

Wilmington Environmental Restoration Committee
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Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E Street SW
Washington, DC 20423-0001

Re: Finance Docket No. FD-34797-0, New England Transrail, LLC
Comments of Wilmington Environmental Review Committee (WERC) to New England Transrail,
LLC filing of “revised version of New England Transrail, LLC’s Status Report and Petition for
Clarification under 49 CFR 1117.1” dated August 18, 2015

The Wilmington Environmental Restoration Committee (WERC) is a local citizens group formed in 2008 to administer an EPA Technical Assistance Grant (TAG). We and our consultant, CDM Smith, review key documents and meet frequently with the EPA site manager to discuss activities at the Olin Superfund site. Many of WERC’s members have commented to the Board on previous filings of New England Transrail (NET).

WERC is submitting comments to the Surface Transportation Board (the Board) to stress that more investigative work needs to be completed and EPA’s Record of Decision (ROD) must be issued before any reuse of the Olin Chemical Superfund Site is planned, and before STB can resume processing the New England Transrail application.

1. In its August filing, NET states: “It is clear that EPA no longer believes deferral of the environmental review is necessary.” (p. 2) EPA did not state in its “comfort/status letter” that it believes deferral of the environmental review is no longer necessary. While additional site investigation has occurred over the past several years, the site is not sufficiently characterized and understood to permit an environmental review by STB.

STB stated in its decision on June 19, 2012:

Before the Board can address NET’s petition, the EPA’s investigation and study will need to progress further. EPA has not yet published a draft RI/FS Study, and the RI/FS process can be considered final only after EPA responds to public comments on the draft RI/FS report, issues a RI/FS addressing the public comments, and issues a Record of Decision (ROD).

The Board will continue to defer its environmental review until the RI/FS study has been completed and a ROD has been issued that explains which cleanup alternatives have been approved for the Olin Site. A ROD must be issued before NET can construct on the Olin Site. Accordingly, it would be premature for the Board to grant NET’s request to resume processing the application at this

time. As requested by the EPA, the Board will continue to defer its environmental analysis and decision on the petition.

WERC concurs with the Board's June, 2012 decision, and notes that only OU1 and OU2 Remedial Investigations (RI) have been completed. There is no RI for OU3, and no Feasibility Study (FS) for any part of the site. EPA has required Olin to combine all three operable units for the FS, and so the FS can be completed only after OU3 RI is final.

2. There is no Conceptual Site Model regarding formation of NDMA, a potent carcinogen and key site contaminant. The soils, surface water and sediments (OU1 and OU2) and the groundwater (OU3) interact on and off the site in ways not adequately characterized and understood. Therefore, as STB states in their June 19, 2012 decision, it is premature to conduct its environmental review without a full characterization of contamination on the site, as the remedies for OU1 and OU2 may be impacted by OU3.

3. In addition, the following issues remain unresolved and may impact final site remedies:

- a) Olin is still attempting to determine the permeability of the slurry wall around an area of remaining site contamination referred to as the "Containment Area" (CA), but testing thus far has either failed, or shown the wall to be quite permeable. Further investigations of the slurry wall are planned by Olin. This raises significant concern regarding leaching of materials within the CA into groundwater, via the pressure equalization window, the bedrock interface, the fractures in the bedrock, and through the wall itself.
- b) The soils and groundwater within the CA have not been characterized at all under EPA's jurisdiction; this is a serious data gap in the OU1 RI. Because the NET's proposed plans for the Olin property include warehouse and parking facilities that would cover nearly half of the existing CA, premature construction will preclude the additional investigation and options for other remedial actions should EPA conclude that the slurry wall is not adequate. Old records (1990's) show that the first known presence of NDMA on the property was confirmed in well B-1, which was located in what is now the center of the CA. WERC maintains that without current data analyzed with today's more sophisticated methodology of identifying site-specific contaminants, EPA is not able to determine what the actual human health and ecological risks are on the property.
- c) The OU1 RI has identified unacceptable ecological risks in the South Stream (referred to as "South Ditch" in Olin reports). No feasibility study has been done to determine how to remediate this water body, which is part of the natural drainage of the site.
- d) In a letter to Olin dated May 13 2015, the EPA raises questions regarding the delineation of the groundwater divide and related GW-1 area on the site. EPA's concern is that the delineation shown by Olin represents current conditions only, absent hydraulic stresses

(3., d., continued)

that existed prior to the shutdown of the Town of Wilmington's municipal well field at Maple Meadow Brook back in 2003, and other nearby industrial wells. These stresses help to determine past contaminant migration pathways, and are also likely to be present again during remediation of the groundwater contamination plume. EPA is requiring Olin to include this evaluation in the OU3 RI Report. The revised data will also inform EPA's selection of remedial alternatives in the pending FS. Until those alternatives are identified WERC believes it is premature to permit development of the property, some portion of which potentially could be needed in the future for restoring our drinking water aquifer.

For these and other reasons that we have presented to the EPA, WERC respectfully asks that the Board deny NET's request to have the deferral of environmental review lifted, and that the Board reaffirm its June, 2012 decision to continue deferring its environmental review until the combined RI/FS documents have been approved and an ROD is issued for the entire Olin Chemical Superfund Site.

Thank you for the opportunity to comment. We trust you will give careful consideration to the concerns of the affected residents in both Wilmington and Woburn.

Sincerely,

A handwritten signature in cursive script that reads "Martha K. Stevenson".

Martha K. Stevenson, President

Cc: James DiLorenzo, USEPA Region 1
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CERTIFICATE OF SERVICE

I, Martha K Stevenson, hereby certify that on September 12, 2015, a copy of the foregoing was sent via electronic or U.S. mail, to:

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Dated: September 12, 2015