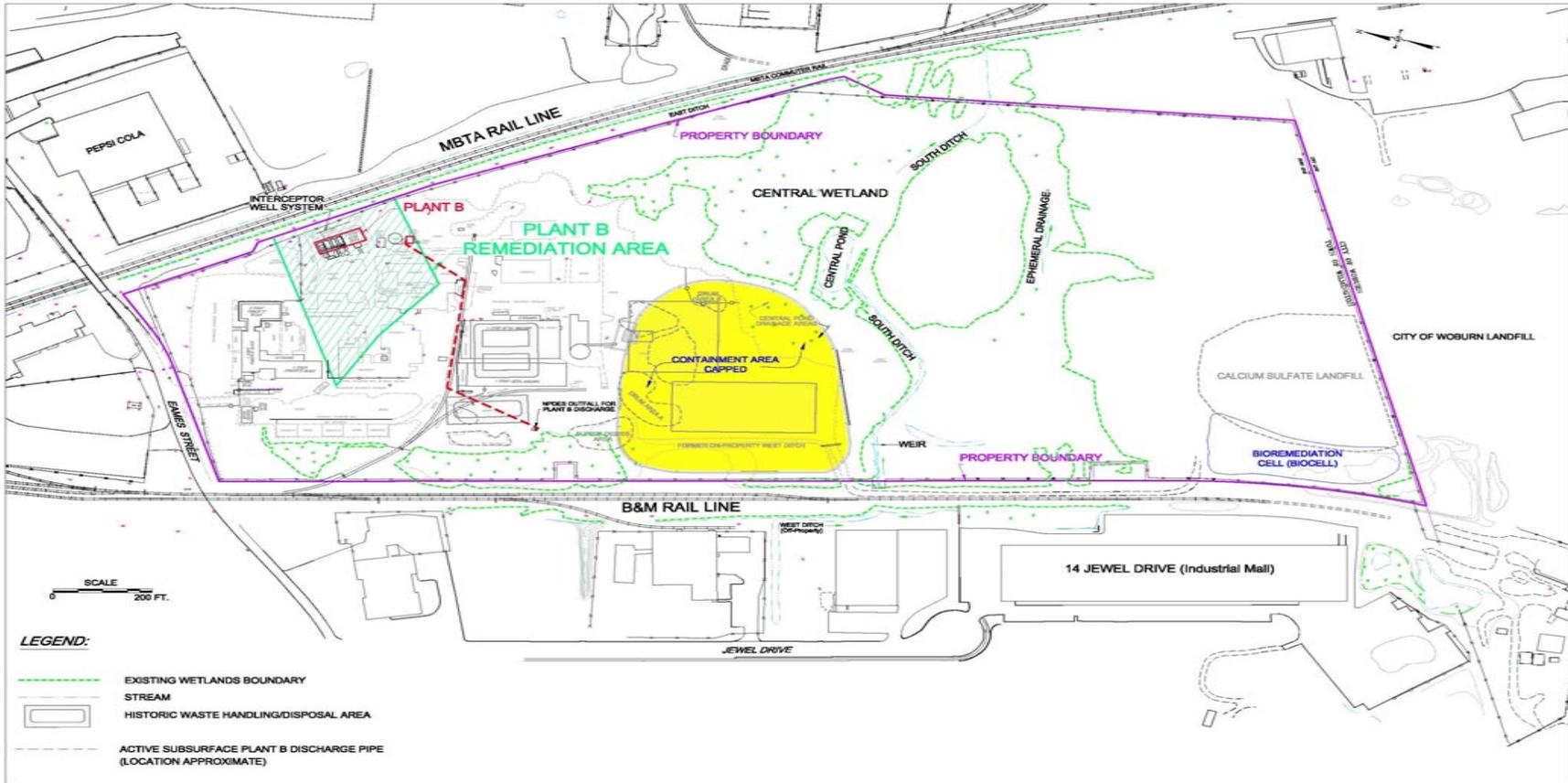
3.5.4 WETLANDS

Wetland areas have been delineated and are shown on Figure 3-2. Wetlands are extensive along the western edge and in the southern portion of the site. Much of these wetlands were either permanently or temporarily altered as a result of installation of the containment wall and cap, and excavation of sediments from portions of the surface drainage system. In the temporarily impacted areas, sediment was removed and then grade was restored to original levels and the wetlands restored.

A broad-leaved deciduous forested/scrub-shrub wetland is the predominate wetland type on the proposed project site. Smaller wetland areas containing emergent, unconsolidated bottom (associated with the Central Pond) and wetlands associated with streambeds are also present. The wetland types found on the proposed project site include:

Forested wetland: This wetland class is characterized by woody vegetation and normally possesses an overstory of trees, with an understory of young trees and shrubs and a low understory of herbaceous species. The forested wetlands on the proposed project site are considered broad-leaved deciduous and, in general, red maple (*Acer rubrum*) is the dominant tree species.

Figure 3-2



Scrub-shrub wetland: This wetland class is dominated by woody vegetation less than 20 feet tall and includes true shrubs, young trees, and other normally taller shrubs and trees stunted due to environmental conditions, i.e. ice damage, wind damage, frequent flooding, or browsing. The scrub-shrub wetlands on the proposed project site are considered broad-leaved deciduous and are generally dominated by silky dogwood (*Cornus amomum*), highbush blueberry (*Vaccinium corymbosum*), sweet pepperbush (*Clethra alnifolia*) and glossy buckthorn (*Rhamnus frangula*).

Emergent wetland: This wetland class is characterized by erect herbaceous species well-suited for survival in very wet or inundated soil conditions. In general, the species are most commonly perennial well-rooted hydrophytes. The emergent wetlands on the proposed project site are considered palustrine persistent emergent wetlands dominated by such species as cattail (*Typha latifolia*), woolgrass (*Scirpus cyperinus*), purple loosestrife (*Lythrum salicaria*), sedge (*Carex spp.*), and reed (*Phragmites spp.*).

Unconsolidated bottom: This wetland class includes wetland and standing water areas with at least 25 percent of the bottom substrate covered by particles smaller than stones (rock fragments larger than 25.4 cm (10 inches) but less than 60.4 cm (24 inches)) and less than 30 percent vegetative cover. The Central Pond fits this description and therefore, has been included under this class.

Streambed: This class includes all the intermittent drainage ditches on the proposed project site. Substrate within each ditch can vary greatly depending on local conditions. Ditches may be scoured and unvegetated, or may contain occasional pioneering annuals or perennial emergent vegetation and shrubs. The vegetation cover, however, is too sparse to classify the area as either emergent wetland or scrub-shrub wetland.⁹

3.5.5 FLOODPLAINS

Wilmington has established a Floodplain District to prevent and mitigate the impacts of flooding. The Floodplain District is an overlay district that includes the entire 100-year floodplain as designated by the Federal Emergency Management Agency. The proposed project site is not located in the 100-year floodplain according the Flood Insurance Rate Map (FIRM) for Wilmington, Massachusetts, dated June 2, 1999.

3.6 BIOLOGICAL RESOURCES

The following sections present the existing conditions for vegetation and wildlife, as well as for threatened and endangered species. SEA collected information regarding biological resources potentially occurring at or in the vicinity of the proposed project site from the U.S. Fish and Wildlife Service and from the Massachusetts Division of Fisheries and Wildlife. SEA also reviewed site documentation and visited the proposed project site to verify information contained in the documentation.

⁹ GEI. May 31, 2000. Environmental Notification Form and Request for Waiver, Olin Corporation Proposed project site, Remedial Action.

3.6.1 VEGETATION

Due to historic development of the proposed project site, only a limited area along the eastern boundary and in the southern-most sector of the property is currently forested. Variations and subtypes in the species composition exist in specific areas on the proposed project site due to manmade or natural disturbances. Portions of the forested upland area are in various stages of secondary succession.¹⁰ The predominate wetland type on the proposed project site is a broad-leaved deciduous forested/scrub-shrub wetland.

3.6.2 WILDLIFE

The property's past history as an industrial complex and the ongoing remediation activities preclude the majority of the 53-acre parcel from providing suitable habitat for wildlife. Species that are able to tolerate high levels of human disturbance in urban areas would utilize portions of the proposed project site. Such species include: Mourning Dove (*Zenaida macroura*), Song Sparrow (*Melospiza melodia*), Northern Cardinal (*Cardinalis cardinalis*), European Starling (*Sturnus vulgaris*), Virginia Opossum *Didelphis virginiana*, Eastern Cottontail (*Sylvilagus floridanus*), Eastern Gray Squirrel (*Sciurus carolinensis*), and the Common Raccoon (*Procyon lotor*).

3.6.3 THREATENED, ENDANGERED, AND RARE SPECIES

The U.S. Fish and Wildlife Service indicated that there are no threatened or endangered species or habitat in the project area.¹¹ The Massachusetts Division of Fisheries and Wildlife indicated that there are no rare plants or animals or natural communities in the vicinity of the proposed project site (see Appendix C).

3.7 LAND USE

The Olin Site was operated as a chemical manufacturing facility from 1953 until 1986, and has been vacant since its closure in 1986. Many of the former manufacturing buildings and tanks on the property have been dismantled, leaving the associated concrete slabs, foundations, and large paved areas intact. Existing buildings include an office/laboratory building, two warehouses, the Plant B groundwater treatment building, and several small structures. The proposed project site is currently classified under commercial/industrial use.

3.7.1 LOCAL ZONING

The proposed project site is located in a General Industrial (GI) district, which covers 23 percent of the Town of Wilmington. The proposed project site and surrounding area lie within one of the four major industrial areas of the town, in southeastern Wilmington. Permitted uses in

¹⁰ CDW Consultants, Inc. June 30, 2000. Environmental Notification Form–Eames Road, LLC., Eames Street Redevelopment Project. AND GEI. May 31, 2000. Environmental Notification Form and Request for Waiver, Olin Corporation Proposed project site, Remedial Action.

¹¹ October 27, 2003. Phone Conversation between B. Neidermyer, U.S. Fish and Wildlife Service (Concord, New Hampshire) and SEA.

the GI district are warehouse, bulk material storage and sales, and light manufacturing, as well as commercial uses such as office, bank, lodge, craft shop, trade school, amusement facility, and parking facility. Extensive uses (agriculture, conservation, earth removal) are also permitted, as are most institutional uses, with the exception of nursery schools and hospitals. Residential uses are prohibited throughout the GI district; however, an R-20 residential zone abuts the GI district to the west of the B&M spur track. The R-20 zone is the predominant residential zone in Wilmington, encompassing roughly 59 percent of the total land in town. A small portion (less than 5 acres) of the proposed project site is located within a the GWPD recognized by the Town of Wilmington. This area is located at the northeastern portion of the proposed project site, which is bounded by Eames Street to the north and by the East Ditch to the east.

3.7.2 COASTAL ZONE MANAGEMENT

The proposed project site is not located within the Coastal Zone and is therefore not covered by the provisions of the Coastal Zone Management Act of 1972.

3.7.3 PRIME FARMLAND

No portion of the proposed project site constitutes prime or unique farmland.

3.8 HAZARDOUS MATERIALS/WASTE SITES

The following subsections present background information on the existing conditions and activities related to ongoing environmental remedial actions and health and safety at the proposed project site. The remediation actions at the Olin property have generated large amounts of information concerning the contamination and activities undertaken to characterize and remediate the site.¹² SEA has reviewed all pertinent documentation to gain a firm understanding of the status of remediation activities and to assess whether the Proposed Action could have any affect on the ongoing remediation activities at the property.

3.8.1 OVERVIEW OF THE ONGOING ENVIRONMENTAL REMEDIATION AT THE OLIN SITE

Historic discharge of waste at the Olin site, mainly into unlined lagoons and the surface drainage system, has resulted in the presence of contamination in soils, sediment, surface water, and groundwater. Some contaminants have migrated off site in the groundwater. A summary of the regulatory context of past, current, and potential future assessment and remedial activities is provided in this section, along with a description and status update of remediation on the proposed project site.

3.8.1.1 Regulatory Context

As a result of historic waste management practices associated with the former chemical manufacturing facility that operated on the Olin property, that property and areas west of the

¹² Under the remediation plan developed for the site under orders from MADEP, Olin would retain all responsibility for the remediation at the property and the Applicant would not impede Olin's access to the Eames Street property to fulfill its remediation commitments.

property, are listed by MADEP as a Tier 1A Disposal Site, the highest priority given to hazardous waste sites under the Massachusetts Contingency Plan (MCP).¹³ The MCP is the Commonwealth's regulatory document that specifies measures to control, abate, remediate and respond to releases or threats of releases of oil and hazardous material. Remediation activities for the Olin property are being implemented under a Tier 1A permit that sets forth the scope of work elements to address cleanup activities. As a Tier 1A Site, all work plans and reports are overseen and approved by MADEP.

3.8.1.2 Remediation Process

The process for assessing and cleaning up disposal sites, such as the Olin property, is designed to address the possible effects of the site on health, safety, public welfare, and the environment. Remediation work at the Olin property includes sampling and other environmental field-testing and implementation of the selected remedies. Remediation also include the implementation of measures designed to stabilize conditions at the site to prevent the continued migration of contaminants or to eliminate an imminent threat to public health, safety, welfare, or the environment until planning for remedial response is underway.

At each step of the remedial response process, plans for work are developed, the work is conducted, and reports describing results and recommendations for the next step are prepared. The documents that describe each of these steps are the cornerstone of the remedial response action planning process, since they provide the information necessary to make decisions about how to clean up a site.

A Construction Release Abatement Measure (Construction RAM) is being conducted for the Olin property under the supervision of the MADEP. In accordance with MADEP regulations, a construction RAM is required for redevelopment of property in contaminated areas to ensure no significant risk to future developers/workers/occupants of the property.

3.8.1.3 Remedial Actions Performed To Date by Olin

The following investigations have been performed to date on the property under the supervision of the MADEP:

- Installation of a groundwater recovery and treatment system at the Plant B treatment Plant.¹⁴ This system is designed to capture contaminated groundwater and process oils that are present as a separate layer on the groundwater surface, and to prevent the discharge of contaminated groundwater and oil to the nearby East Ditch (drainage feature on the property).

¹³ Olin's remediation plan includes those areas linked to contamination on the property that are located beyond the property boundaries.

¹⁴ Plant B is a ground water treatment facility on the property. Plant B is one of the original facilities on the property.

- Installation of air sparging and vapor extraction (AS/SVE) System in vicinity of Plant B. An AS/SVE system was installed to recover and treat volatile organic compounds (contaminants) that are present in soil and groundwater in the vicinity of Plant B.
- Buried drums and debris containing contaminants were removed from the property.
- Sediment removal and management of flocculant (Floc) in on-property ditch system. Chromium¹⁵-bearing flocculant was removed from the West Ditch located on the property. The sediments were excavated and the original grade of the ditch system, and the wetland vegetation was restored. Monitoring of the restored wetland is ongoing.
- A subsurface containment wall which extends to bedrock, and encloses an area of about 4.6 acres with an overlying cap, resulted in the containment of approximately 80 percent of the mass of contamination in groundwater were installed at the property. Olin is maintaining the existing cap until a final cap is constructed as part of the redevelopment of the property.

Prior to development of the property, MADEP must approve Olin's Construction RAM.

3.8.1.4 Actions Required Before Olin Site Redevelopment

MADEP specifically described the actions that would need to be completed by Olin prior to redeveloping the proposed project site in a letter to MA Executive Office of Environmental Affairs (EOEA) dated November 20, 2003 (see Appendix C for a copy of the letter). This letter was solicited from MADEP as part of EOEA's review under the Massachusetts Environmental Protection Act (MEPA). These actions are summarized below:

- Completion of a comprehensive characterization of the nature and extent, and assessment of risks associated with N-nitrosodimethylamine (NDMA),¹⁶ hydrazine and formaldehyde, if present;
- Excavation of ammonia-impacted soils in the Lake Poly area;

¹⁵ Chromium is a naturally occurring element found in rocks, animals and plants and can attach to soil. Large quantities of undissolved chromium in groundwater can adversely affect the ecosystem.

¹⁶ NDMA is a carcinogen. Since detection of NDMA in the groundwater on the Olin property, Phase II assessment activities have re-commenced. It should be noted that the original Focused Risk Assessment was completed prior to the detection of NDMA, and risks associated with this contaminant were not evaluated. Evaluation of potential Imminent Hazards associated with the presence of NDMA in various media on and off the Olin property was completed as part of an Immediate Response Action (IRA). No imminent hazards associated with NDMA were identified for receptors on or off the Olin property. The USEPA and DEP are completing a contaminant of concern study, that involves analysis of samples to determine the presence or absence of an expanded list of analytes (chemical compounds). The purpose of this study is to identify any additional contaminants that might not have been analyzed for during the earlier portions of the Phase II Comprehensive Site Assessment.

- Update of Focused Site Characterization, Focused Risk Assessment and Focused Feasibility Study to include new data and, potentially, contaminants identified in the current investigation by USEPA and DEP to identify possible additional contaminants (if any are identified);
- If a building is constructed in the vicinity of Plant B, which is not part of the current Applicant's proposal, implementation of sufficient remedial actions to achieve a condition of no significant risk for potential receptors;
- Submittal and approval of a Construction RAM Completion Report documenting that sufficient remedial actions have been completed to achieve a condition of no significant risk to future developers/workers/occupants at the proposed project site.

3.8.1.5 Ongoing Activities

Assessment, remediation and monitoring activities required by MADEP will be on-going with or without the redevelopment of the Olin Site under the Proposed Action. Under the MCP, redevelopment of the proposed project site cannot hinder this process. Remediation activities will include routine monitoring of surface water and groundwater. All sampling locations will remain accessible for sample collection. Operation and maintenance of the Plant B groundwater treatment system and AS/SVE will also be ongoing. In addition to activities on the proposed project site, remedial activities will continue at areas adjacent to the proposed project site, including the off-property West Ditch and the East Ditch/North Pond/Lower South Ditch system.

3.8.2 APPLICANT'S RESPONSIBILITIES FOR REDEVELOPMENT OF THE PROPOSED PROJECT SITE

The remediation activity on the Olin property remains the obligation of Olin. The Applicant is bound by contract not to impeded that work in any way. The Applicant explains in its petition, if it were to impede the remediation work or add to the environmental problems at the Olin property, the Applicant would be joined with Olin as responsible for the costs of remediation.

Pursuant to the Massachusetts Environmental Policy Act (MEPA) and MEPA regulations,¹⁷ the Applicant is required to file an Environmental Notification Form (ENF) with the Executive Office of Environmental Affairs (EOEA) describing the Applicant's proposed project and to provide preliminary environmental information on the project. The Applicant filed the ENF on July 8, 2000. The project received the required "Order of Conditions" from the Wilmington Conservation Commission on July 25, 2000, and the Order was not appealed.¹⁸ Based on the information provided by the Applicant and consultation with relevant agencies the EOEA determined that the potential impacts could be addressed in the state and local permitting process and no further MEPA review was required. Subsequently, on September 12, 2003, the

¹⁷ 301 CMR 11.03(1)(b)(2).

¹⁸ The project originally proposed entailed the development of a 353,000-square foot warehouse and distribution facility with associated parking and utilities. The original Order of Conditions was determined appropriate for the Proposed Action, and a new Order of Conditions was deemed unnecessary.

Applicant filed a notice of change of ENF entailing the Proposed Action, pursuant to MEPA regulations. On December 18, 2003, the Applicant received the required certificate of the Secretary of Environmental Affairs for the Proposed Action. This certification is required as part of the state permitting process to redevelop land in Massachusetts.

3.9 SOCIOECONOMICS

The following subsections present the existing conditions for demographics and employment, aesthetics, and utilities. SEA reviewed U.S. Census data, met with local officials, and visited the project area to gather information regarding existing conditions.

3.9.1 DEMOGRAPHICS AND EMPLOYMENT

The Town of Wilmington is home to 21,363 residents (US Census 2000), with a density of 1,247 persons per square mile. The population is evenly split between male (49.5 percent) and female (50.5 percent), with a predominant age range of 25 - 44 (33.5 percent). Wilmington has a predominately white population (96.3 percent), with Asians (2.0 percent) and Hispanics or Latinos (1.0 percent) being the next most populous ethnicities. African-Americans and American Indians and Alaskan Natives account for 0.4 percent and 0.1 percent of the population, respectively.

The Boston metropolitan area unemployment rate, as of December 2003, was 4.5 percent, versus 5.4 percent for the national average (U.S. Bureau of Labor Statistics). Wilmington lies in Middlesex County, with a 2001 per capita personal income (PCPI) of \$47,930, ranking Middlesex County first in the state for PCPI in 2001. Middlesex County's PCPI was 123 percent of the Massachusetts state average, \$38,864, and 158 percent of the national average, \$30,413. The PCPI for Middlesex County grew steadily throughout the nineties, with an average annual growth rate of 5.7 percent. However, the 2001 PCPI reflected an increase of 1.9 percent from 2000, compared to a state and national average change of 2.2 percent.

3.9.2 AESTHETICS

The proposed project site is located in an industrial area that is characterized by warehouse and office buildings, roads, rail lines, and sparse tree cover. The northern portion of the proposed project site currently contains several unused buildings, one office and laboratory building and the Plant B groundwater treatment facility with associated tanks and piping. It also contains the impervious cap (an open area that is covered in black plastic that has undergone remediation) in the west central area of the proposed project site. This area would eventually be covered by a hard surface. The southern portion of the proposed project site is predominantly covered in trees and shrubs.

3.10 ENERGY

Existing rail and truck traffic in the proposed project area could carry recyclable commodities and energy resources.

3.11 CULTURAL RESOURCES

The Massachusetts Historical Commission, in a letter dated October 15, 2003, indicated that there are no recorded historic properties or archaeological sites within the project area (see Appendix C).

3.12 ENVIRONMENTAL JUSTICE

SEA prepares environmental documents following the guidance presented in Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations*. This Executive Order directs Federal agencies to analyze the environmental effects of their actions on minority and low-income communities. This section identifies potential environmental justice populations in the project area.

The U.S. Environmental Protection Agency (USEPA) defines Environmental Justice as the “fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies.” Federal agencies are responsible for identifying and addressing the significant and adverse effects that have a high and disproportionate impact on minority and low-income communities. Agencies must ensure their actions:

- Do not discriminate based on race, color, or origin;
- Identify and avoid discrimination and avoid disproportionately high and adverse effects on minority populations and low-income populations; and
- Provide opportunities for input from the community.

The U.S. Department of Transportation (DOT) has established procedures, in a DOT Order, for complying with Executive Order 12898, *Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. Although the Board is an independent regulatory agency housed in the DOT, it is not bound by the DOT Orders. However, the Board considers environmental justice to be in the public interest and complies with Executive Order 12898, the DOT Order, CEQ regulations, and guidance issued by USEPA in examining environmental justice issues related to its actions.

USEPA guidance explains that a minority or low-income population may be present if the minority or low-income population percentage of the affected area is "meaningfully greater" than the minority or low-income population percentage in the general population or other appropriate unit of geographic analysis. SEA defined the environmental justice populations located in the project area as meeting any of the following criteria:

- Over one-half of the census-block-group residents are minorities;
- Over one-half of the census-block-group households are low income;
- The percentage of the census-block-group residents who are minorities is more than ten percentage points higher than the minority percentage of Middlesex County.

- The percentage of the census-block-group households that are low income is more than ten percentage points higher than the low-income percentage of Middlesex County.

Since the Proposed Action lies entirely within Middlesex County, the appropriate geographical unit for an analysis of the potential for environmental justice impacts associated with the Proposed Action is Middlesex County. Therefore, in order to determine whether the Proposed Action would have a disproportionately high and adverse effect on a minority or low-income population, data was first gathered comparing the populations in communities adjacent to the Proposed Action project area with the population of Middlesex County as a whole.

The U.S. Census Bureau maintains demographic data below the county level in units known as census tracts, which are small, relatively permanent statistical subdivisions of counties. Census tracts usually have between 2,500 and 8,000 persons and, when first delineated, are designed to be homogenous with respect to race and income. Census tracts do not cross county boundaries and vary in size according to the density of population. Each census tract has a unique number and may be further divided for statistical purposes into smaller units referred to as “block groups.” One block group (number 250173313002) covers the project area around 51 Eames Street.

SEA identified minority and low-income populations using Census 2000 data. The minority population was determined by taking the total population and subtracting those reporting “white alone” on their Census forms. Low-income households were determined using Department of Health and Human Services (DHHS) poverty thresholds by family size.¹⁹

3.12.1 PROJECT AREA INFORMATION

Minority and low income population data for Middlesex County and the block group containing the project area are illustrated in Table 3-4. Percentages have been rounded to the nearest whole number.

**TABLE 3-4
MINORITY AND LOW INCOME POPULATION IN PROJECT AREA**

	Percent of Population that is a Minority	Percent of Population that is below the DHHS Poverty Level
Middlesex County	16%	11%
Block Group 250173313002	3%	10%

¹⁹ Federal Register, Vol. 65, No. 31, February 15, 2000, pp. 7555-7557.

CHAPTER 4

ENVIRONMENTAL CONSEQUENCES

Chapter 4 evaluates the potential environmental effects¹ associated with the Proposed Action. This chapter evaluates the following environmental impact areas: transportation infrastructure, noise, air quality, topography, geology, soils, water resources, biological resources, land use, socioeconomics, energy, cultural resources, and environmental justice.

4.1 TRANSPORTATION AND SAFETY

4.1.1 TRANSPORTATION

The Proposed Action would result in transportation changes that are both positive and negative. The Applicant maintains that the Proposed Action would enhance the efficient transportation and transload of freight in the Boston metropolitan area.

The Applicant projects a decrease in truck traffic in the greater Boston metropolitan area, if the Proposed Action is implemented. This projection is based on the expected use of the Applicant's proposed rail line and reload facility by shippers that would otherwise transport their freight via all-highway routes. Although overall traffic congestion on local roadways and interstates would be reduced, local roadways in the vicinity of the Proposed Action would experience an increase in local truck movements. The increase in local roadway movements would occur because truck traffic that may have stayed on the interstate would now be diverted to local roadways to reach the reload facility.

SEA analyzed potential traffic related impacts within the study area. As part of its analysis, SEA examined the existing traffic conditions (under the worst case scenario - 400 truck movements per day) to determine what effect truck traffic generated by the Proposed Action would have on local vehicular traffic movements.

SEA believes that the addition of approximately 400 trucks per day (maximum projected truck movements once the reload facility is operating at capacity) on area roadways and one round trip train per day, operating only at night, with up to 25 rail cars in length crossing Eames Street would result in some, but not significant, adverse impacts to the local road network.

¹ Direct effects: are caused by the action and occur at the same time and place. 40 CFR 1508.8(a).

Indirect effects: are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. 40 CFR 1508.8(b).

Cumulative impact: the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. 40 CFR 1508.7.

B&M currently operates one train per day, during nighttime hours, over the Eames Street crossing. When excess capacity exists on the current B&M train that passes near the proposed reload facility, the 25 rail cars destined for the proposed project site most likely could be added to the B&M train.

4.1.2 EFFECTS OF THE PROPOSED ACTION ON LOCAL ROADWAYS

The additional 400 daily truck trips per day would increase the average daily traffic (ADT) on the adjacent roadways, Eames Street and Woburn Street, by 5 percent and 3 percent, respectively, which is not considered significant. Eames and Woburn Streets are the primary roadways that would be used by trucks accessing the proposed project area. Table 4-1 presents the 2005 projected ADT levels (1.5 percent increase per year) and the expected percentage increase associated with the Proposed Action. Projected ADT for 2005 was used because this is the time frame when the proposed project would be operational.

**TABLE 4-1
PROJECTED AVERAGE DAILY TRAFFIC FOR 2005**

Location	2005 Projected Average Daily Traffic	Proposed Action Projected Increase In Truck Traffic in 2005	Proposed Action Percentage Increase
Eames Street	7972	400	5%
Woburn Street South of Route 129	12496	400	3%

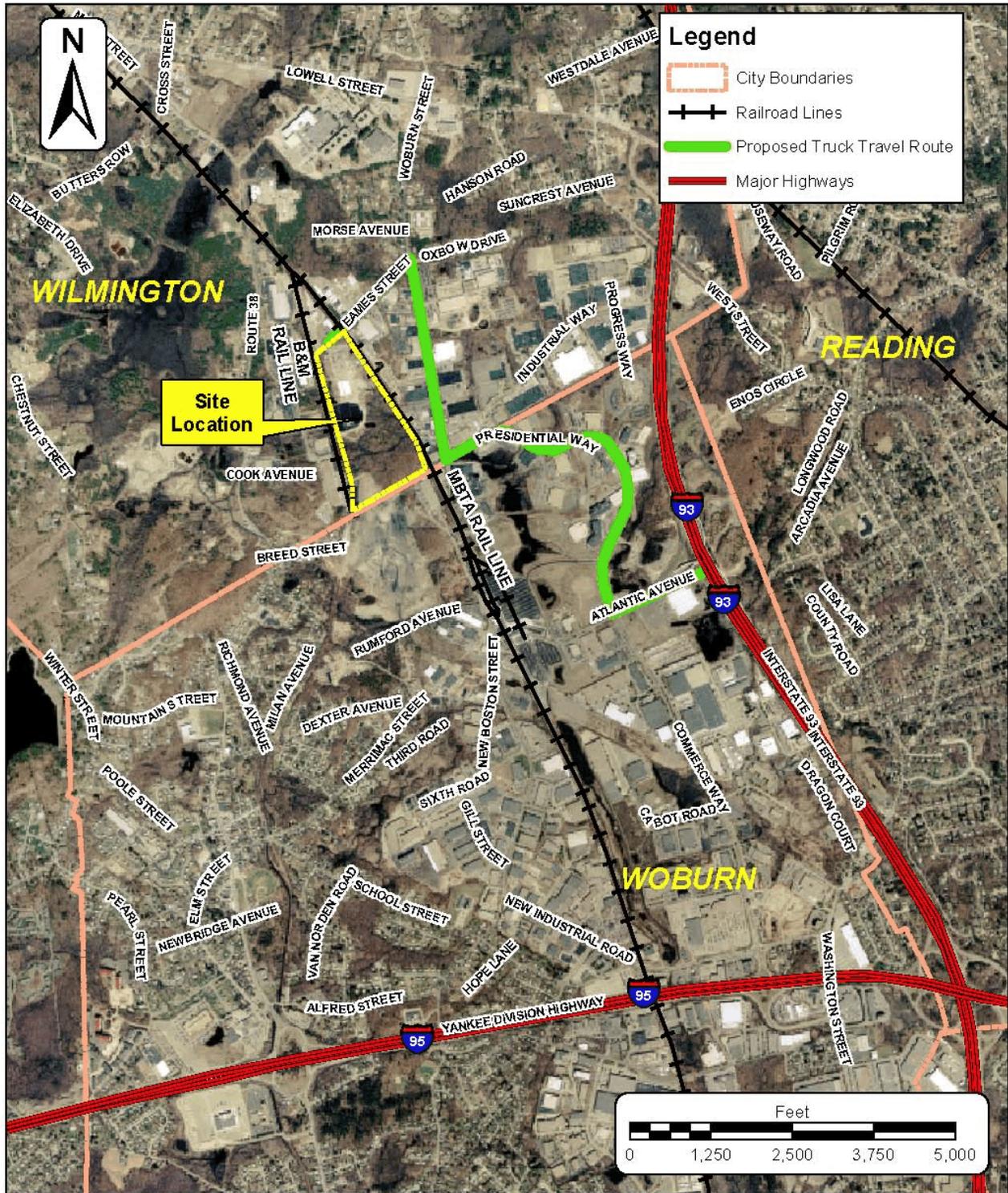
Source: Vanasse & Associates, 2000

To reduce the impact of any additional truck traffic on Wilmington’s main commercial and residential street, Route 38 (Main Street), the Applicant proposes to require all trucks, except local truck traffic, to use a designated route to and from the reload facility to Interstate 93, avoiding Route 38 (see Figure 4-1).² The Applicant proposes the following measures to direct away from Route 38 all customers who are not making local (Wilmington or Woburn) deliveries or pick ups:

1. As new customers are added to the proposed project site, they would be instructed that their drivers must approach/depart the reload facility from/to the east, and not to use Route 38 to the west, except for local deliveries;
2. The entrance and exist driveways at Eames Street would be designed to encourage traffic exiting the reload facility to make a right turn towards Woburn Avenue. This would be accomplished by designing the east side of the entrance/driveway to be angled towards the east to facilitate turns to and from the east;

² The City of Woburn maintains that truck drivers familiar with the area would elect to access Route 38 if the next destination is Route 95 because truck drivers would have to drive north to Route 93 to then travel south in order to access Route 95. Finally, the City of Woburn states that a significant amount of truck traffic would utilize Route 38, an already overburdened two lane undivided highway.

Figure 4-1



Source: Office of Geographic and Environmental Information (MASSGIS), Commonwealth of Massachusetts Executive Office of Environmental Affairs. Date of Photo: April, 2001.

3. Signs would be posted at the entrance and exist driveways instructing customers leaving the proposed project sit not to make left turns, except for local deliveries;
4. Trucks would be monitored at the security gate or truck scales as they enter/exist. Customers would be notified if their drivers repeatedly ignore the foregoing directions. Drivers who repeatedly ignore the foregoing directions would be prohibited from using the reload facility.

Potential local adverse impacts to roadways, specifically Route 38, are among the most frequently stated reasons for the opposition to the proposed project voiced by local government officials and community activists.

4.1.3 THE PROPOSED ACTION’S IMPACT ON THE LEVEL OF SERVICE ON LOCAL ROADWAYS

The most common form of measuring roadway performance has historically been the level of service (LOS) grading system which relies on letter grades from A to F to describe various ranges of operating conditions. Levels A and B generally represent the most favorable driving conditions (minimal delay and free flowing traffic) and E and F represent the least favorable (intersection failure with extensive delay). This measure is based on factors such as travel times and speed, turning movements, and signal timing. LOS weighs heavily in decisions regarding proposed future land use and development projects. Roads operating at peak hour LOS E and F are considered deficient or substandard based on the LOS standard of C average daily and/or D peak hour adopted by most of the local governments in the country.

SEA analyzed the effects of increased truck traffic that is expected to be generated by the reload facility on local roadways during the peak hours (when traffic is highest) along the most likely traveled local roadways leading to the proposed project site. SEA concluded that the addition of up to 400 trucks per day, resulting in a 3 percent to 5 percent increase in ADT, would not degrade the current and forecast LOS at the Eames Street and Woburn Street intersection, which currently operates at LOS F. The same would be true for the Woburn Street and Presidential Way intersection, which currently operates at LOS B. The addition of one round trip train per day on the existing B&M line that would serve the reload facility is not expected to result in degradation of the LOS at the Eames Street at-grade crossing particularly with the train traffic restricted to 1 a.m. to 5 a.m.

Eames Street and Woburn Street are town roads and come under the jurisdiction of the Town of Wilmington. The intersection of Eames and Woburn Streets had previously been identified by the Town as problematic. Preliminary designs for improving this intersection had been prepared although the improvements were never undertaken.³ The Applicant agreed to provide the Town of Wilmington with up to \$50,000 to assist the town in purchasing land to expand the Eames Street right-of-way and improve the right-turn geometry of the Eames Street and Woburn Street intersection.

³ The Town projects that reconstruction of the intersection could cost approximately \$200,000 to \$400,000, however funds are not available to begin reconstruction activities on the roadways that could improve the peak hour LOS rating and the safety conditions on the roadway.

SEA preliminarily concludes that implementation of the Proposed Action would not result in significant impacts on local or regional transportation for several reasons: the projected truck traffic associated with the operation of the reload facility would increase the ADT by only approximately 5 percent, and would not change the peak hour LOS rating along the proposed truck route near the proposed project site, and the two event train blockage of Eames Street for a limited time between 1 a.m. and 5 a.m. that would have minimal effect on traffic flow. SEA also notes that the Massachusetts Highway Department, Bureau of Transportation, Planning and Development has reviewed the Applicant's redevelopment proposal for the Olin Site and found that the traffic impacts associated with the Proposed Action would be minimal (see Appendix C).

4.1.4 SAFETY AND DELAY

In many communities, fire police, and emergency medical response vehicles rely on the ability to use highway/rail at-grade crossings in order to respond to emergencies. Because blocked highway/rail at-grade crossings can delay emergency response vehicles, the extent to which these projected delays could result from the increased numbers of trains originating from the Proposed Action were addressed. SEA also addressed construction related impacts on the local road network surrounding the proposed project site that would impact safety and delay times.

Safety and delay impacts associated with rail movements to and from the proposed project site would be negligible because all rail operations would occur between 1:00 a.m. and 5:00 a.m. six days a week. SEA conservatively estimates that one additional round trip train movement through the switch at Eames Street at 10 miles per hour would result in an increase in delay time on Eames Street of less than 6 minutes per day (less than 3 minutes to pass through the switch entering and less than 3 minutes exiting the project area) between 1 a.m. and 5 a.m. This would result in a negligible impact on safety and delay at the at grade crossing on Eames Street. Trains accessing the proposed project site would not cross any other streets at grade in Wilmington. The impact is considered to be negligible because of the low number of times that the at grade crossing would be blocked and the timing of the events, which would occur when vehicular traffic is minimal. Because existing B&M and MBTA trains currently cross Eames Street at-grade, emergency vehicles are accustomed to working around this roadway/at-grade crossing and alternative routes exist if the at-grade crossing at Eames is blocked. The average daily delay times at Eames Street would be reduced if the 25 rail cars proposed for the reload facility move on the existing B&M train.⁴

Considering the existing LOS at Eames Street and Woburn Street and projected truck movements, SEA believes that no deterioration of the existing LOS on these roadways would occur as a result of the additional truck traffic and/or blocked highway/rail at-grade crossings.

Construction activities associated with the Proposed Action would have negligible impacts on the road network surrounding the proposed project site, as the construction activities

⁴ Operations would occur between 1 a.m. and 5 a.m. because these are the only the times that B&M (B&M would handle all rail operations over the proposed new rail line) is currently allowed to operate freight service on the MBTA line (MBTA owns the line over which B&M operates). Passenger traffic movements occur during the day-time hours.

would be limited to the proposed project site and the adjacent rail lines. No existing roads would be altered under the Proposed Action and no disruption to existing traffic patterns would occur during construction. The small number of construction vehicles that would need to access the proposed project site during the construction phase (up to four months) would not adversely impact the existing traffic patterns. Thus, construction activities will not adversely impact delay times and emergency response activities.

4.2 NOISE

As a result of the Proposed Action, additional train traffic and increased freight handled at the proposed reload facility could increase noise in the project area. To determine whether these noise increases would have significant adverse effects, SEA evaluated the potential increased noise levels for the rail line, reload facility, and truck routes in the vicinity of the proposed project site to determine if there was a potential for significant noise impacts.

4.2.1 NOISE IMPACTS RELATED TO THE PROPOSED ACTION

Consistent with the Board's rules at 49 CFR 1105.7(e)(6), SEA used L_{dn}, the day-night equivalent sound level to characterize community noise.⁵ L_{dn} is a measure of cumulative noise over a 24-hour period, adjusted to account for the perception that a noise at night is more bothersome than the same noise during the day. The unit for L_{dn} is A-weighted decibel (dBA). A-weighting approximates the manner in which the human ear responds to sound.

The Board's rules further specify that the noise analysis should determine the number of noise-sensitive receptors (residences, school, hospitals, and churches) in two cases:

1. An increase in community noise exposure as measured by Day-Night Average Noise Level (L_{dn}) of 3 A-weighted decibels (dBA) or more.
2. An increase to a noise level of 65 dBA L_{dn} or greater.

The Proposed Action would increase noise levels in the adjacent community and along truck routes. The operation of freight trains and related activities within the proposed project boundaries creates additional noise sources in the community. Some of the primary noise sources include the following: (1) squeal noise of the steel wheels, (2) locomotive movements over the proposed new line, (3) idling locomotives and trucks, (4) equipment used during construction activities and noise associated with unloading trucks and loading rail cars and (5) and train-horn noise during operation of the facility.

The proposed project site is located in an industrial area that is zoned for industrial use. The closest sensitive noise receptors include residential neighborhoods that are located approximately 1,300 feet from the proposed project site.⁶ In addition, the B&M train that would

⁵ SEA applies this threshold with flexibility, finding it a useful guide in a preliminary assessment of the need for detailed analysis.

⁶ Town of Wilmington, Master Plan 2001.

access the reload facility currently operates on the B&M rail spur and the overall increase in daily train traffic associated with the Proposed Action is one round trip train per day. The operation of one train per day over the Eames Street grade crossing is likely to create a 65 L_{dn} horn noise contour that extends no more than 250 feet from the rail line at the approaches to the crossing.⁷ No residences are located within this noise contour. The 65 L_{dn} wayside noise contour associated with the operation of one train would extend approximately 20 feet from the rail line and no sensitive receptors would be affected.

New truck traffic would likely approach the reload facility from Interstate 93 by way of Eames Street. As noted above, there are no noise-sensitive receptors within 1,300 feet of the proposed the proposed project site. While the movements of heavy-duty trucks would increase noise levels in the vicinity of the proposed project area, no significant increases in sound levels are projected for the area because heavy-duty trucks currently operate in the area and the ADT on area roadways would increase by only 3 percent to 5 percent. A 3 percent to 5 percent increase in traffic is unlikely to result in a dBA increase that is considered significant. Given the movement of only one train per day under the Proposed Action and the absence of noise-sensitive receptors within the immediate vicinity of the proposed project site, the Board's thresholds at 49 CFR 1105.7(e)(6) were not triggered.

As explained in Chapter 1, the Board lacks jurisdiction over truck routing and the operation of truck drivers. Accordingly, the Board cannot impose mitigation conditions with respect to the projected operations of trucks moving to and from the proposed reload facility.

4.3 AIR QUALITY

This section describes the potential impacts to air quality that could result from the Proposed Action. Rail operations can affect air quality through emission of air pollutants from locomotive diesel fuel combustion. The Board typically applies a threshold level of rail-traffic increase for determining whether to quantify the air pollution impacts that would be generated by rail traffic over a new rail line proposed from construction and operation. This threshold is contained in 49 CFR 1105.7(e)(5).⁸

To identify potential local air quality impacts, SEA evaluated whether increase rail activity, truck-to-rail diversions, increase in local truck movements, and increase in potential traffic delay would affect air quality on a county level. SEA used the county level to represent local air quality because the USEPA evaluates air quality on a county level.

The proposed project site is located in an Ozone Nonattainment area that is classified as "serious" under the Clean Air Act, administered by USEPA. In April 1998, USEPA promulgated air emission standards for locomotives. The standards identify nitrogen oxides, hydrocarbons, carbon monoxide and particulate matter as compounds emitted by locomotives that are of potential concern to air quality. The USEPA standards establish manufacturing

⁷ The FRA has regulatory jurisdiction over rail operations and safety, including the sounding of locomotive horns at grade crossings.

⁸ SEA applies the threshold in this regulation with flexibility, finding it a useful guide in a preliminary assessment of the need for detailed analysis.

requirements for new or rebuilt locomotive engines to control emissions during locomotive operations. Locomotives operated by the Applicant would be subject to the USEPA air emission standards.

4.3.1 IMPACT ANALYSIS OF CONSTRUCTION ACTIVITIES

Construction equipment often has diesel engines. Because the proposed project area is designated as serious nonattainment for ozone, SEA reviewed emissions of the ozone precursor compounds, oxides of nitrogen (NO_x) and volatile organic compounds (VOCs). SEA focused on the emissions of NO_x because diesel engines emit NO_x in much higher concentrations than VOC (up to ten times more NO_x than VOCs). During the 4 month construction period, construction equipment would emit approximately 4.14 tons of NO_x which is less than the EPA threshold of 50 tons per year.⁹ Table 4-2 presents the emissions related to the construction of the Proposed Action. Based on SEA's estimate of the types of construction equipment that would be used, the emissions from construction activities would result in an adverse short-term negligible impact on air quality.

For the off-road equipment associated with construction activities, SEA estimated the annual average emission rates for NO_x using the following equation:

$$\text{Emissions (E)} = H \times B \times L \times A \times EF \times 0.0000011 \text{ where:}$$

- E = NO_x Emissions during 4 month construction period.
- H = Total unit hours of equipment use.
- B = Brake horsepower rating, or bhp. The rating is determined by nonroad equipment type.
- L = Load factor, or fraction of available power.

The load factors in this study are based on USEPA surveys of construction equipment users. The fraction of load is based on the estimate of hours of usage per year, the fuel consumption per year, and the fuel consumption rate at rated power for each engine in the field that was surveyed. The reported value for a load factor is the median fraction of available power based on specific applications.

- A = In-use adjustment factor. Nonroad engines often operate under conditions unlike those of the steady-state testing procedure used in emissions testing. This alternate operation can cause a change in the emission characteristics of nonroad engines. To account for these in-use operations, an adjustment is applied to emission factors to represent operational behavior of nonroad equipment.
- EF = Emission factor for NO_x, in grams/bhp-hour, with 0.0000011 as the conversion factor for grams to tons

⁹ The EPA threshold for emissions of either VOC or NO_x in a serious ozone nonattainment area is 50 tons per year. Emissions levels below this threshold are not considered significant.

TABLE 4-2
CONSTRUCTION EMISSIONS ASSOCIATED WITH THE
PROPOSED ACTION

Nonroad Equipment Type	Total Unit Hours*	Brake Horsepower Rating	Load Factor	In-Use Adjustment Factor	NOx Emission Factor (g/bhp-hr)**	NOx Emissions (in tons) 0.0000011 tons per gram
D-7 Caterpillar	680	134	0.64	0.99	8.38	0.53
Truck-mount Backhoe	680	71	0.55	1.03	8.3	0.25
Road Grader	680	147	0.61	0.99	8.38	0.56
Asphalt Reclaimer	680	127	0.78	0.99	8.38	0.61
Large Crane	680	194	0.43	0.99	8.38	0.52
Welder/ Generator (2 units)	1360	35	0.45	1	6.9	0.16
Front-end Loader	680	356	0.68	0.99	8.38	1.5
Total Construction Emissions						4.14

Notes:

SEA used horsepower rating and load factors from the Nonroad Engine and Vehicle Emission Estimates Study (NEVES), EPA 450/3-91-02, November 1991, and the more recent USEPA Report No. NR-005A,

“Median Life, Annual Activity, and Load Factor Values for Nonroad Engine Emissions Modeling,” June 1998.

SEA based in-use adjustment and emission factors on values reported in USEPA Report No. NR-009A, “Exhaust Emission Factors for Nonroad Engine Modeling – Compression-Ignition”.

*The total unit hours are based on a 4-month construction period of 8 hours a day.

**Grams brake horsepower rating per hour

4.3.2 IMPACT ANALYSIS OF OPERATION

To quantify the impact on air quality during the operation of the Proposed Action, SEA reviewed the emissions of the switch locomotive that would operate on the proposed project site. The operation of the switch locomotive would generate approximately 17.42 tons per year of NOx emissions, which is less than the USEPA threshold of 50 tons per year. Because NOx emissions are expected to be so low (and do not exceed EPA’s NOx threshold) emissions are considered de minimus and therefore exempt from the rules of General Conformity.¹⁰

¹⁰ 40 CFR 93, Sub part B. The General Conformity Rule applies to Federal actions (e.g., permitting or funding an entity that will emit air pollutants within maintenance or nonattainment areas). The intent of the general conformity provision in the 1990 Clean Air Act Amendments is to foster the attainment or

(continued...)

Table 4-3 presents an estimate of the emissions related to the operation of the Proposed Action.

**TABLE 4-3
OPERATION EMISSIONS ASSOCIATED WITH THE
PROPOSED ACTION**

Nonroad Equipment Type	Total Unit Hours*	Brake Horsepower Rating	Load Factor	In-Use Adjustment Factor	NOx Emission Factor (g/bhp-hr)	NOx Emissions (in tons) 0.000011 tons per gram
Switch Locomotive	1820	2500	0.2	1	17.4	17.42
Total Annual Operation Emissions						17.42

Notes:

*The total unit hours are based on an annual operation of 52 weeks per year and 5 hours per day.

SEA estimated switch locomotive emissions using the rates as reported in Table 1 from EPA’s “Emission Factors for Locomotives,” EPA-420-F-97-051, December 1997.

The emissions from the operation of the onsite locomotive associated with the Proposed Action would result in negligible impacts on air quality.

The Applicant’s proposed operation of a reload facility would result in an increase in local truck movements of more than 50 vehicles per day on local roadways, which exceeds the Board’s environmental thresholds requiring analysis.¹¹ SEA did not include the emissions from the trucks that would transfer commodities to and from the proposed project site in its analysis of emissions because the commodities that would be carried by these trucks are currently transported by truck in the region, within the same ozone nonattainment area that covers all of Massachusetts. SEA believes that although some small adverse air quality impact would be experienced locally, the regional emissions from trucks would not increase but would remain essentially the same.

4.4 TOPOGRAPHY, GEOLOGY, AND SOILS

The following sections present the impacts associated with the Proposed Action on topography, geology, and soils.

¹⁰ (...continued)
maintenance of the National Ambient Air Quality Standards and ensure consistency with the State Implementation Plan by evaluating air quality impacts of Federal actions before they are undertaken.

¹¹ 49 CFR 1105.7

4.4.1 TOPOGRAPHY

Implementation of the Proposed Action should result in a beneficial impact on the topography. The proposed redevelopment activities at the proposed project site would result in removal of old buildings and various mounds of stock-piled soils on the northern portion of the proposed project site. The final topography would match the surrounding flat area. The southern portion of the property would be preserved as a conservation area.

4.4.2 GEOLOGY

Implementation of the Proposed Action would not change or adversely impact the geology of the proposed project area.

4.4.3 SOILS

The proposed project site has a fairly level, outwash plain topography that has been subjected to a long history of extensive disturbance and remediation over its long operational history. The historical releases of hazardous materials and oil at the Olin Site have resulted in the contamination of soil at the property. Seventeen “hot spots,” as defined by the MCP, were previously identified at the project site.

In addition, concentrations of cadmium were identified, which is a potential contributor to health risks for construction workers. A risk assessment conducted in the project area determined that only two of the 17 identified hot spots were potential contributors to human health risk. As part of the Olin Construction RAM, soils were excavated at the property. The MADEP reports¹² that soil samples currently show that soil-related contaminants of concern are at acceptable levels. In addition to the requirements of the existing MADEP Construction RAM, Olin must, prior to development of the property, fulfil remediation requirements, if any, related to the recent discovery of N-nitrosodimethylamine, formaldehyde, and hydrazine on the property. Risk to human health and safety due to ammonia contamination in soil has already been identified on the property and this soil must be excavated prior to property development. The soil excavation area may need to be expanded depending the results of the investigation of additional potential contaminants of concern. The MADEP has advised Olin that, should contaminated soil be encountered during property development, the additional soil monitoring and management plans must be incorporated into the existing Construction RAM plan for approval prior to the commencement of construction activities that may impact the contaminated soils.

Based on current redevelopment plans for the property, implementation of the Proposed Action could result in some temporary, but negligible impacts on soil compaction and mixing of the soil horizons,¹³ as well as soil erosion during construction. However, because the proposed project site has been extensively disturbed and is currently under remediation activities associated with redevelopment of the project site are considered negligible. To limit soil

¹² Letter dated November 20, 2003, from the MADEP to Executive Office of Environmental Affairs.

¹³ Soils are composed of layers called horizons.

erosion, the Applicant would implement best management practices (BMPs) (such as silt fencing, hay bales, sediment catch basins) in accordance with state and local requirements. The Proposed Action is not expected to result in additional adverse impacts to soils in the proposed project area. Moreover, as discussed above, all ongoing remediation activities associated with past contamination of the property are the responsibility of Olin.

4.5 WATER RESOURCES

The following sections present the impacts associated with the Proposed Action on groundwater, drinking water, surface water, wetlands, and floodplains.

4.5.1 GROUNDWATER

SEA considers the potential for accidental spills of fuel, oil, or other fluids associated with the construction equipment to be low because the construction personnel operating machinery at the site would be fully trained and would be familiar with regulatory requirements and safe procedures for handling fuel, oil, and other fluids associated with construction activities. If a spill and/or release of oil, gasoline, or other hazardous material were to occur and impact groundwater, the Applicant would comply with all applicable Massachusetts laws and regulations that regulate the obligations of property owners and others responsible for contamination of groundwater. The MCP lays out the Commonwealth's rules for conducting cleanups of contaminated sites.

During operation of the Proposed Action, potential adverse impacts could be associated with the small potential for accidental spills of fuel or oil related to any onsite maintenance of the switch locomotive, or the with accidental release of any of the commodities transferred at the proposed reload facility. SEA considers such impacts to be negligible because the Applicant's personnel would be trained in all regulatory requirements and procedures for the handling of individual commodities and, should a spill occur, would be able to implement appropriate response activities using response equipment (e.g., absorbents, drain blocks, DOT regulated containers) that would be stored on the proposed project site.¹⁴ The Applicant would be required to report the occurrence of a spill to MADEP.

Under the Proposed Action, the Applicant would handle the following commodities: aggregates, brick, coal, cement, chemical products (non-hazardous; non-explosive), construction debris, contaminated soils, liquids (non-hazardous; non-explosive), lumber, newsprint, non-hazardous waste, paper products, plastics, propane, recycled paper and plastic, sand and gravel, scrap steel, steel, stone, wood products, and any other products which can be transported in intermodal containers. SEA considers that the handling of such commodities would have a negligible impact on groundwater because, except for aggregates, lumber, sand, gravel, and stone, none of these commodities would be stored, processed, or handled on the proposed project

¹⁴ The Applicant has advised SEA that it employs several personnel trained in emergency response, including an on-site emergency response coordinator, who is also responsible for preparing any required Spill Prevention Countermeasure & Control Plans and other planning activities required for emergency response activities; an environmental engineering professional, and a hazardous materials technician. The hazardous materials technician is also a certified hazardous materials instructor.

site other than during the reload process itself. The reload process for liquids and other sensitive commodities would occur over an impervious surface (concrete or asphalt) that also would have a berm to contain any accidental spill of liquid commodities. Any spills of liquid commodities would be contained and cleaned up according to appropriate regulatory guidance for the type of commodity.

Because the Applicant would handle small amounts of hazardous or toxic materials, and the Applicant would retain on-site personnel trained in hazardous response, SEA believes that implementation of the Proposed Action would result in negligible impacts on groundwater.

4.5.2 DRINKING WATER SOURCES

Historically, the Town of Wilmington obtained most of its drinking water from groundwater supply wells located within the Ipswich River Drainage Basin, and specifically, from the Maple Meadow Brook Aquifer (MMBA), which is located west of (but not within) the proposed project site. The use of the water-supply wells in the MMBA aquifer was suspended in March 2003, due to the detection of a contaminant believed to be related to the historic releases of large quantities of industrial wastewater at the Olin property. In order to preserve and protect existing sources of drinking water from oil spills or hazardous material releases the Town of Wilmington established a Groundwater Protection District (GWPD). The GWPD establishes bylaws detailing permitted uses within the GWPD. The Proposed Action is located within the mapped GWPD and is a permitted use within the area.¹⁵ Because the Proposed Action is on property partially located within the mapped GWPD, the Applicant would not transfer or handle any commodities that are prohibited in the GWPD.

SEA concludes that not handling hazardous materials in the GWPD would eliminate a potential source of contamination to the Town of Wilmington's drinking water resource area. The potential for other materials proposed to be handled at the proposed project site to adversely affect drinking water in the area is negligible because of the low likelihood of spills given the type of commodities to be handled and the fully trained staff that would handle commodities.

Any historic impacts to the local drinking waters sources remain the responsibility of Olin. Olin retains its obligation to investigate and remediate the proposed project site and adjacent areas that were affected by the historical releases of industrial wastewater at the Olin property, including portions of the MMBA. Under the MCP, the Applicant would be prohibited from impeding Olin's ongoing remediation obligations and by law is required to allow Olin full access to the proposed project site to fulfill its remediation obligations. Therefore, SEA determined that the Proposed Action would have negligible impacts on drinking water sources.

4.5.3 SURFACE WATER

Implementation of the Proposed Action could result in adverse short-term negligible impacts on the surface water within and adjacent to the proposed project site. Impacts to surface water could result from sediment carried by stormwater runoff during storm events into the

¹⁵ The Town of Wilmington Zoning By-Law was adopted pursuant to and under the authority of "The Zoning Act" of the Commonwealth of Massachusetts, Chapter 40A of the General Laws.

onsite and offsite surface water. The increase in suspended sediment in the surface water could temporarily decrease the water quality. Because propane, in small quantities, is the only hazardous material that is expected to be transported by rail or to be handled at the reload facility, there is no potential for such materials to significantly impact surface waters.

4.5.4 WETLANDS

The Proposed Action would not directly impact the wetlands located on the proposed project site. The wetlands are mostly located in the southern portion of the property and Olin has designated this area as restricted under its remediation plan for the Olin Site. Under the Proposed Action, no development would occur in the southern portion of the property. There is a small potential for indirect impacts to wetlands during construction from sedimentation migrating from the proposed project site. However, this would be reduced through the use of siltation fencing and other Best Management Practices, which SEA has recommended as mitigation.

SEA consulted with the U.S. Army Corps of Engineers concerning the potential of the Proposed Action to impact wetlands. The Corps of Engineers reviewed the plans for the proposed project site and determined that implementation of the Proposed Action would not impact the wetlands located on the proposed project site and determined that a Corps of Engineers permit is not required (see Appendix C for a copy of the letter from the Corps of Engineers).

4.5.5 FLOODPLAINS

The proposed project site is not located in the 100-year floodplain. The Proposed Action would have no impact on floodplains.

4.6 BIOLOGICAL RESOURCES

Implementation of the Proposed Action would result in short-term negligible impacts on the vegetation and wildlife located on and adjacent to the proposed project site. The short-term impacts would result from the temporary displacement of wildlife and the destruction of the vegetation in the northern portion of the proposed project site during construction. No construction would occur in the southern portion of the proposed project site, where Olin has agreed, as part of the site remediation plan, to provide \$50,000 for wetlands replication or restoration project in the Ipswich River Basin. Olin would place a conservation restriction on approximately 20 acres of wetlands in the southern area of the proposed project site. Olin has completed the wetland condition analysis and is in the process of establishing the conservation restriction on the property.

4.6.1 THREATENED, ENDANGERED, AND RARE SPECIES

No state- or federally-listed threatened or endangered species or critical habitat are located on the proposed project site. The proposed project site has been heavily disturbed by human activity and the surrounding area is developed. The U.S. Fish and Wildlife Service indicated that there would be no anticipated impacts on threatened or endangered species protected under the Endangered Species Act from implementation of the Proposed Action. The

Commonwealth of Massachusetts, Division of Fisheries and Wildlife indicated that there are no rare plants or animals or exemplary natural communities in the vicinity of the proposed project site (see Appendix C).

4.7 LAND USE

The Proposed Action would have no adverse impacts on local land use, local zoning, coastal zone management, or prime farmland. The land use classification (commercial/industrial use) would not change. The proposed project site is located in a developed urban area, is not located within a Coastal Zone Management Area and would not affect any areas regulated under the Coastal Zone Management Act, and does not include any prime or unique farmland.

4.8 HAZARDOUS MATERIALS/WASTE SITES

Implementation of the Proposed Action would result in negligible impacts associated with the handling of hazardous materials at the proposed project site. Although the Applicant maintains that it would not transport large quantities of hazardous wastes, some hazardous materials, including propane, could be transported or be used on the site during construction and as part of everyday operations and would be handled on the site in accordance all appropriate Federal, state, and local regulations. Handling materials in accordance with regulations would result in a low probability of spills during construction and operation of the Proposed Action.

4.8.1 REMEDIAL ACTION

The Olin property is the subject of ongoing assessment, monitoring and remediation. Construction and operation of the Proposed Action would not impede or disrupt the progress of the remediation or interfere with current and potential future remedial activities. The assessment, remediation, and monitoring activities required by MADEP will be on-going and include routine monitoring of surface water and groundwater. The Applicant's proposed use of the proposed project site would ensure that all sampling locations remain accessible for sample collection and would not disrupt groundwater treatment.

Based on the extensive investigations performed to date, the following preliminary findings at the Olin Site have been made:

- Inorganic compounds are the most prevalent class of contaminants associated with the property, and are detected at elevated concentrations (relative to background) in soil, sediment, surface water, and groundwater on the property in the proposed project area. The primary sources of these inorganic compounds are the former unlined pits.
- Certain organic compounds are also present in the soil, sediment, and groundwater at the property. Remediation of significant concentrations of organic compounds is ongoing at the Plant B treatment Area at the property.

- Based on groundwater modeling and direct measurement, the dense layer (also known as Dense Aqueous Phase Liquid, or DAPL), is not moving, and is contained within bedrock depressions at the property.
- Several contaminants of concern that have been detected at the Olin property, primarily Chromium, have been detected in the upper reaches of the East Ditch. Surface water from the eastern portions of the Olin property that drain to the East Ditch is known to contain chromium bearing-flocculant. At MADEP's request, Olin is evaluating the potential presence of compounds related to Olin in the East Ditch and in the North Pond, a nearby water body that was potentially hydro-geologically connected to the East Ditch in the past.

4.8.2 IMPACT OF IMPLEMENTATION OF THE PROPOSED ACTION ON HUMAN HEALTH AND THE ENVIRONMENT

Implementation of the Proposed Action would result in negligible impacts on health and safety. Human health and environmental risk assessments were conducted in accordance with the MCP in 1997 as part of the Supplemental Phase II, and in 2000 as part of the Phase I Construction RAM Focused Risk Assessment.

These risk assessments evaluated the risk of harm to health, safety, public welfare and the environment posed by the conditions at the proposed project site, focusing on the types of contaminants and exposures that are reasonably likely, both under current and future conditions. These Risk Assessments are ongoing as part of the remediation process. Conclusions regarding the risks to human health and the environment, based on Olin's previous characterization and assessment of the conditions at the proposed project site, are as follows:

- No significant risks are posed to persons currently working at the Olin property.
- Elevated VOCs in groundwater and soil in the area to the west of Plant B, could pose an unacceptable risk, under some conditions, to occupants of buildings that might be proposed for the area. Additional remediation is under way in this area to reduce or eliminate conditions that could pose an unacceptable risk to building occupants.
- Conditions other than the VOCs in the vicinity of Plant B treatment area would not pose a significant risk to persons working at the Olin property in the future or to the occasional trespasser. A land use restriction would be imposed by Olin so that persons conducting any subsurface work at the property, such as utility personnel, do not excavate in impacted areas without taking adequate protections.
- Because concentrations of inorganics in surface water within the South Ditch (located on the property) have been measured at concentrations above ambient water quality criteria (protective of aquatic life), ongoing remediation is in process.
- Because concentrations of inorganics have been measured in groundwater at concentrations above Groundwater Upper Concentration Limits, ongoing remediation is in process.

4.9 SOCIOECONOMICS

The following sections present the impacts on demographics and employment, aesthetics, and utilities.

4.9.1 DEMOGRAPHICS AND EMPLOYMENT

Implementation of the Proposed Action would result in a beneficial long-term impact on employment in the region. The Proposed Action would result in the creation of up to 30 temporary positions during construction and 30 to 50 permanent positions to operate the new facility. These positions could be easily absorbed by the local labor force and would not cause people to move into the area or cause a strain on public services. The Proposed Action could indirectly induce the growth of other manufacturing and construction businesses in the area by providing them with access to economical product supply and distribution networks associated with heavy rail. The Boston metropolitan area could easily absorb any increased demand for jobs and services caused by the growth of manufacturing and construction business.

4.9.2 AESTHETICS

Implementation of the Proposed Action would result in the removal of old, un-maintained buildings and facilities on the proposed project site, grading of the proposed project site to match the local topography, and construction of new buildings and facilities being constructed on the proposed project site in accordance with local zoning and ordinances. Consequently, aesthetics at the proposed project site is expected to be improved.

4.10 ENERGY

Implementation of the Proposed Action would result in a modest beneficial impact on the transportation of recyclable commodities since the Applicant proposes to transport newsprint, recycled paper and plastic, and scrap steel. These materials and the others that the Applicant proposes to handle would be transported more efficiently by rail than by truck and hence the Proposed Action could have a beneficial negligible impact on energy efficiency.

4.11 CULTURAL RESOURCES

The Proposed Action would have no impact on cultural resources. The Massachusetts Historical Commission determined that there are no recorded historic properties or archaeological sites on the proposed project site or within areas that would be physically altered under the Proposed Action (see Appendix C).

4.12 ENVIRONMENTAL JUSTICE

SEA analyzed the effects of the Proposed Action on low-income and minority populations in accordance with procedures outlined in Executive Order 12898 - *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*. SEA conducted an environmental justice analysis to (1) determine the presence or absence of environmental justice communities of concern in proximity to the proposed project site, and (2)

if such a community is present, determine the presence or absence of disproportionately high and adverse human health or environmental effects on the citizens of that community.

As described in Chapter 3, SEA reviewed the demographic and income data from the 2000 Census to compare the population in the area of the Proposed Action with that of Middlesex County. SEA's review of the Census data did not identify any populations in the project area that would meet the criteria for low-income or minority populations. Based on this review of the demographics of communities within the immediate vicinity of the proposed project, the Proposed Action would have neither a disproportionately high nor adverse environmental impact on minority or low-income communities. SEA has determined that no further assessment of potential environmental justice impacts is required for the proposed project.

4.13 CUMULATIVE IMPACTS

The CEQ regulations that implement the procedural provisions of NEPA define cumulative effects as “the impact on the environment which results from the incremental consequences of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions.”¹⁶ SEA evaluated the potential cumulative impacts of the Proposed Action in accordance with CEQ guidelines and concluded that no significant cumulative impacts could be expected. SEA identified two potential projects, that could have the potential for cumulative impacts. These are discussed below.

4.13.1 MBTA CONNECTION

Cumulative impacts result when the effects of a proposed action are added to or interact with other effects. The Applicant states that, at some time in the future, it intends to connect the proposed line with a rail line owned by the MBTA, extending between Boston and Concord, MA. Freight rail service over MBTA's Boston-Concord line is provided by B&M.

Potential future development of new track along the east side of the Olin Site that would tie into an existing switch on the MBTA line could result in adverse direct impacts on wetlands associated with the ditch between the MBTA line and the Olin Site. Such impacts would result from construction activities in the wetlands. If MBTA were to grant W&WTR access to its Boston-Concord main-line, W&WTR would have to perform a wetland delineation study to determine if jurisdictional wetlands are associated with the ditch and would have to complete any necessary wetland permits and consultations with the Army Corps of Engineers and state and local agencies prior to initiating any construction in jurisdictional wetlands associated with the ditch. SEA cannot determine the acreage of any possible wetlands that might be affected, since the route of the proposed rail line and the location of the switch have not been determined and are subject to future agreement from MBTA.

¹⁶ 40 CFR 1508.7.

4.13.2 BREAK BULK FACILITY

Future plans could include development of a break-bulk facility (storage facility) and accompanying enclosures at the proposed project site at some point in the future. If such a facility were developed, storage would occur within those enclosures. In addition, Applicant would develop industrial spurs to serve potential break-bulk, plastic resin, and other industrial customers to the west and south of the proposed project site. The details of any such facility, and when the property might be developed to include these structures, are not known at this time.

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CHAPTER 5 MITIGATION

Chapter 5 presents SEA's preliminary recommended mitigation. Based on the information available to date, consultations with appropriate agencies, and SEA's environmental analysis, these mitigation measures address the expected environmental impacts of construction, operation, and maintenance of the Proposed Action.

SEA encourages Applicants to propose voluntary mitigation. In some cases, voluntary mitigation might replace mitigation measures that the Board might otherwise impose or it could supplement the Board's mitigation. After consultation with local interests, the Applicant developed several voluntary mitigation measures.

During its environmental review, SEA did not identify any significant impacts on resources in the proposed project area. Nevertheless, SEA proposes the following preliminary recommended mitigation measures. SEA emphasizes that the recommended environmental mitigation measures in the EA are preliminary and invites public and agency comments.

Transportation and Safety

1. The Applicant shall develop an internal emergency response plan to notify agencies and individuals in an emergency and to locate and inventory emergency equipment for use in dealing with emergencies. The Applicant shall provide the emergency response plans to the relevant state and local entities.

2. The Applicant shall comply with all requirements of applicable Federal, state, and local regulations regarding handling and disposal of any waste materials including hazardous waste encountered or generated during construction of the proposed rail line.

3. As agreed to by the Applicant, should a spill occur or contaminated soil and/or groundwater is encountered during construction, the Applicant shall follow the appropriate emergency response procedures required by MADEP and ensure that the spill is cleaned up according to all applicable Federal, state, and local regulations.

Water Resources

4. The Applicant shall use Best Management Practices, such as straw bales and silt screens, during project-related construction to minimize surface water runoff, sedimentation into water bodies, and impacts to wetlands.

5. The Applicant shall obtain all necessary Federal, state, and local approvals required by the U.S. Army Corps of Engineers for storm water discharge resulting from this project, including a National Pollutant Discharge Elimination System permit for project-related construction or reconstruction activities, if required.

6. The Applicant shall not service project-related construction equipment within 25 feet of wetlands and shall refuel such equipment at least 100 feet from these sensitive areas.

Biological Resources

7. Should project-related construction and operation activities affect previously unidentified threatened or endangered species, the Applicant shall immediately cease construction activities and contact the U.S. Fish and Wildlife Service for guidance on how to protect these species.

Air Quality

8. The Applicant shall comply with all applicable Federal, state, and local regulations regarding the control of fugitive dust. Fugitive dust emissions created during construction shall be minimized by using such control methods as water spraying, installation of wind barriers, and chemical treatment.

Cultural Resources

9. If previously undiscovered archaeological remains are found during construction activities, the Applicant shall cease work and immediately contact the Massachusetts Historical Commission regarding appropriate measures to protect the resource.

Community Relations

10. As agreed to by the Applicant, the Applicant shall establish a Community Liaison to consult with local agencies and officials on project-related issues during the construction and operation of the Proposed Action and for one year following commencement of rail operations. The Applicant shall provide the name and phone number of the Community Liaison to appropriate local officials in Wilmington and Woburn.

Road Network

11. As agreed to by the Applicant, the Applicant shall employ the following measures to reduce transportation impacts in the proposed project area:

- As new customers are added to the reload facility, the Applicant shall instruct drivers that they must approach/depart the reload facility from/to the east, and shall not use Route 38 to the west, except for local deliveries;
- The Applicant will design the entrance/driveway at Eames Street to encourage traffic exiting the facility to make a right turn towards Woburn Avenue. This will be accomplished by having the east side of the entrance/driveway angled towards the east to facilitate turns to and from the east;
- The Applicant shall post signs at the entrance and exist driveways instructing customers leaving the reload facility not to make left turns, except for local deliveries;

- The Applicant shall monitor trucks at the reload facility's security gate or truck scales as they enter/leave. Customers shall be notified if their drivers repeatedly ignore the instructions not to use Route 38. Drivers who repeatedly ignore the foregoing directions shall be prohibited from using the reload facility.

12. As agreed to by the Applicant, the Applicant shall provide the Town of Wilmington with up to \$50,000 to assist the town in purchasing land to expand the Eames Street right-of-way and improve the right-turn geometry of the Eames Street and Woburn Street intersection.

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APPENDIX A
BOARD'S MARCH 2, 2004 DECISION

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SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34391

NEW ENGLAND TRANSRAIL, LLC, d/b/a
WILMINGTON AND WOBURN TERMINAL RAILROAD CO.
— CONSTRUCTION, ACQUISITION, AND OPERATION EXEMPTION —
IN WILMINGTON AND WOBURN, MA

Decided: March 2, 2004

By petition filed on December 3, 2004, New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railroad Co. (W&WTR), seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct 2,700 feet of new line, to acquire 1,300 feet of existing track, and to operate the entire approximately 4,000 feet of track located on and adjacent to a parcel of land owned by Olin Corp. (Olin).¹ The Olin-owned parcel is located in Wilmington, MA, but a portion of the line to be constructed and operated by W&WTR also would be located in Woburn, MA. W&WTR requests that the Board conditionally grant the exemption, subject to the agency's later consideration of the environmental impacts. The Board finds that, from a transportation perspective, the proposed construction meets the standards for the grant of an exemption; however, the Board will issue a final decision as to whether the exemption should be allowed to go into effect after completion of the environmental review process.

BACKGROUND

W&WTR has entered into an option agreement to purchase a parcel of industrial land in Wilmington, known as 51 Eames Street, which is currently owned by Olin. The property consists of approximately 53 acres of land, upon which Olin had in the past operated a chemical plant. According to petitioner, Olin's plant included certain industrial tracks (about 1,300 feet of which are still in place) that supported Olin's operations. W&WTR states that ongoing environmental remediation activity on the subject parcel would remain Olin's obligation, and that petitioner would be bound by contract not to impede that work in any way.

¹ Petitioner initially filed a notice of exemption to acquire and operate a portion of the subject trackage in STB Finance Docket No. 34365, New England Transrail, LLC — Acquisition and Operation Exemption — Lines of Boston and Maine Railroad Company. Citing errors in its notice of exemption, petitioner subsequently requested and obtained permission, in a decision served on August 5, 2003, to withdraw it.

W&WTR proposes to acquire the subject property, restore to operating condition the 1,300 feet of extant trackage located on the property, construct approximately 2,700 feet of new trackage, and, once construction is completed, provide rail common carrier service over both the newly-built and rebuilt trackage. According to W&WTR, the trackage to be restored and constructed (the line) would be approximately 4,000 feet in total length. As part of the proposed project, W&WTR plans to construct on-site improvements to facilitate the transload of various commodities between truck trailers and rail cars.

W&WTR states that the line would connect to a Boston and Maine Corporation (B&M) line that it describes as the Wilmington-Woburn-West Medford Branch at approximately milepost 14. The line would extend from a connection with the branch in an easterly and southeasterly direction across the 51 Eames Street property. W&WTR also proposes to connect the line with a rail line owned by the Massachusetts Bay Transportation Authority (MBTA), which extends between Boston and Concord, MA. (Freight rail service over MBTA's Boston-Concord line is provided by B&M.)

W&WTR anticipates that, upon commencement of operations over the line, it would handle a variety of commodities, including aggregates, sand, gravel, stone, construction debris, non-hazardous solid wastes, liquids and dry chemicals, lumber, plastics, steel, scrap steel, recycled paper and plastic, newsprint, paper products, clay, and brick. While W&WTR would provide transload, consolidation, and transportation services, it would not take title to any of the products handled over the line. Petitioner anticipates that initially it would handle about 20 cars daily over the line. W&WTR asserts that, by constructing the subject trackage and providing the proposed transload services, it would afford to shippers new and efficient transportation options, including rail transportation currently unavailable to certain area shippers because of an alleged lack of local system capacity in the region or because the shippers in question lack rail sidings.

W&WTR requests that, pursuant to agency practice, the Board issue a preliminary decision addressing the transportation merits of the petition prior to completion of the environmental review. The Board would issue a final decision once the environmental review process is completed.

DISCUSSION AND CONCLUSIONS

The construction, acquisition, and operation of railroad lines require prior Board approval. The Board's authorization may take the form of a "certificate of public convenience and necessity" issued under 49 U.S.C. 10901, or, as W&WTR has requested here, an exemption under 49 U.S.C. 10502 from the formal application procedures of section 10901. Under section 10502, the Board must exempt a transaction or service from all or part of a rail provision of the Interstate Commerce Act (including the formal application procedures of section 10901) when it finds that: (1) application of that statutory provision is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) application of that statutory provision is not necessary to protect shippers from the abuse of market power.

Based on the information provided, the Board concludes that, from a transportation perspective, detailed scrutiny of the proposed construction, acquisition, and operation under 49 U.S.C. 10901 is not necessary to carry out the rail transportation policy. The requested exemption would promote that policy by providing a rail service option to shippers, ensuring the development of a sound rail transportation system with effective competition among rail carriers and with other modes, fostering sound economic conditions in transportation, and reducing regulatory barriers to entry [49 U.S.C. 10101(4), (5), and (7)]. Nothing in the current record indicates that other aspects of the rail transportation policy would be adversely affected.

There is no need here to protect shippers from the abuse of market power. Rather, the proposed transaction would enhance competition by providing shippers in the greater Boston area with a new intermodal transportation option. Given the Board's finding regarding the probable effect of the transaction on market power, the Board need not determine whether the transaction is limited in scope.

W&WTR has consulted with the Board's Section of Environmental Analysis (SEA) regarding the environmental review process. W&WTR has requested and received a waiver of the 6-month pre-filing notice normally required by 49 CFR 1105.10(a) for a proposed line construction project. SEA is currently preparing an Environmental Assessment (EA) in this case. See 49 CFR 1105.6(b)(1). After comments on the EA are received, SEA will prepare final environmental documentation. The Board will then issue a further decision addressing the environmental aspects of the proposal and deciding whether to allow the exemption to become effective. See Mid States Coalition for Progress v. STB, 345 F.3d 520 (8th Cir. 2003); Missouri Mining, Inc. v. ICC, 33 F.3d 980 (8th Cir. 1994). No construction may begin unless and until the Board decides to allow this exemption to become effective.

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, the Board conditionally exempts W&WTR's construction, acquisition, and operation of the above-described line from the prior approval requirements of 49 U.S.C. 10901, subject to the Board's further consideration of the anticipated environmental impacts of the proposal.
2. On completion of the environmental review, the Board will issue a further decision addressing environmental matters and determining whether to allow the exemption to become effective.
3. Notice will be published in the Federal Register on March 5, 2004.
4. Petitions to reopen must be filed by March 25, 2004.

5. This decision is effective April 4, 2004.

By the Board, Chairman Nober.

Vernon A. Williams
Secretary

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APPENDIX B
CONSULTATION CONTACT LIST AND
SAMPLE CONSULTATION LETTER

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Consultation Contact List

Secretary of the Commonwealth
Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125-3314

Executive Office of Environmental Affairs
Ms. Ellen Roy Herzfelder, Secretary
251 Causeway Street, 9th Floor
Boston, MA 02114

Massachusetts Office of Coastal Zone
Management
251 Causeway Street, Suite 900
Boston, MA 02114-2199

Massachusetts Natural Heritage and
Endangered Species Program
Route 135
Westborough, MA 01581

U.S. Fish and Wildlife Service
70 Commercial Street, Suite 300
Concord, NH 03301-5087

Chief, Division of Endangered Species
U.S. Fish and Wildlife Service
300 Westgate Center Drive
Hadley, MA 01035

Natural Resources Conservation
319 Littleton Road, Suite 205
Westford, MA 01886-4133

Massachusetts Executive Office of
Community Development
One Congress Street
10th Floor
Boston, MA 02114

Massachusetts Department of
Environmental Protection
One Winter Street
Boston, MA 02108-4746

Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111

Middlesex County
40 Thorndike Street
Cambridge, MA 02141

U. S. Environmental Protection Agency
New England, Region I
One Congress Street, Suite 1100
Boston, MA 02114-2023

New England District
United States Army Corps of Engineers
696 Virginia Road
Concord, NH 01742-2751

The National Park Service, Northeast
Region
US Customs House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

Senator Edward Kennedy
2400 JFK Building
Boston, MA 02203

Senator John Kerry
One Bowdoin Square, Tenth Floor
Boston, MA 02114

Congressman Edward J. Markey
188 Concord Street, Suite 102
Framingham, MA 01702

Congressman John F. Tierney
17 Peabody Square
Peabody, MA 01960

Michael Caira, Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Jeffery Hull, Assistant Town Manager
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Humphry Moynihan, Principal Assessor
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Bernard Nally, Police Chief
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Susan Sullivan, Select Woman
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Daniel Stewart, Fire Chief
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Lynn Goonin Duncan, Director of Planning
and Conservation
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Gregory Erickson, Director of Public Health
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Daniel Paret, Building Inspector
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Michael Newhouse, Esq., Wilmington Town
Counsel
Town of Wilmington
121 Glen Road
Wilmington, MA 01887

Robert M. Dever, Mayor
City of Woburn
10 Common Street
Woburn City Hall
Woburn, MA 01801

Anthony M. Imperioso, President
Woburn City Council
25 Porter Street
Woburn, MA 01801

SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Section of Environmental Analysis

October 9, 2003

Mr. Alan R. Anacheka
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742-2751

Re: Finance Docket No. 34365, New England Transrail, LLC - Construction and Operation of a Line of Railroad and Terminal Facilities in Wilmington and Woburn, Massachusetts, U.S. Army Corps of Engineers, File Number 20030119

Dear Mr. Anacheka:

I am writing to let you know that the Surface Transportation Board's Section of Environmental Analysis (SEA) is initiating an environmental review under the National Environmental Policy Act (NEPA) of the project described below. I am also writing to ask your assistance in providing any information on potential environmental impacts, resources, or issues over which your agency has special expertise or jurisdiction concerning this proposal. SEA has not yet determined what level of environmental analysis is appropriate for this proposal. Before making that decision, we would like to have feedback from you and other Federal, state, and local agencies concerning any potential environmental impacts, both beneficial and adverse, that this proposal may generate. Please review the information set forth below. I have also provided contact information below in case you have questions or comments.

Description of the Project

New England Transrail, LLC (NET) intends to apply to the Surface Transportation Board for authority to construct, and operate rail lines and a multi commodity truck-rail reload facility to serve metropolitan Boston, at a former Olin Corporation (Olin) property located at 51 Eames Street, Wilmington, Massachusetts. The proposed rail lines and truck-rail reload facility are illustrated in the enclosed map.

The Olin property consists of approximately 53 acres. The site contains areas of contaminated soils. A Remediation Action Plan has been approved for the site by the Massachusetts Department of Environmental Protection. Olin is responsible for the completion of the Remediation Action Plan's activities. The proposal pending before the Surface Transportation Board would not change Olin's responsibility to complete remediation in accordance with the Remediation Action Plan.

The rail lines serving the reload facility would include a new 4,000 feet segment to be constructed and operated on land to be acquired from Olin. The track would be extended from the existing Boston and Maine Railroad Company line for a distance of approximately 4,000 feet in phases, as the volume of business at the reload facility dictates. NET also seeks to acquire, reinstall, and operate approximately 2,500 feet of track on adjoining railroad right-of-way west of the Olin property. This track would be acquired, leased, or otherwise contracted for use and/or for interchange services from the Boston and Maine Railroad Company.

NET also seeks to construct and operate approximately 1,000 feet of track on land east and south of the Olin property to access the New England Resins and Pigments facility. This would involve rehabilitation of an existing switch or construction of a new switch to connect with the Massachusetts Bay Transit Authority (MBTA) line.

The reload facility would have one or two sprung structures¹ totaling approximately 50,000 square feet spanning the tracks where reloading would occur. A bridge crane would be constructed within the building to accommodate lifting containers onto rail cars. All reloading would occur within the buildings. NET would also construct and operate in-bound and out-bound truck scales.

Commodities which are expected to be handled at the reload center for bulk and containerized materials, include, but are not limited to: aggregates, brick, coal, cement, chemical products (non-hazardous and non-explosive), construction debris, liquids (non-hazardous and non-explosive), lumber, newsprint, non-hazardous waste, paper products, plastics, propane, recycled paper and plastic, road salt, sand & gravel, scrap steel, steel, stone, wood products, and any other products which can be transported in intermodal containers. The facility would not handle hazardous materials.

The site is located approximately 12 miles from downtown Boston and approximately 2 miles from the intersection of Interstates 93 and 95. An interchange was recently opened from Interstate 93 (Exit 37 C) exclusively to serve the heavy industrial area of which the site is a part. The site can also be accessed from Interstate 95, which is approximately 2 miles away.

NET estimates that the reload facility would generate fifteen rail carloads per day initially (equating to approximately 4,500 carloads per year, carrying approximately 400,000 tons of materials). Operations would involve one daily train, up to six days per week, for a total of approximately 300 days per year after taking into account Sundays and holidays. Trains would enter the facility from the north via the Boston and Maine Railroad tracks on the west of the site and the primary route to exit would be to the south via the MBTA tracks to the east of

¹ High performance architectural fabric covered structures. The structures would be used to protect inventory from inclement weather.

the site. Trains would also be able to exit the site via the Boston and Maine tracks on the west of the site.

NET estimates that the facility would generate approximately two hundred local truck trips per day, assuming a conservative average of seven and one half tons per local truck. These local truck trips would be diverted from other local truck-to-truck based warehouses located throughout the Boston metropolitan area.

Preliminary Consultation Process

To assist us in conducting the environmental review required by NEPA, we are consulting with, and soliciting comments from, agencies and organizations that may have specific knowledge of potential environmental issues and impacts that may be associated with the proposed project. Your comments would be most helpful to us if they focused on specific environmental issues or concerns pertaining to your jurisdiction. Information on any additional issues or concerns that you consider appropriate would also be appreciated.

Submitting Your Comments

We are seeking your assistance as expeditiously as possible. Therefore, we are requesting your comments by October 30, 2003. Please send your comments to:

Neil Sullivan
ICF, Incorporated
9300 Lee Highway
Fairfax, VA 22031
Attention: Finance Docket No. 34391 - Environmental Comments

SEA has retained ICF, Incorporated (ICF) to assist SEA in preparing the environmental document for this proposal. We have assigned an environmental team member from ICF to provide any assistance that you may need. The team member will contact you shortly to ensure your receipt of this letter and answer any questions you may have at that time.

If you have any questions about the Board's environmental review process, please do not hesitate to contact Phillis Johnson-Ball, SEA's Environmental Project Manager, at (202) 565-1530 (email address: johnson-ballp@stb.dot.gov). If you have questions concerning agency coordination and responses, or need specific information about the proposed project, please contact Neil Sullivan at (703) 218-2533 (email address: NSullivan@icfconsulting.com).

We appreciate your assistance and look forward to working with you during the environmental review process for the proposed project.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is written in a cursive style with a large initial "V".

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure