

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office



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OCT 30 1998

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Raytheon Company
1001 Boston Post Road
Marlborough, MA 01752

RE: **Wayland -**
Raytheon Company
430 Boston Post Road
RTN 3-13302
Transmittal Number: W012110
Permit Number: 133939
Permit Category: BWSC 10

Attn: Mr. Ronald C. Slager, Jr.

DECISION TO GRANT PERMIT

Dear Mr. Slager:

The Department of Environmental Protection (the Department) has concluded its review of the above-referenced permit application. Using the criteria contained in the Massachusetts Contingency Plan (310 CMR 40.0730), the Department is granting you a Tier IB permit with special conditions. Attached please find two (2) copies of the modified permit for your reference and acceptance.

You must notify the Department of your decision to accept or not accept the permit. To accept the permit, both copies of the permit's Acceptance Statement and the Certification of Submittal, on Page 5, must be signed and one copy of the complete permit with all original signatures must be returned to the Department within 30 days of the date of issuance, unless a request for an adjudicatory hearing is filed in accordance with 310 CMR 40.0770.

Please Note: After the expiration of the 30 day deadline, the Department may consider this issued permit to become null and void if the completed permit with original signatures is not received by the Department. Consequently, you may be required to submit a new permit application and the appropriate fee in order to obtain another permit.

Any request for an adjudicatory hearing must be made within twenty-one days of the date on which the Department issued the permit. Please refer to 310 CMR 40.0770 and 310 CMR 40.0050 for conditions under which an adjudicatory hearing may be requested.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

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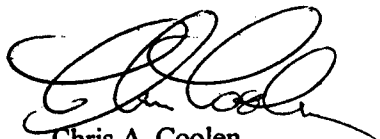
If no request for an adjudicatory hearing is made, this permit shall become effective twenty-one days after the date on which the Department issues the permit and the Department's receipt of your signed Permit Acceptance Statement, whichever is later.

Also, please note that if Immediate Response Actions and/or Release Abatement Measures remain on-going at this disposal site, IRA and/or RAM Status Reports and/or Completion Statement should be filed with the Department in compliance with the MCP 310 CMR 40.0000.

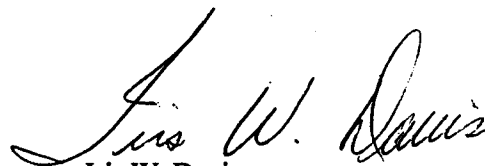
The Chlorinated Volatile Organic Compound assessment appears to have identified another source near MW-33 and a former drum storage area. Additional investigations should be performed to define this source and the extent of contamination associated with it.

If you have any questions, please contact Chris Coolen at the letterhead address or by calling (978) 661-7600.

Sincerely,



Chris A. Coolen
Environmental Analyst



Iris W. Davis
Section Chief,
Permits/Risk Reduction
Bureau of Waste Site Cleanup

Attachments: Permit and Permit Acceptance Statement (2 copies)

cc: Chief Municipal Official, Town of Wayland, 41 Cochituate Road, Wayland, MA 01778
Wayland Board of Health, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
Attn: Mr. Steve Calichman
Executive Secretary, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
Attn: Mr. Jeff Ritter
Planning Department, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
Conservation Commission, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
Wastewater Management Committee, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
Attn: Mr. Gene Roberts
Surface Water Quality Committee, Wayland Town Hall, 41 Cochituate Road, Wayland, MA 01778
National Parks Service, 15 State Street, Boston, MA 02109 Attn: Mr. Jamie Fosberg
Wayland Business Center, LLC, c/o Congress Group Ventures, One Memorial Drive, Cambridge, MA
02142 Attn: Mr. Chris Lane
Raytheon Company Information Repository, Wayland Public Library, 5 Concord Road, Wayland, MA
01778 Attn: Ms. Louise Brown
Ms. Patricia Abramson, 5 Goodman Lane, Wayland, MA 01778
Ms. Mary Antes, 11 Old Farm Circle, Wayland, MA 01778
Mr. & Mrs. Orville and Constance Bean, 15 Timber Lane, Wayland, MA 01778
Mr. & Mrs. Lawrence and Carol Glick, 35 Brooks Road, Wayland, MA 01778
Mr. Karl Nowak, 30 Pickwick Way, Wayland, MA 01778
Mr. Brian O'Herlihy, 93 Sears Road, Wayland, MA 01778
Mr. Mark Santangelo, 15 Oak Street, Wayland, MA 01778
Mr. & Mrs. Harvey and Linda Segal, 9 Aqueduct Road, Wayland, MA 01778
Ms. Amy Hosmer, Raytheon, 141 Spring Street, Lexington, MA 02173
Environmental Resource Management, 399 Boylston Street, 6th floor, Boston, MA 02116
Attn: Mr. John C. Drobinski - LSP
Testa, Hurwitz, & Thibeault, LLP, High Street Tower, 125 High Street, Boston, MA 02110
Attn: Mr. Donald L. Anglehart
DEP NERO Attn: Ms. Karen Stromberg - Public Involvement Coordinator
DEP NERO Service Center
DEP NERO File

Massachusetts Department of Environmental Protection
Bureau of Waste Site Cleanup (BWSC)

TIER I PERMIT

This Permit is Issued to:

- One Permittee
 More than One Permittee*

*A list of all Permittees is attached.

For DEP Use Only

Effective Date:
Expiration Date:

One Permittee:

Name of Organization: **Raytheon Company**
Permittee Name: **Raytheon Company**
Title or c/o: **Mr. Ronald C. Slager, Jr.**
Street: **1001 Boston Post Road**
City/Town: **Marlborough** State: **MA** Zip code: **01752**
Telephone: **(508) 490 - 1707**

DEP Finding Concerning Tier Classification

Tier IA (BWSC01) Tier IB (BWSC02) Tier IC (BWSC03) Permit No. **133939**

This permit authorizes the performance of comprehensive remedial response actions at:

Disposal Site Number: **3-13302**
Disposal Site Name: **Raytheon Company (FMR)**
Street: **430 Boston Post Road**
City/Town: **Wayland** State: **MA** Zip code: **01778**

Unless a request for an adjudicatory hearing is made pursuant to 310 CMR 40.0770, this permit shall be effective 21 days after the date of issuance by the Department and the receipt of the signed Permit Acceptance Statement, whichever is later. **The Permittee has 30 days from the date of issuance of this Tier I Permit to sign and submit the completed Permit Acceptance Statement to the Department.**

This permit shall expire two years from its effective date.

Permit Conditions; Pursuant to 310 CMR 40.0740:

- (1) The permittee(s) performing response actions pursuant to this Tier I Permit shall comply at all times with M.G.L. c. 21E, 310 CMR 40.0000, the terms and conditions of the permit and any other applicable federal, state or local law.
- (2) In every proceeding, the burden shall be on the Permittee to demonstrate compliance with the terms and conditions of a permit at all times.
- (3) Each Permittee shall comply with:
 - (a) submittal of a Class A, B or C Response Action Outcome Statement within five years of the effective date of the permit, unless otherwise provided in the permit;
 - (b) submittal of a copy of the signed and completed Permit Acceptance Statement required by 310 CMR 40.0750(2) to the Chief Municipal Officer(s) and the local boards of health for the communities where the disposal site is located, and to any member of the public identified in the Department's Statement of Basis.
 - (c) notification in writing to the Department:
 1. as required in 310 CMR 40.0500;
 2. upon gaining knowledge of any technical, financial or legal inability to perform any necessary response action, in accordance with 310 CMR 40.0172;
 3. upon a decision by a permittee who is performing response actions as an Other Person to not proceed as required by the permit; and
 4. of any change in the LSP of Record for the disposal site no later than ten days after the effective date of such change through the filing of a Minor Permit Modification by the permittee in accordance with 310 CMR 40.0725;
 - (d) compliance with:
 1. all applicable submittal requirements, including but not limited to, scopes of work, Status Reports, Completion Statements, Phase Reports, and RAOs;
 2. all requirements for record keeping and document retention, including but not limited to 310 CMR 40.0014, 310 CMR 40.0022 and 310 CMR 40.0023;
 3. the Notification Regulations, 310 CMR 40.0300, in the event of discovery of new releases located at the disposal site, threat of release or Imminent Hazard;
 4. the management procedures for excavated soils and wastes and requirements for remedial air emissions set forth in 310 CMR 40.0030 and 310 CMR 40.0040; and
 5. all public involvement activities required by 310 CMR 40.1400 through 40.1406;
 - (e) inclusion of the Disposal Site Number and the permit number on documents submitted to the Department with respect to the disposal site;
 - (f) certification of documents submitted to the Department as required by 310 CMR 40.0009;
 - (g) evaluation of the need to perform Immediate Response Actions in accordance with 310 CMR 40.0400 as new or additional information about the disposal site is obtained;

- (h) modification or cessation of any response action as necessary to maintain compliance with any permit condition or to prevent an actual or potential threat to health, safety, public welfare, or the environment;
- (i) notification, orally or in writing, to the Department within seventy-two hours of obtaining knowledge of the need to modify or cease any response actions for the reasons in 310 CMR 40.0740(3)(h); provided that any such oral notification shall be confirmed by the permittee in writing within sixty days of such oral notice and any written notice shall include a Status Report prepared by an LSP; and timely remediation of any adverse impacts to health, safety, public welfare or the environment that result from the performance of response actions;
- (j) at disposal sites where groundwater investigation is necessary, delineation of the vertical and horizontal extent of contamination, identification and confirmation of groundwater flow directions, identification of groundwater migration pathways, including but not limited to, the identification of possible partitioning of dissolved volatile organic compounds at the water table interface which may lead to vapor transport into subsurface structures, homes or other occupied or unoccupied buildings, and monitoring of groundwater wells, discharges and/or other monitoring points in a manner which provides for the timely development or representative information about conditions and changes in conditions at the disposal site;
- (k) acquisition of all required federal, state and local permits;
- (l) proper operation and maintenance of all treatment, storage, abatement or control systems and of all equipment required to continue or complete response actions;
- (m) authorization for personnel and authorized agents of the Department to enter, at reasonable times and upon the presentation of credentials, any premises owned or controlled by the permittee for the purpose of investigating, sampling, or inspecting any records, conditions, equipment, practice or property relating to response actions at the disposal site, or protecting health, safety, public welfare, or the environment; and
- (n) notification upon a change of the Primary representative as required by 310 CMR 40.0703(7), if one is designated.

(4) A Tier I Permit does not grant any property rights or exclusive privileges, nor does it authorize any injury to private property or invasion of property rights.

Special Conditions; Pursuant to 310 CMR 40.0740(3)(o):

Each permittee shall comply with all Special Conditions if attached to this permit in Attachment A. Special Conditions are included within this permit:

[x] Yes* [] No

**Note: Pursuant to 310 CMR 40.0722(6)(c), a "Statement of Basis" for this permit decision has been prepared by DEP if special conditions are included with this Permit.*

DEP Authorization

Issued by the Department of Environmental Protection:

Name (Print): TRIS W. DAVIS Date of Issuance: October 30, 2000

Signature Tris W. Davis

Notice of Appeal Rights

Any person aggrieved by a decision of the Department with respect to any Tier I permit application may request an adjudicatory hearing before the Department in accordance with M.G.L. c. 21E and 310 CMR 40.0050 and 40.0770, within 21 days of the date of issuance of the Tier I permit, if:

- a) the Department issues a permit for a classification higher than that stated in the LSP Tier Classification Opinion; or
- b) the Department denies the applicant a permit, unless the Department notifies the applicant in the permit decision that the Department intends to undertake or arrange for the performance of necessary response actions at the disposal site; or
- c) The Department imposes conditions pursuant to 310 CMR 40.0730(1)(h) and 40.0740(3)(o) without the applicant's consent.

**Permit Acceptance Statement and
Certification of Submittal**

Note: Each Permittee must complete this section and return the signed Permit Acceptance Statement and Certification of Submittal within 30 days of the date of issuance of this Permit decision. For disposal sites with more than one Permittee, make copies of this section, have each Permittee complete this information, and submit all copies to the Department along with the Acceptance Statement.

Permit Acceptance Statement

I accept this permit and agree to conduct all response actions at this disposal site in accordance with this Permit and the provisions of 310 CMR 40.0000. I am aware of the requirements set forth in 310 CMR 40.0172 for notifying the Department in the event that I am unable to proceed with such response actions⁽¹⁾.

Name (Print): _____

Position or title: _____

Signature: _____

Date: _____

Certification of Submittal (The above permittee must also sign the following certification)

I, _____, attest under the pains and penalties of perjury (i) that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this submittal, (ii) that, based on my inquiry of those individuals immediately responsible for obtaining the information, the material information contained in this submittal is, to the best of my knowledge and belief, true, accurate and complete, and (iii) that I am fully authorized to make this attestation on behalf of the person or entity legally responsible for this submittal⁽¹⁾. I/the person or entity on whose behalf this submittal is made am/is aware that there are significant penalties, including, but not limited to, possible fines and imprisonment, for willfully submitting false, inaccurate or incomplete information.

Name (Print): _____

Position or title: _____

Signature: _____

Date: _____

(1) Please Note:

If any person other than those who are legally responsible for this submittal are going to sign the above Acceptance Statement and the Certification of Submittal, a written authorization, from each person(s) or entity(ies) who is/are legally responsible for this submittal, must be attached to this permit.

This Attachment will be completed by DEP

ATTACHMENT A TO PERMIT NO. 133939

Each Permittee shall comply with the following special conditions:

1. Raytheon Company shall adequately secure the potentially accessible contamination to prevent trespassing using the following means but not limited to fencing and posting signage. The signs must deter trespassers from conducting activities such as fishing or consuming any plant or animal species from the area.
2. No later than (1) year after the effective date of the permit, Raytheon Company shall complete a Phase II Comprehensive Site Assessment and a Phase III Remedial Action Plan in accordance with 310 CMR 40.0800.
3. No later than (1.5) years after the effective date of the permit, Raytheon Company shall complete a Phase IV Remedy Implementation Plan in accordance with all requirements of the MCP.