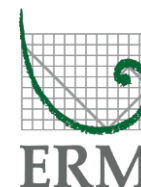


19 December 2016
Reference: 0377766

Public Involvement Plan Group
c/o Ms. Linda L. Segal
9 Aqueduct Road
Wayland, Massachusetts 01778



Re: Response to Public Comments by PIP Group and Town of
Wayland
Draft Partial Permanent Solution With Conditions
Hamlen Parcel
RTN 3-13302
Wayland, Massachusetts

Dear Ms. Segal:

On behalf of Raytheon Corporation, Environmental Resources Management (ERM) has prepared this letter providing responses to comments from the Public Involvement Plan (PIP) Group and Town of Wayland regarding ERM's 4 November 2016 Draft Partial Permanent Solution With Conditions Submittal (the Submittal) for the above-referenced disposal site (the Site).

The comments included herein were provided to ERM on 25 November 2016 and 7 December 2016. The comments are reproduced below in italics and ERM's responses are in plain text. A copy of the complete set of comments is provided as Attachment A.

PIP Group Comments - 25 November 2016

Comment 1: Section 2.1 Site Description

In the last paragraph, please revise the following sentence: "In 2005, the property was redeveloped by Koeffler Group, Inc. and Brendon Homes."

*My understanding of the redevelopment chronology is as follows: In **May 2006** Wayland Town Meeting voters approved the enabling Mixed Use Overlay District zoning for the Town Center project. That summer KGI began its state MEPA review and local permitting process with the Planning Board.*

*The Master Special Permit was issued in **January 2008**, and the MEPA Certificate was issued in **March 2008**. KGI began construction in **2011 with the demolition** of the former office complex and Vertex providing LSP services. The first retail store – the Stop & Shop supermarket - opened in **November 2012**. Brendon Homes did not acquire the residential portion of the project now known as River Trail Place (condos) until **December 2014**.*

The sentence noted above will be revised in the final report to read, “In 2005, redevelopment activities on the property were initiated.”

Comment 2: November 17 PIP Meeting

*Thank you for posting your Powerpoint presentation on the extranet website.
<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/31.%20Partial%20Permanent%20Solution%20With%20Conditions%20PIP%20Meeting%202017-Nov-16.pdf>*

*Please revise the maps on pages 6 and 12 to show the correct location of the Town of Wayland's **Cow Common**. I understand that Parcel 23-52D was privately owned by Wayland Meadows, and the 40B housing project is known as Wayland Commons. The condo units north of Andrew Avenue (where your slides say “Cow Common”) are along an interior roadway named River Rock Way. Ownership of the Wayland Commons condo property has passed to a condo association.*

Cow Common is Conservation land owned by the Town of Wayland and consists of various parcels located further north along Old Sudbury Road, beginning, I believe, with parcel 23- 52A, then 18-001, 18-002, 18-003, 18-004, 18-005 and 18-006.

*Here are two links from the Town's website showing the parcels:
http://www.wayland.ma.us/Pages/WaylandMA_GIS/Maps/ap23-17%20X%2022.pdf*

http://www.wayland.ma.us/Pages/WaylandMA_Conservation/cons/cowgis.pdf

If you decide to expand the two maps to show Cow Common, please consider adding the location of the Sentinel Wells that Raytheon installed as part of Zone II wellhead protection.

Modifications will be made on the figures presented at future PIP Meetings.

Comment 3: October 17, 2016 DPS Filing

During public comment at the November 17 PIP meeting, LSP Ben Gould pointed out that the recent filing concerning downgradient status failed to provide notification to the PIP mailing list. The DPS issue had been part of information updates at PIP meetings since it was presented at the June 2007 PIP meeting. More recently your team reported being puzzled by VOC concentrations in groundwater that had increased, that the injection remedy did not seem to be as effective as expected, and that investigations were continuing.

I do not understand why the team would then choose to suddenly exclude notifying the PIP when filing for a change in RTN. See pages 21-25.
<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/16.%20PIP%20Pres%20RAO%20DPS%20and%20PIV%20Commencement%20June%202007.pdf>

When I was alerted by your team about this step at the informal meeting in Wayland on Oct. 17, I was told not to be concerned, that this was simply to seek a new RTN. It was not until I found the Oct. 17 document on the DEP website that I could see the letter to DEP was sent to the NERO PIP Coordinator, Karen Stromberg, yet the PIP mailing list seemed to be the only omission from the usual cc list.
<http://public.dep.state.ma.us/fileviewer/Default.aspx?formdataid=0&documentid=370308>

Downgradient Status may not have been originally foreseen and included in the 2004 PIP Plan, and I recall no suggestion in recent years (except from me) about updating the PIP Plan. Not informing the PIP community about this unresolved matter and action step under your RTN 3-13302, however, seems an unusual departure from past practice.

Raytheon has included this data in previous Remedy Operation Status (ROS) submittals and always updated the PIP group in public meetings regarding the site characterization activities along the southern site border and will continue to do so. At the November 17th meeting, the team reviewed the history for the southern property boundary and described the data trends related to the remediation work that had taken place in the southern portion of the site. Those trends were the indication

that an off-site source was present. In discussions with MassDEP (Karen Stromberg), it was determined that the DPS condition should be issued a new Release Tracking Number. Therefore, the DPS document that is available on the MassDEP website is a retracted document and is not part of the site files for RTN 3-13302.

The PIP plan did not include DPS submittals as a document for public comment; however, as per 310 CMR 40.1403, the appropriate municipal notifications were made upon issuance of the Release Notification Form for the current DPS condition. A new RTN will be issued by MassDEP for the current DPS condition at the southern property boundary. Per MassDEP's input, Raytheon will submit the DPS document under the new RTN. A copy of the DPS document will be available for review in the public repositories and the data has been presented in previous reports and public meetings, but the DPS document will not be submitted for public comment as it will be associated with a new RTN and not the former Raytheon facility.

Town of Wayland Comments

Comment I: Property Address

On the title page, signature page, Page 101 (Sections 1.0 & 1.1), Page 3-1 (Section 3.1.1), and Page 4-1 (Section 4.1) of the draft PPSwC Report and . . . ERM lists the subject property address as 433 Boston Post Road. However, there is no such address listed in Town of Wayland municipal records, and the correct address of the subject property (the former Hamlen property) is 444 Boston Post Road according to Wayland Assessor's Records.

The address used in the document is based on the deed and is consistent with the AUL. Therefore, all documents filed for the property are consistent with the deed. We recognize that the assessor's office has a different address for this parcel but feel that the address information should match the deed and previously-filed documents. However, we will add a note to the text that there are two addresses on file. RTN under which this parcel is tracked, RTN 3-13302, is listed as 430 Boston Post Road and is clearly stated as such in the text.

Comment II: Tier 1B Permit References

In Section 1.1 (Page 1-2), Section 3.1.1 (Page 3-1), and Section 4.1 (Page 4-1) of the draft PPSwC RAO report, ERM lists the Tier 1B Permit number for the

former Raytheon property (133939). It is certainly true that DEP issued Tier IB Permit #133939 to Raytheon Company for release tracking number (RTN) 2-133-2 effective December 13, 2000. However revisions to the MCP regulations effective April 25, 2014 eliminated the Tier I permit process. Therefore, references to Tier IB Permit #133939 are now useful only as historic information.

Wayland recommends that Raytheon either eliminate references to the former Tier IB Permit number from the PPSwC Report, or else place an explanatory footnote at the first such reference which explicitly states that DEP no longer uses the Tier I Permit process.

We will update the text to make clear that the permit number is only provided for historical context and the permit number is not active under the current regulations. The Site is currently classified as a Tier 1 site; however, permits are no longer issued.

Comment III: Property Location and Description

On Page 1-2 of the draft PPSwC Report, ERM states an AUL “was placed on the land in 2006 following remediation of a corner of the property.” For clarity, Wayland recommends that Raytheon replace the work “a corner” with “the northeasterly corner” (or other wording to that effect).

The text will be updated to clarify “northeast corner.”

Comment IV: Site Description

On Page 201 (second paragraph) of the draft PPSwC Report, ERM states that the Site is located in a Zone II area and “therefore considered as a potential current and future source of drinking water.” The MCP definition of a current drinking water source area from 310 CMR 40.0006(12) is . . .

Since the Site (both the former Hamlen property and the larger former Raytheon property surrounding it is within the Zone II for Wayland’s Baldwin Pond wellfield public water supply, the proper description of groundwater usage is as a current drinking water source area (not a potential current drinking water source area).

In the same paragraph, ERM states that “there is no current use of groundwater as a source of drinking water on or surrounding the Site,” which is a misleading statement given the Zone II designation. It would be correct to say there is no current withdrawal of water from the Site (the former Hamlen property) for

drinking water purposes. There is also an irrigation well located at the nearby Russell's Garden Center property (397 Boston Post Road, Wayland Assessor's Map 23 Lot 015) so it is also incorrect to state there is no current use of groundwater 'surrounding the Site'.

Wayland requests that Raytheon revise the wording of the third sentence in the second paragraph of Section 2.1 of the PPSwC Report to indicate that Site groundwater is considered a current drinking water source. The Town recommends either striking the fourth sentence or revising it to state there is no current withdrawal of groundwater from the Site for drinking water purposes. Nonetheless, Wayland concurs with the final sentence of this paragraph: "Groundwater is not subject to this [PPSwC] report."

The text will be updated to reflect that the Site is within an area designated as a drinking water source area. However, to be clear, the text will also state that there is no current withdrawal of drinking water from the Site.

Comment V: Previous Property Ownership

In the fourth paragraph on Page 2-1 of the draft PPSwC Report, ERM lists incorrect dates of property transfer for the former Raytheon property . . .

If the purpose of this paragraph is to provide a brief history of property ownership during the years Raytheon occupied this property (1955-1995), it would be useful to include reference to the four prior property transactions (I had previously researched this information for a different project): . . .

Furthermore, ERM omits any reference to ownership of the subject property (the former Hamlen property) in this, or any other, section of the draft PPSwC Report. I had also previously researched this ownership information: . . .

Wayland requests that Raytheon provide a past ownership history of the subject former Hamlen property in the PPSwC Report with some or all of the information presented above. The Town also recommends that Raytheon incorporate additional past ownership information on the abutting former Raytheon property as warranted.

The dates will be updated as noted. However, the section will not be updated to include all historical property transactions for the Hamlen Parcel or the former Raytheon property. The text will be updated to note the date Raytheon acquired the Hamlen parcel, 24 September 2003.

Comment VI: Release Background

In the third paragraph of Section 2.1 of the draft PPSwC Report (page 2-5). ERM states:

Based on these findings, a portion of the copper in surface water and possible sediment appears to be related to background or “local conditions” as defined in MassDEP guidance.

Section 310 CMR 40.0006(12) of the MCP provides the following definition: . . .

The MCP further defines ‘Anthropogenic Background’ as: . . .

Neither the MCP nor the Massachusetts Wetland Protection regulations (310 CMR 10.10) provide a regulatory definition of “local conditions.” However, Section 9.4 of DEP’s Guidance for Disposal Site Risk Characterization (Policy #WSC/ORS-95-141, April 1996) defines the term as follows: . . .

It is clear from the latter definition that DEP does not consider “local conditions” to be the same as “background.” It is therefore inappropriate for ERM to equate those terms in the reference paragraph of the draft PPSwC Report. It appears from context that ERM intends to cite ‘releases from a public water supply system’ as the source of elevated copper at the Site.

Wayland requests that Raytheon revise this paragraph of the PPSwC Report to state that elevated copper concentrations in Site surface water and sediment may be due to Anthropogenic Background (or other wording to that effect).

In this section of the text, the document refers to anthropogenic background as it pertains to sediment and “local conditions” as it pertains to surface water. The text will be updated to clarify this point.

Comment VII: Report Completeness

I compared the draft PPSwC Report to requirements set forth at 310 CMR 40.1056 specifying the content of Permanent Solution Statements. The only omissions of any MCP requirements I noted were regarding the specific address of the former Hamlen property (see Comment I above); and there is not discussion of the applicability of a Permanent Solution DEP submittal fee pursuant to . . .

The Town of Wayland requests that Raytheon include a short explanation of why no Permanent Solution submittal fee is due for this PPSwC Report.

A statement regarding the applicability of the filing fee is not required to be included in the text. Since no fee applies, we do not feel it necessary to include in the text.

Comments VIII through X: Downgradient Property Status

Downgradient Property Status (DPS) was not part of this public comment period review. The comments are acknowledged and a response is provided above in response to Comment #3 from the PIP Group.

ERM appreciates the opportunity to respond to your comments. If you have any questions or further comments, please contact either of the undersigned at (617) 646-7800 or Louis Burkhardt at Raytheon Corporation at (987) 886-4378

Sincerely,



John C. Drobinski, P.G., LSP
Principal-in-Charge



Lyndsey Colburn, P.G
Project Manager

Enclosures

Attachment A – Public Comments Received

cc: PIP Document Repository & Website
PIP Group Mailing List
MassDEP – Northeast Regional Office
L. Burkhardt, Raytheon
J. Hone, Raytheon
B. Gould, CMG Environmental, Inc.

*Attachment A – Public
Comments Received*

Linda L. Segal
9 Aqueduct Road
Wayland, MA 01778-4605
phone: 508 655 0724 email: lmsegal@comcast.net

Louis J. Burkhardt
Raytheon Company
50 Apple Hill Drive
Tewksbury, MA 01876

Lyndsey Colburn
ERM
One Beacon St., 5th Floor
Boston, MA 02018

November 25, 2016

Via E-mail

**RE: Public Comment on November 17, 2016 PIP Meeting & Draft Partial Permanent Solution with Conditions, Hamlen Parcel
RTN 3-13302, former Raytheon Facility, 433 Boston Post Rd., Wayland, MA**

Dear Chip and Lyndsey:

Thank you for this opportunity to provide public comment on the above-named draft document presented at the November 17, 2016 PIP meeting held in Wayland Town Hall. My comments represent my personal lay opinion.

LSP Ben Gould, CMG Environmental, Inc., will provide his expert technical review on behalf of the Town. Thank you for continuing to support Ben's invaluable services; the selectmen approved and signed Amendment #7 of the MOU on November 7, 2016.

It is very exciting that Raytheon is close to conveying the so-called "Hamlen parcel" consisting of 5.5 acres to U.S. Fish and Wildlife for permanent conservation protection, joining other protected land parcels along our Wild and Scenic Sudbury River.

Draft Partial Permanent Solution document:

section 2.1 Site Description. In the last paragraph, please revise the following sentence: "In **2005**, the property was redeveloped by Koeffler Group, Inc. and Brendon Homes."

My understanding of the redevelopment chronology is as follows: In **May 2006** Wayland Town Meeting voters approved the enabling Mixed Use Overlay District zoning for the Town Center project. That summer KGI began its state MEPA review and local permitting process with the Planning Board.

The Master Special Permit was issued in **January 2008**, and the MEPA Certificate was issued in **March 2008**. KGI began construction in **2011 with the demolition** of the former office complex and Vertex providing LSP services. The first retail store – the Stop & Shop supermarket - opened in **November 2012**. Brendon Homes did not acquire the residential portion of the project now known as River Trail Place (condos) until **December 2014**.

November 17 PIP Meeting:

1) **Powerpoint slides.** Thank you for posting your Powerpoint presentation on the extranet website.

<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/31.%20Partial%20Permanent%20Solution%20With%20Conditions%20PIP%20Meeting%2017-Nov-16.pdf>

Please revise the maps on pages 6 and 12 to show the correct location of the Town of Wayland's **Cow Common**. I understand that Parcel 23-52D was privately owned by Wayland Meadows, and the 40B housing project is known as Wayland Commons. The condo units north of Andrew Avenue (where your slides say "Cow Common") are along an interior roadway named River Rock Way. Ownership of the Wayland Commons condo property has passed to a condo association.

Cow Common is Conservation land owned by the Town of Wayland and consists of various parcels located further north along Old Sudbury Road, beginning, I believe, with parcel 23-52A, then 18-001, 18-002, 18-003, 18-004, 18-005 and 18-006.

Here are two links from the Town's website showing the parcels:

http://www.wayland.ma.us/Pages/WaylandMA_GIS/Maps/ap23-17%20X%2022.pdf

http://www.wayland.ma.us/Pages/WaylandMA_Conservation/cons/cowgis.pdf

If you decide to expand the two maps to show Cow Common, please consider adding the location of the Sentinel Wells that Raytheon installed as part of Zone II wellhead protection.

2) **October 17, 2016 DPS filing** During public comment at the November 17 PIP meeting, LSP Ben Gould pointed out that the recent filing concerning downgradient status failed to provide notification to the PIP mailing list. The DPS issue had been part of information updates at PIP meetings since it was presented at the June 2007 PIP meeting. More recently your team reported being puzzled by VOC concentrations in groundwater that had increased, that the injection remedy did not seem to be as effective as expected, and that investigations were continuing.

I do not understand why the team would then choose to suddenly exclude notifying the PIP when filing for a change in RTN. See pages 21-25.

<http://raytheon.erm.com/documents/03.Public%20Involvement%20Plan/02.PIP%20Presentations/16.%20PIP%20Pres%20RAO%20DPS%20and%20PIV%20Commencement%20June%2020%202007.pdf>

When I was alerted by your team about this step at the informal meeting in Wayland on Oct. 17, I was told not to be concerned, that this was simply to seek a new RTN. It was not until I found the Oct. 17 document on the DEP website that I could see the letter to DEP was sent to the NERO PIP Coordinator, Karen Stromberg, yet the PIP mailing list seemed to be the only omission from the usual cc list.

<http://public.dep.state.ma.us/fileviewer/Default.aspx?formdataid=0&documentid=370308>

Downgradient Status may not have been originally foreseen and included in the 2004 PIP Plan, and I recall no suggestion in recent years (except from me) about updating the PIP Plan. Not informing the PIP community about this unresolved matter and action step under your RTN 3-13302, however, seems an unusual departure from past practice.

Thank you again for this opportunity to provide public comment on your draft document and the November 17 PIP meeting. Continued best wishes on completing the donation of the Hamlen parcel.

Sincerely,

Linda L. Segal
Wayland resident
PIP Citizen Representative

cc: John Drobinski, LSP, ERM, Boston
Ben Gould, LSP, CMG Environmental, Inc.
Karen Stromberg, NERO PIP Coordinator

CMG ENVIRONMENTAL, INC.

December 6, 2016

Mr. Louis J. Burkhardt III
Raytheon Company
50 Apple Hill Drive
Tewksbury, MA 01876

**Re: Public Commentary on 11/3/16 Draft
Partial Permanent Solution with Conditions Report
Boston Post Road, Wayland MA
DEP RTN 3-13302; CMG ID 2002-003**

Dear Mr. Burkhardt:

The following is my public commentary on the November 3, 2016 draft Partial Permanent Solution with Conditions (PPSwC) Report pertinent to the former Raytheon facility in Wayland, Massachusetts dated and prepared by Environmental Resources Management (ERM).

For the record, the Wayland Board of Selectmen has retained me to provide technical review of document submittals and other activities at the Site on behalf of the Town of Wayland, especially those that involve compliance with Massachusetts Department of Environmental Protection (DEP) requirements and the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000). As in past document reviews, I have prefaced my comments with ERM's heading designations (where applicable) for ease of comparison, used uppercase roman numerals to identify each comment, and endeavored to limit comments to substantive issues.

I) PROPERTY ADDRESS – On the title page, signature page, Page 1-1 (Sections 1.0 & 1.1), Page 3-1 (Section 3.1.1), and Page 4-1 (Section 4.1) of the draft PPSwC Report; and also in Appendix A (notification letter), and 8 times in Appendix B (Copy of Activity and Use Limitation); ERM lists the subject property address as 433 Boston Post Road. However, there is no such address listed in Town of Wayland municipal records, and the correct address of the subject property (the former Hamlen property) is 444 Boston Post Road according to Wayland Assessor's Records.

Listing an improper address for the PPSwC location is potentially a violation of the requirement set forth at 310 CMR 40.1056(1)(a) to provide the disposal site address. The actual release tracking number (RTN) 3-13302 disposal site address (430 Boston Post Road) does not appear in the text of the draft PPSwC Report except in the headers of the appended data tables. However, the draft PPSwC Report is clear that the former Hamlen Parcel is a portion of the Raytheon Company RTN 2-13302 (& 3-22408) 'disposal site,' and both the report text and the attached figures make it obvious where the former Hamlen property is located in conformance with 310 CMR 40.1056(2)(a).

Wayland requests that Raytheon correct the address references in the PPSwC Report, and also explicitly state that the subject former Hamlen property is a portion of the Raytheon Company disposal site addressed as 430 Boston Post Road. Since the Notice of Activity and Use Limitation

67 HALL ROAD
STURBRIDGE, MA 01566
PHONE (774) 241-0901
FAX (774) 241-0906

560 SOUTH MAIN STREET
NEW BRITAIN, CT 06051
PHONE (866) 304-7625
FAX (860) 223-5454

(AUL) is already recorded with the Middlesex South District Registry of Deeds, the proper way to correct its address references is to record a "Confirmatory Notice of Activity and Use Limitation." [The marginal reference on the current deed for this parcel (Middlesex South District Registry of Deeds Book 41001, Page 463) also incorrectly indicates the property address as 433 Boston Post Road, which may be where the error originated.]

II) TIER IB PERMIT REFERENCES – In Section 1.1 (Page 1-1), Section 3.1.1 (Page 3-1), and Section 4.1 (Page 4-1) of the draft PPSwC RAO report, ERM lists the Tier IB Permit number for the former Raytheon property (133939). It is certainly true that DEP issued Tier IB Permit #133939 to Raytheon Company for release tracking number (RTN) 3-13302 effective December 13, 2000. However, revisions to the MCP regulations effective April 25, 2014 eliminated the Tier I permit process. Therefore references to Tier IB Permit #133939 are now useful only as historic information.

Wayland recommends that Raytheon either eliminate references to the former Tier IB Permit number from the PPSwC Report, or else place an explanatory footnote at the first such reference which explicitly states that DEP no longer uses the Tier I Permit process.

1.1 PROPERTY LOCATION AND DESCRIPTION

III) On Page 1-2 of the draft PPSwC Report, ERM states an AUL "was placed on the land in 2006 following remediation of a corner of the property." For clarity, Wayland recommends that Raytheon replace the words "a corner" with "the northeasterly corner" (or other wording to that effect).

2.1 SITE DESCRIPTION

IV) On Page 2-1 (second paragraph) of the draft PPSwC Report, ERM states that the Site is located in a Zone II area and "therefore considered as a potential current and future source of drinking water." The MCP definition of a current drinking water source area from 310 CMR 40.0006(12) is:

Current Drinking Water Source Area means groundwater located:

- (a) within the Zone II for a public water supply;
- (b) within the Interim Wellhead Protection Area for a public water supply;
- (c) within the Zone A of a Class A surface water body used as a public water supply; or
- (d) within 500 feet of a private water supply well.

Since the Site (both the former Hamlen property and the larger former Raytheon property surrounding it) is within the Zone II for Wayland's Baldwin Pond wellfield public water supply, the proper description of groundwater usage is as a current drinking water source area (not a *potential* current drinking water source area).

In the same paragraph, ERM states that "there is no current use of groundwater as a source of drinking water on or surrounding the Site," which is a misleading statement given the Zone II designation. It would be correct to say there is no current *withdrawal* of water from the Site (the former Hamlen property) for drinking water purposes. There is also an irrigation well located at the nearby Russell's Garden Center property (397 Boston Post Road, Wayland Assessor's Map 23 Lot 015) so it is also incorrect to state there is no current use of groundwater 'surrounding the Site.'

Wayland requests that Raytheon revise the wording of the third sentence in the second paragraph of Section 2.1 of the PPSwC Report to indicate that Site groundwater is considered a current drinking water source. The Town recommends either striking the fourth sentence or revising it to

state there is no current withdrawal of groundwater from the Site for drinking water purposes. Nonetheless, Wayland concurs with the final sentence of this paragraph: "Groundwater is not subject to this [PPSwC] report."

V) PREVIOUS PROPERTY OWNERSHIP – In the fourth paragraph on Page 2-1 of the draft PPSWC Report, ERM lists incorrect dates of property transfer for the former Raytheon property:

- Wayland Meadows Limited Partnership acquired the property from Continental Assurance Company on October 10, 1997 (not October 1) – see Middlesex South District Registry of Deeds Book 27793, Page 126); and
- Wayland Business Center, LLC acquired the property from Wayland Meadows Limited Partnership on December 10, 1997 (not December 1) – see Book 27797, Page 52.

If the purpose of this paragraph is to provide a brief history of property ownership during the years that Raytheon occupied this property (1955-1995), it would be useful to include reference to the four prior property transactions (I had previously researched this information for a different project):

- Herbert S. & Mary E. Wentzel to Raytheon Manufacturing Company on May 19, 1954 (Book 8256, Page 441);
- Raytheon Manufacturing Company to Norman Barnes on February 11, 1958 (Book 9101, Page 136);
- Norman Barnes to National Boulevard Bank of Chicago on July 14, 1958 (Book 9184, Page 4); and
- National Boulevard Bank of Chicago to Continental Assurance Company on June 18, 1968 (Book 11524, Page 165).

Furthermore, ERM omits any reference to ownership of the subject property (the former Hamlen property) in this, or any other, section of the draft PPSWC Report. I had also previously researched this ownership information:

- Mainstone Farm Trust acquired the subject property on May 1, 1936 (Book 6023, Page 195 – 8th parcel of land therein described);
- Devins H. Hamlen and James M. Hamlen acquired the subject property on December 29, 1970 (Book 11937, Page 566 – Parcel III therein described);
- Devins H. Hamlen acquired the subject property individually on September 18, 1997 (Book 27708, Page 472 – Parcel 2 therein described); and
- Raytheon Company acquired the subject property from Devins H. Hamlen on September 24, 2003 (Book 41001, Page 463).

Wayland requests that Raytheon provide a past ownership history of the subject former Hamlen property in the PPSWC Report with some or all of the information presented above. The Town also recommends that Raytheon incorporate additional past ownership information on the abutting former Raytheon property as warranted.

2.4 RELEASE BACKGROUND

2.4.2 Surface Water

VI) In the third paragraph of Section 2.1 of the draft PPSwC Report (page 2-5). ERM states:

Based on these findings, a portion of the copper in surface water and possible sediment appears to be related to background or "local conditions" as defined in MassDEP guidance.

Section 310 CMR 40.0006(12) of the MCP provides the following definition:

Background means those levels of oil and hazardous material that would exist in the absence of the disposal site of concern, including both Natural Background and Anthropogenic Background.

The MCP further defines 'Anthropogenic Background' as:

Anthropogenic Background means those levels of oil and hazardous material that would exist in the absence of the disposal site of concern and which are:

- (a) attributable to atmospheric deposition of industrial process or engine emissions and are ubiquitous and consistently present in the environment at and in the vicinity of the disposal site of concern;
- (b) attributable to Historic Fill;
- (c) associated with sources specifically exempt from the definition of disposal site or release as those terms are defined in MGL c. 21E and 310 CMR 40.0006;
- (d) releases to groundwater from a public water supply system; or
- (e) petroleum residues that are incidental to the normal operation of motor vehicles.

Neither the MCP nor the Massachusetts Wetland Protection regulations (310 CMR 10.10) provide a regulatory definition of "local conditions." However, Section 9.4 of DEP's Guidance for Disposal Site Risk Characterization (Policy #WSC/ORS-95-141, April 1996) defines this term as follows:

Local conditions are concentrations of OHM that are higher than background levels, but nevertheless ubiquitous throughout the vicinity of the site and are attributable to sources other than the site in question.

It is clear from the latter definition that DEP does not consider "local conditions" to be the same as "background." It is therefore inappropriate for ERM to equate those terms in the referenced paragraph of the draft PPSwC Report. It appears from context that ERM intends to cite 'releases from a public water supply system' as the source of elevated copper at the Site.

Wayland requests that Raytheon revise this paragraph of the PPSwC Report to state that elevated copper concentrations in Site surface water and sediment may be due to Anthropogenic Background (or other wording to that effect).

VII) REPORT COMPLETENESS – I compared the draft PPSwC Report to the requirements set forth at 310 CMR 40.1056 specifying the content of Permanent Solution Statements. The only omissions of any MCP requirements I noted were regarding the specific address of the former Hamlen property (see Comment I above); and there is no discussion of the applicability of a Permanent Solution DEP submittal fee pursuant to 40.1056(3). ERM initially classified RTN 3-13302 as Tier 1A in May 1996, but DEP assigned Tier 1B status to this 'disposal site' (including the former Hamlen property) effective December 13, 2000. The "Timely Action Schedule and Fee Provisions" regulations set forth at 310 CMR 4.00 state that DEP does not assess a Permanent Solution submittal fee for Tier classified disposal sites.

The Town of Wayland requests that Raytheon include a short explanation of why no Permanent Solution submittal fee is due for this PPSWC Report.

RECENT DOWNGRADIENT PROPERTY STATUS REPORTS

I would also like to take this opportunity to provide public commentary on the recent “Downgradient Property Status Opinion for Chlorinated Volatile Organic Compounds in Groundwater” and “Downgradient Property Status Opinion Termination for RTN 3-13302” reports that Raytheon submitted to DEP on June 3 and October 17, 2016 respectively.

VIII) PIP PROCESS – The original (11/9/00) Public Involvement Plan (PIP) for RTN 3-13302 states that Raytheon would notify interested persons (those on the ‘PIP Mailing List’) of significant milestones in remediation progress at the former Raytheon property (430 Boston Post Road), including the submittal of ‘Phase’ reports, Immediate Response Action (IRA) or Release Abatement Measure (RAM) Plans, and Response Action Outcomes (RAOs). Section 4.3.2 of the PIP also states that:

Raytheon will provide specific opportunities for the public to submit comments about documents concerning the Site. When key documents are available in draft form, they will be provided to the information repositories, and a notice of their availability will be sent to the Mailing List.

The specific listing of “documents available for public comment” includes ‘Phase’ reports, IRA & RAM Plans, and RAOs. Raytheon revised the PIP in 2004, but Section 4.5.2 of the July 13, 2004 revised PIP lists the same documents as “available for public comment.” This list does not specifically address Downgradient Property Status (DPS) reports. However, I believe that DPS reports would qualify as ‘key documents’ since a DPS report is the regulatory equivalent of an RAO report¹ in that submittal of a DPS report effectively terminates the involvement of a ‘Potentially Responsible Party’ at a given ‘disposal site’ (with the exception of addressing any ongoing IRA conditions). Furthermore, Raytheon provided a draft DPS Opinion for public commentary under RTN 3-22408 dated June 19, 2007 (on which I provided public commentary dated 7/20/07). Thus there is clear precedent for public commentary on a DPS report for the former Raytheon property within the PIP process.

Wayland would like to know why Raytheon chose not to provide a draft of either the June 2016 DPS Opinion or the October 2016 DPS Termination for RTN 3-13302. At the most recent (11/17/16) PIP public meeting, LSP John Drobinski of ERM explained that DPS is not one of the categories listed in the PIP as ‘documents available for public comment’ which is factually true but not in keeping with how the Town understands the PIP, nor does it comport with past precedent.

At this juncture public commentary on these DPS reports is moot since they are already submitted to DEP. Nonetheless, I offer the following comments for the record.

IX) JUNE 2016 DPS OPINION – Wayland understands that Raytheon and ERM have put a major effort into understanding chlorinated volatile organic compound (VOC) distribution in ground-

¹ More correctly a “Permanent Solution” report, since DEP replaced the term ‘RAO’ with either ‘Permanent Solution’ (formerly a Class A or B RAO) or ‘Temporary Solution’ (formerly a Class C RAO) effective 4/25/14.

water at and adjacent to the southerly portion of the former Raytheon property (RTNs 3-13302 & 3-22408). The Town also agrees that ERM puts forth a consistent argument that there are two separate and distinct plumes of chlorinated VOC contamination in groundwater, located from approximately 11-70' below grade ("Plume 1") and from 21-80' below grade ("Plume 2"), both of which appear to originate from some other parcel of land than the former Raytheon property at 430 Boston Post Road.

Wayland would like to know what assistance Raytheon is prepared to provide to owners or operators of the eight identified potential source properties to determine if they are in fact a source of chlorinated VOC release to groundwater (and if so, how can they best remediate that release). These eight properties as identified by ERM and Raytheon are:

- Cook's Automotive (356 Boston Post Road),
- Starmer's Texaco (338 Boston Post Road),
- CVS Pharmacy (325 Boston Post Road),
- The commercial property occupied by LaBelle Roofing (304 Boston Post Road),
- Wayland Cleaners (298 Boston Post Road),
- Wayland Village shopping center (297-319 Boston Post Road),
- The Wayland Post Office (277 Boston Post Road), and
- Shepard's Mobil (268 Boston Post Road).

The Town acknowledges that Raytheon is not responsible for chlorinated VOC releases that they did not cause or did not otherwise originate on the property they formerly occupied at 430 Boston Post Road, but it is unlikely that any of these other property owners or operators would have the resources to undertake environmental investigations as extensive as those that Raytheon and ERM have conducted to date. Wayland believes it would be appropriate for Raytheon and ERM to share their expertise and understanding of subsurface conditions with environmental consultants for these other properties since we are all working towards the common goal of eliminating the threat of contamination to the Town's public water supply.

X) OCTOBER 2016 DPS TERMINATION – The stated purpose of ERM's "Release Notification Form (RNF) and Downgradient Property Status Opinion Termination" for RTN 3-13302 is "to administratively delink" RTN 3-13302 "from upgradient and offsite sources" of VOCs. Raytheon submitted an RNF (Form BWSC103) as an attachment to this letter which indicates 120-day reporting conditions in groundwater of 17 µg/L PCE (tetrachloroethene) and 72 µg/L TCE (trichloroethene). There are several problems with this submittal:

- Most importantly, DEP offers no regulatory mechanism for 'de-linking' RTNs. The point of linking RTNs in the first place is to allow remediation of a 'disposal site' to proceed on a single regulatory timeline when there may be multiple reportable conditions identified at that disposal site for which DEP has issued separate RTNs. When a Potentially Responsible Party links a secondary RTN to a primary RTN for a particular disposal site, the secondary RTN is administratively closed but the Potentially Responsible Party must still address those reportable conditions which prompted its reporting (via response actions under the primary RTN).
- Were it possible to 'de-link' RTNs, it would be logically necessary for there to be at least two RTNs in order to 'de-link' a secondary RTN from the primary one. DEP guidance and policy is that the earliest-issued RTN is the primary RTN. It

appears that Raytheon submitted the attached Form BWSC103 so that DEP would issue a new RTN to identify chlorinated VOCs in groundwater (at 430 Boston Post Road). Should DEP choose to issue a new RTN, it would obviously be on a later date than 3-13302 (issued 1/2/96); thus RTN 3-13302 would become the primary RTN, and the putative new RTN would begin its own MCP timeline. If that is Raytheon's intention, it would be simpler to submit a Form BWSC103 for 120-day conditions and then not link it to RTN 3-13302.

- The form BWSC103 indicates the 'date when release occurred' as March 15, 1996, which appears to be the date when Raytheon previously reported 17 µg/L of PCE and 72 µg/L of TCE to DEP (not the date of any identified release). DEP issued RTN 3-13574 to identify this 120-day reporting condition, which Raytheon subsequently linked to primary RTN 3-13302 on November 28, 2000. It is not likely that DEP would issue a different RTN for the same conditions already reported on this property in 1996. Furthermore, submitting a 120-day notification for a release identified over 20 years previous is a clear and obvious violation of the time frame for such reporting set forth at 310 CMR 40.0315(1).
- Section C of the Form BWSC103 attached to the October 2016 DPS Termination is not filled out correctly in that there are no entries under "O or HM Released" and "PCE" and "TCE" are entered in the column for "CAS Number, if known." The proper entries would be:

O or HM Released	CAS Number, if known
Tetrachloroethene (PCE)	00127-18-4
Trichloroethene (TCE)	00079-01-6

- Submittal of a Form BWSC103 as an attachment to the DPS Termination letter report (which is itself an attachment to a DPS Transmittal Form BWSC115) is not the procedure DEP has provided for notification of a 120-day reporting condition. If Raytheon intends to appropriately submit this information, they should do so using the eDEP system and a Form "BWSC103-120 Day."
- DEP intends for a DPS submittal to identify contamination that has migrated in or on groundwater (or surface water) to a particular property. Raytheon recently did just that by submittal of the June 2016 DPS Opinion for RTN 3-13302 with regards to chlorinated VOC contamination migrating in groundwater onto the former Raytheon property at 430 Boston Post Road. (They had also previously submitted a DPS Opinion for RTN 3-22408 in June 2007 with regards to methyl tertiary butyl ether contamination that migrated via groundwater onto this property.) By submitting a DPS Termination for RTN 3-13302, Raytheon has effectively informed DEP that chlorinated VOC contamination in groundwater at 430 Boston Post Road is associated with RTN 3-13302. This appears to be exactly opposite of what the text of the October 2016 report states. It also negates the recent June 2016 DPS Opinion submittal.

Wayland requests that Raytheon provide an explanation of their motivation for submitting the October 2016 DPS Termination. If the purpose is to obtain a new RTN assigned to a different Potentially Responsible Party, the Town believes that this is a matter which should be brought

through the PIP process. If the purpose is to remove Raytheon as the Potentially Responsible Party for RTN 3-13574 (or another secondary RTN currently linked to RTN 3-13302), Wayland believes that this is also a matter which should be brought through the PIP process.

The DPS Opinion Termination letter report indicates that "recent conversations with MassDEP" prompted submittal of the DPS Opinion Termination. Wayland requests that Raytheon provide further information regarding those conversations, since they appear to have direct bearing on groundwater assessment and cleanup within the Zone II for the Town's Baldwin Pond Wellfield. In addition, for the purpose of full disclosure I recommend that Raytheon discuss the DPS reports at the next PIP meeting.

END

As always, I thank you in advance for your timely response to this commentary on behalf of the Town of Wayland.

Sincerely,
CMG ENVIRONMENTAL, INC.


Benson R. Gould, LSP, LEP
Principal

cc: Environmental Resources Management (John C. Drobinski, P.G., LSP & Lyndsey Colburn, P.G.)
Mr. J. Andrew Irwin, Wayland
Ms. Anette Lewis, Wayland
Massachusetts DEP (Pat Donahue, Larry Immerman & Karen Stromberg)
National Parks Service (% Jamie Fosberg)
Mr. Lewis Russell, Wayland
Mr. Harvey & Ms. Linda Segal, Wayland
Ms. Kimberly Tisa, U.S. EPA Region I
Wayland Health Department PIP Repository (% Director of Public Health Julia Junghanns)
Wayland Board of Selectmen (% Town Administrator Nanette F. Balmer)
Wayland Business Center, LLC (% Paula Phillips, Congress Group Ventures)
Wayland Conservation Commission (% Conservation Administrator Brian J. Monahan)
Wayland Fire Chief David Houghton
Wayland Water Division (% Water Superintendent Donald Millette)