



The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

October 15, 2003

Neil Sullivan
ICF, Inc.
9300 Lee Highway
Fairfax, VA 22031

RE: New England Transrail, LLC Railroad and Terminal Facilities, Wilmington and Woburn, MA
MHC #RC.251741

Attention: Finance Docket No. 34391 – Environmental Comments

Dear Mr. Sullivan:

Thank you for submitting information to the Massachusetts Historical Commission regarding the proposed project referenced above. Staff of the MHC have reviewed the information you submitted and have the following comments.

Review of MHC's Inventory of the Historic and Archaeological Assets of the Commonwealth indicates that there are no recorded historic properties or archaeological sites within the project area. After review of MHC's files and the information you submitted, MHC staff have determined that the proposed project is unlikely to affect significant historic or archaeological resources. No further MHC review is required for this project in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800) and Massachusetts General Laws, Chapter 9, Sections 26-27C (950 CMR 71). If you have any questions concerning this review, please feel free to contact me at this office.

Sincerely,

A handwritten signature in cursive script that reads "Eric S. Johnson".

Eric S. Johnson
Archaeologist/Preservation Planner
Massachusetts Historical Commission

xc: Wilmington Historical Commission
Woburn Historical Commission

220 Morrissey Boulevard, Boston, Massachusetts 02125
(617) 727-8470 • Fax: (617) 727-5128
www.state.ma.us/sec/mhc



Mitt Romney
Governor

Kerry Healey
Lt. Governor

Daniel A. Grabauskas
Secretary

John Cogliano
Commissioner

October 24, 2003

DB

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

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OCT 24 2003

MEPA

RE: Wilmington - Eames Street Redevelopment Project - NPC
(EOEA #12245)

ATTN: MEPA Unit
Deirdre Buckley

Dear Secretary Roy Herzfelder:

The Massachusetts Highway Department (MassHighway) has reviewed the Notice of Project Change (NPC) for the Eames Street Redevelopment project in Wilmington. The project as originally proposed entailed the development of a 353,000 square foot warehouse and distribution facility with associated parking and utilities. The project change entails the development of a 35,700 square foot railroad loading facility and the installation of a set of tracks to serve the loading facility. The project is located on a 53-acre parcel, east of the Route 38/Eames Street intersection. Based on information contained in the NPC, the revised project is expected to generate approximately 1,638 new vehicle trips on an average weekday, the same as originally projected. A MassHighway permit is required for access to Route 38 via Eames Street.

We believe that the traffic impacts associated with this project will be minimal, and we recommend that no additional review be required based on traffic. The proponent should ensure that any additional truck traffic associated with this project does not impact traffic operations at the Route 38/Main Street intersection. The details of this, or any access-related issues can be handled during the MassHighway access permit process for this project.

If you have any questions regarding these comments, please contact me at (617) 973-7341, or Kristina Johnson of the Public/Private Development Unit at (617) 973-7342.

Sincerely,

J. Lionel Lucien, P.E.
Manager, Public/Private Development Unit
Bureau of Transportation
Planning and Development

Secretary Roy Herzfelder

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10/24/03

cc: Astrid Glynn, Deputy Secretary
Luisa Patewonsky, Deputy Commissioner
Thomas Broderick, P.E., Chief Engineer
Kelly O'Neill, Deputy Chief, Highway Operations
Kenneth S. Miller, P.E., Director, Bureau of Transportation Planning and Development
Stephen O'Donnell, District 4 Director
PDU files
MPO Activities files
Planning Board, Town of Wilmington
Metropolitan Area Planning Commission
Central Transportation Planning Staff

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MASS HIGHWAY

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Feb 23 2004 10:37AM MASS HIGHWAY PLANNING

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MASS HIGHWAY

Mitt Romney
Governor

Kerry Healey
Governor

Daniel A. Graubuskas
Secretary

John Cogliano
Commissioner

February 23, 2004

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

RE: Wilmington - Earnes Street Redevelopment Project - NPC
(BOEA #12245)

ATTN: MEPA Unit
Deirdre Buckley

Dear Secretary Roy Herzfelder:

The Massachusetts Highway Department (MassHighway) has reviewed the Notice of Project Change (NPC) for the Earnes Street Redevelopment project in Wilmington. The project as originally proposed entailed the development of a 353,000 square foot warehouse and distribution facility with associated parking and utilities. The project change entails the development of a 35,700 square foot railroad loading facility and the installation of a set of tracks to serve the loading facility. The project is located on a 53-acre parcel, east of the Route 38/Earnes Street intersection. Based on further review of the NPC, it has been determined that a MassHighway permit is not required to access Route 38 (Main Street). The proposed development does not physically abut Route 38 (Main Street).

The above comments are in the letter submitted to MEPA on October 24, 2003. If you have any questions regarding these comments, please contact me at (617) 973-7341, or Kristina Johnson of the Public/Private Development Unit at (617) 973-7342.

Sincerely,

L. Lionel Lucian, P.E.
Manager, Public/Private Development Unit
Bureau of Transportation
Planning and Development

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MASS HIGHWAY

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Feb 23 2004 10:37AM

MASS HIGHWAY PLANNING

10/24/03

Secretary Roy Herzfelder

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- cc: Astrid Glynn, Deputy Secretary
- Luisa Paleworsky, Deputy Commissioner
- Thomas Broderick, P.E., Chief Engineer
- Kelly O'Neill, Deputy Chief, Highway Operations
- Kenneth S. Miller, P.E., Director, Bureau of Transportation Planning and Development
- Stephen O'Donnell, District 4 Director
- PPDU files
- MPO Activities files
- Planning Board, Town of Wilmington
- Metropolitan Area Planning Commission
- Central Transportation Planning Staff

Daniel R. Deutsch
ddeutsch@dwboston.com

November 4, 2003

BY HAND

Neil Sullivan
ICF, Incorporated
9300 Lee Highway
Fairfax, VA 22031

**RE: Comment of the Town of Wilmington –
Surface Transportation Board Finance Docket No. 34365,
New England Transrail, LLC**

Dear Mr. Sullivan:

As you know from our telephone conversation last week, this firm is counsel to the Town of Wilmington (“Wilmington”). In response to the September 30, 2003 letter from Victoria Rutson, Chief of the Section of Environmental Analysis (“SEA”) of the Surface Transportation Board (“STB”), to former Town counsel, Michael Newhouse, Wilmington provides this comment to assist you and the SEA in your environmental analysis of the above-referenced project proposed by New England Transrail, LLC (“NET” or “Proponent”) (“Project”).¹ For the reasons detailed below, Wilmington urgently requests that you scrutinize the Project rigorously and that the Project be subject to a heightened level of analysis.

Wilmington attaches at Tab 1 and incorporates in this letter the written comments of Town officials, as follows:

- Director of Public Health;
- Conservation Commission, by Assistant Director of Planning and Conservation;
- Superintendent of Water and Sewer Department;
- Fire Chief;

¹ As you advised during our telephone conversation last week, you are authorized to accept and consider comments from interested government agencies, including Wilmington, through and somewhat beyond the October 30, 2003 date stated in Ms. Rutson’s September 30 letter. Your office will be reviewing information provided by federal, state and local agencies and thereafter preparing a written assessment, which will be open for comment by those agencies and other interested parties.

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- Chief of Police;
- Building Inspector;
- Assistant Town Manager;
- Superintendent of Public Works; and
- Director of Planning and Construction.

Those written comments supplement the comments and material that Wilmington previously submitted to the STB in connection with NET's Notice of Exemption. (NET later withdrew that Notice due to an unspecified error.) The enclosed comments provide detailed information beyond what is presented in this letter.

We also attach at Tab 2 and incorporate the July 10, 2003 report of GeoInsight, Inc., a multi-disciplinary environmental consulting and engineering firm retained by Wilmington. Wilmington submitted that report to the STB with its Supplement to a Petition to Stay the Notice of Exemption. GeoInsight has expertise in site assessment, remediation, and project siting issues. Among other matters, its report addresses the heightened tier classification and increasing scrutiny of the Project site by the Massachusetts Department of Environmental Protection ("DEP"), in light of the recent discovery of additional, carcinogenic contamination at the site and down gradient from it. The report attaches various explanatory documents. We enclose at Tab 3 a July 22, 2003 DEP letter to the site owner, Olin Corporation, which specifies a scope of work for the required assessment of the impact of that newly discovered contaminant, NDMA.

The enclosed materials address the following areas of concern, all of which are considerations identified by the STB's Environmental Rules, 49 C.F.R. § 1105:

1. Safety/Water/Biological Resources.

The 53-acre Project Site, a former Olin Corporation chemical plant at 51 Eames Street ("site"), has been designated one of the most complicated in Massachusetts by the Department of Environmental Protection ("DEP"). It has been under investigation for 12 years and has eluded complete understanding and classification. Redevelopment of the site as proposed would complicate the on-going efforts to investigate and remediate the site.

In its Response to Wilmington's May 2003 comments on its Environmental Report, NET cited previous DEP statements concerning the project previously proposed for this site. Dramatic recent discoveries have caused DEP to reexamine the contamination at the site and to intensify its investigation. A known carcinogen, N-nitrosodimethylamine (NDMA), was

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discovered in groundwater at the site and downgradient from it during the past year, after DEP declared the groundwater safe. The official DEP Zone II map for this area shows that the site is within the Zone II of the Maple Meadow Brook Aquifer (MMBA) and headwaters of the Ipswich River. Chemicals discharged over the years have entered the recharge area for municipal wells and contaminated over 60 acres of the MMBA. As a direct consequence, on February 28, 2003, Wilmington was forced to close five of its nine wells for the indefinite future and to purchase substitute water from the MWRA. The owner of the Eames Street site, Olin Corporation, has agreed to contribute up to \$3,000,000 to the cost of the necessary connections to MWRA facilities. (See Comments of Water and Sewer Superintendent, with attachments, and Director of Public Health.) Moreover, DEP recently requested and received comments from Wilmington concerning the appropriate scope of work for further investigation of groundwater contamination emanating from the site. (See enclosed July 22, 2003 DEP letter) Any hope of reactivating the closed wells depends on complete and reliable investigation and remediation of the site and the MMBA to which it contributes.

Furthermore, Lake Poly, a lagoon within the larger site, has been found to contain extensive contamination, including kempore. The Olin Corporation facility at this site produced kempore. NDMA may be a by-product of degraded hydrazine, and hydrazine was used in the production of kempore. The connection between previous site activities and NDMA is the subject of further investigation by DEP and others. Siting a detention basin near Lake Poly, as NET proposes, is inadvisable. Even Olin Corporation has objected to that aspect of the Project. In response to Olin's objection at a recent site visit, NET informally has suggested that it could redirect storm water through new underground pipes but it has not designed for this or addressed the implications for the site and remediation activities.

Likewise, the proposed rail facilities themselves could further aggravate groundwater pollution, as the tracks in the east ditch area could act as conduits for the migration of contaminants. At best, 4,000 feet of unlined rail trenches would complicate the drainage characteristics of the site. At worst, they would facilitate the leaching and dispersal of existing contaminants and any by-products of the rail operations. Once again, the Proponent has not designed for or even addressed this consideration.

NET's purported mitigation measures are vague. The Proponent has represented, and the SEA's September 30 letter assumes, that the facility "would not handle hazardous materials." However, the enumeration of acceptable commodities includes a suspiciously vague catch-all: "and any other products which can be transported in intermodal containers." At an industrial site already polluted with an assortment of contaminants, it is vital that any proposal for redevelopment be as detailed as possible. Many unconsolidated building materials contain unreported hazardous substances. Materials "which can be transported in intermodal containers" may contain chemicals that are hazardous or that, in the event of a rail spill, could combine with contaminants already present in the soils and groundwater at this site to create new

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environmental hazards. The cumulative effect from such an incident could only complicate ongoing investigation and remediation. (See Comments of Conservation Commission and Fire Chief.) The proponent should not be given carte blanche to accept any cargo, and the STB should not reply upon NET's vague assurance that the Project will not interfere with or impede Olin's remediation work or obligations at the property or the surrounding site.

2. Compatibility with Existing Land Use Requirements.

In order to minimize further degradation of its drinking water resources, Wilmington has enacted a groundwater protection bylaw. The protection district includes portions of the Project site. While all of the restrictions and requirements of that bylaw should be observed at the site, the Project is not in compliance. (See Comment of Building Inspector, with attached Bylaw §6.6) Likewise, the proposed sprung structures would require a variance from the requirements of Wilmington's existing Zoning Bylaw.

The project site also is subject to an outstanding Order of Conditions issued to Olin by the Wilmington Conservation Commission in 2000 and extended in 2003. That Order contains 58 special conditions, including requirements for Section 401 water quality permits and for compliance with monitoring and clean up conditions prior to any transfer of the Olin property. (See Comment of Conservation Commission)

3. Traffic/Safety.

The Project would have significant traffic impacts. NET claims that a rail-based operation would divert truck-to-truck traffic among other area warehouses and thereby reduce overall traffic. Its projected 200 trips per day nonetheless would more than double the volume of truck traffic at several troublesome intersections in Wilmington, presenting public safety hazards and congesting traffic in that area. While it would not fully resolve those hazards, it would be necessary to reconstruct one of those dangerous intersections – Woburn and Eames Streets. In its Response to Wilmington's previous comments on its Environmental Report to the STB, the Proponent has misstated what was required for a previous redevelopment proposal. Instead of committing to procure the engineering design and contract for the reconstruction work and to negotiate and fund the necessary land acquisition, the Proponent merely offers to place \$50,000 in escrow. (See Comments of Police Chief, Director of Planning, Superintendent of Public Works.)

4. Air Quality.

NET incorrectly assumes that a facility with a rail component will create less air pollution than a truck only operation. Yet, the project may involve the use of diesel locomotives grandfathered from current clean air standards and therefore more polluting than equivalent truck

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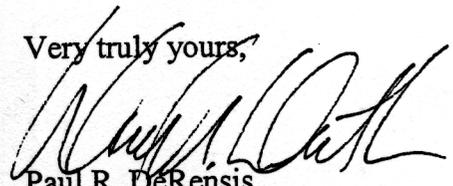
transportation. These locomotives would be idling or backing up on Project tracks for considerable time, increasing and concentrating the polluting emissions at the site. The Proponent has not quantified this impact, which deserves additional review. (See Comments of Director of Public Health and Assistant Town Manager.)

5. Conclusion

For all of the reasons set out in these materials, Wilmington urges ICF and the SEA to carefully scrutinize the Eames Street Project and to fully consider the concerns and recent site developments which NET has not addressed and cannot adequately mitigate.

We appreciate your attention to these matters and welcome any questions you may have.

Very truly yours,



Paul R. DeRensis
Daniel R. Deutsch

DRD/lsc
Enclosures as stated.

cc w/encl: Michael Caira, Town Manager