

16 December 2005  
Reference: 0035461

Massachusetts Department of Environmental Protection  
Northeast Region  
205B Lowell Street  
Wilmington, Massachusetts 01887



Re: Response to Public Comments  
Draft Phase II Comprehensive Site Assessment Report and  
Draft Phase III Remedial Action Plan  
Former Raytheon Facility  
430 Boston Post Road  
Wayland, Massachusetts (the "Site")  
RTN 3-22408; Tier IB Permit No. W045278

Dear Department Representative:

On behalf of Raytheon Company (Raytheon), Environmental Resources Management (ERM) has prepared this letter providing responses to comments prepared by CMG Environmental, Inc. (CMG), consultant to the Town of Wayland, regarding the Draft Phase II Comprehensive Site Assessment Report and Draft Phase III Remedial Action Plan, dated 19 October 2005. CMG's comment letter, dated 17 November 2005, contains 17 comments, and Ms. Linda Segal's letter, dated 14 April 2005 contains one comment. This response letter includes each comment in italics and responses in plain text.

***The Following are CMG's Comments:***

*I) At several points in both the draft Phase II and Phase III documents, ERM notes that reportable concentrations of the volatile organic compound (VOC) methyl tertiary butyl ether (MTBE) in the 'Southern Area' of the property are the direct result of a release of blended gasoline from the abutting service station located at 365 Boston Post Road. That being the case, Raytheon is entitled to assert Downgradient Property Status (DPS) in conformance with 310 CMR 40.0180 of the Massachusetts Contingency Plan (MCP) with regards to MTBE contamination in the Southern Area.*

*In addition, ERM also notes several times that the condition of elevated arsenic observed in groundwater at the 'Western Area' of the property is a naturally-occurring background condition. As such, Raytheon is able to submit a partial*

*Class B-1 Response Action Outcome (RAO) Statement pursuant to 310 CMR 40.1046(1) of the MCP for the specific condition of naturally occurring elevated arsenic in groundwater within wetlands.*

*The Town of Wayland concurs with ERM that the available information is sufficient for Raytheon to assert DPS in the Southern Area and submit a (partial) Class B-1 RAO for the Western Area, which would 'close out' these aspects of RTN 3-22408. However, Raytheon has chosen not to pursue either of these options. Consequently, the MCP requires Raytheon to provide a Phase II-Comprehensive Site Assessment of all three 'disposal site' areas for RTN 3-22408. The 'Northern Area' holds the most complex environmental assessment issues by far, and Raytheon and ERM have appropriately devoted nearly all of the draft Phase II and Phase III documents to this portion of the property. Unfortunately, that means the Southern Area and Western Area aspects of RTN 3-22408 do not receive the full level of attention that the MCP mandates for Phase II assessment per 310 CMR 40.0830. Wayland recommends that Raytheon consider filing for DPS in the Southern Area regarding MTBE, and submitting a partial Class B-1 RAO Statement regarding dissolved arsenic in the Western Area, to allow ERM's full attention for RTN 3-22408 be focused on the Northern Area issues, without distraction.*

Raytheon appreciates Town of Wayland's opinions that there is sufficient information available to achieve a Downgradient Property Status (DPS) for MTBE in the Southern Area and a partial Response Action Outcome (RAO) for arsenic in the Western Area. In an effort to be conservative, Raytheon has chosen to continue monitoring groundwater quality in these portions of the Site. By doing so, Raytheon reassures the town that these issues will not distract our attention from addressing the Northern Area issues.

ERM currently conducts quarterly groundwater sampling and gauging activities to monitor the CVOC, MTBE and arsenic impacts to groundwater at the Site.

Raytheon is evaluating the analytical data generated in Calendar Year (CY) 2005 with respect to filing a DPS and a partial RAO. In accordance with the Massachusetts Department of Environmental Protection (Department) Master MCP Q&A, 1993 - 2002, Raytheon anticipates filing a RAO "if upon investigation it is established that the OHM (i.e., arsenic in this case) which required notification really represents a background concentrations, that information could be used to support a Class A-1 RAO." Once a draft partial RAO is prepared for arsenic, the document will be submitted for public comment.

II) *At Public Involvement Plan meetings and in private conversation, Raytheon and ERM have noted they have narrowed down the possible time frame for release of chlorinated VOCs in the Northern Area to between 1955 (when Raytheon took up tenancy at the Site) and 1970 (when they had the Northern Area filled. Raytheon and ERM have also stated that the approximate volume of tetrachloroethene (a/k/a perchloroethylene, or PCE) and trichloroethene (TCE) likely released to the ground surface was between 30-70 gallons. However, these two pieces of information [very pertinent to 310 CMR 40.10835(4)(c)] do not appear in either the draft Phase II or Phase III.*

The following text has been added to Section 5.3.2 to the Final Phase II CSA report, "As presented in the Phase I ISI report (Section 3.4.1), based on a review of historic aerial photographs from 1936 through 1988, potential filling activities and potential land disposal areas were identified in the Northern Area as follows:

- surface debris and disturbed land free of vegetation were observed in the Northern Area on a 1969 photograph, and
- a 1988 photograph, this area of the property appears to have been filled to a higher elevation and is vegetated woodland.

Thus, it is assumed that a historical release of chlorinated solvents occurred between 1955 (i.e., when the site was initially developed) and the 1970s (i.e., approximate time of filling). The TCE release which resulted in contamination of groundwater at the site is estimated to be approximately 100 gallons.

III) *On Page 7 of the draft Phase II, ERM notes that the 'Northern Area Disposal Site Boundary' extends onto the north-abutting Wayland Conservation Commission land, as illustrated on Figure 2. Wayland agrees that this is the case. However, as we noted in our April 7, 2005 public commentary on the Phase II Scope of Work document, the Town believes the 'disposal site boundary' for the Northern Area should encompass sample points B-411, B-412, B-413, DEP-20, and DEP-21, located on the north-abutting property. Figure 2 depicts the Northern Area disposal site boundary as including points DEP-20 and DEP-21, but not points B-411, B-412, and B-413. We again request that you identify the DEP disposal site boundaries as including all sample locations that*

*have exhibited one or more exceedances of applicable GW-1 groundwater criteria [see 310 CMR 40.0835(4)(b) & (t)].*

The disposal site boundary for the Northern Area is shown of Figure 1 of the Phase II CSA. The disposal site boundary shown on Figure 1 was defined based on exceedances of RCGW-1 concentrations and includes the areas occupied by B-411, B-412, and B-413.

Figure 2 presents the oil and/or hazardous material (OHM) Investigation Areas. The areas on this figure present the monitoring wells, within an area, which are sampled to evaluate release of OHM.

IV) *On pages 20 & 21 of the draft Phase II, ERM provides an outstanding description of the overburden stratigraphy of the Northern Area, supported by the trio of geologic cross-section illustrations provided four times on Figure 5. However, there is no mention at all of the overburden stratigraphy in the Southern Area or the Western Area of RTN 3-22408. This goes to the point Wayland previously made in comment I. The Town requests that Raytheon provide sufficient information in this section of the Phase II report to satisfy the requirements of 310 CMR 40.0835(4)(d)3.b: to provide "a comprehensive description and depiction of site ... soil type(s), stratigraphy, and permeability." Alternatively, Raytheon could file for DPS in the Southern Area regarding dissolved MTBE and submit a partial Class B-1 RAO Statement for dissolved arsenic in the Western Area wetlands, precluding the need to comply with the quite demanding Phase II report requirements at these portions of the property.*

ERM provided a summary of the overburden stratigraphy for the Southern Area in Section 5.2 of the Phase I Initial Site Investigation (ISI) and a geologic cross-section was presented in Figure 5B on the same report. This geologic summary will be included in the Final Phase II CSA report.

V) *The table ERM provides on page 23 of the draft Phase II indicates that the minimum concentration of OHM Release Conditions under RTN 3-22408 is "ND." The "List of Acronyms and Abbreviations" provided on pages viii & ix prefacing the draft Phase II does not include "ND." Common usage in this context is as an abbreviation for "Not Detected"; Wayland requests that Raytheon clarify this by either defining "ND" as a footnote to this table or by including in the preface.*

*More substantively, the Town requests that Raytheon either tabulate the minimum numeric value of the laboratory reporting limit for each of the 'Release Conditions,' or provide a statement to the effect that the minimum*

*laboratory reporting limit is quantitatively less than the applicable RCGW-I reportable concentration.*

ERM has included "ND" as an abbreviation for Not Detected in the List of Acronyms in the Final Phase II CSA. Additionally, a footnote has been added to the table on page 23 stating that the minimum laboratory reporting limit is below the applicable RCGW-I reportable concentration for the identified compound.

*VI) On page 25 of the draft Phase II, ERM notes that none of the 30 soil samples collected to 19.5 feet below grade in the Northern Area and submitted for VOC analysis exhibited any VOC detections above reportable concentrations. Wayland requests Raytheon mention that 10 of these 30 soil samples exhibited VOC identifications above laboratory reporting limits. We also note that ERM collected the deepest of these 30 soil samples (from MW-314D) at a depth of 25 feet below grade (i.e., the 19.5' sample from B-260 was not the deepest in this set).*

*On page 26 of the draft Phase II, ERM notes that neither of the two soil samples from the Western Area submitted for total metals analysis exhibited any arsenic above reportable concentrations. The Town requests Raytheon mention that testing did identify 5.1 mg/Kg of total arsenic in the 25-foot sample from MW-314D.*

ERM has clarified the text as requested by the Town of Wayland.

*VII) On page 26 of the draft Phase II, ERM states that "MTBE impacts have been monitored for the development of a groundwater quality database, but delineation of this contaminant was not completed as part of Phase II activities." This is a failure to comply with the specific Phase II requirement set forth at 310 CMR 40.0835(4)(f): "characterization of... vertical and horizontal extent of contamination at the disposal site." This also goes to the point Wayland previously made in comment I. The Town requests that Raytheon provide sufficient information in the Phase II to satisfy the requirements of this section of the MCP. Alternatively, Raytheon could file for DPS in the Southern Area regarding dissolved MTBE, precluding the need to comply with Phase II report requirements for this portion of the property.*

ERM removed the statement that "MTBE impacts have been monitored for the development of a groundwater quality database, but delineation of this contaminant was not completed as part of Phase II activities." The groundwater quality dataset does allow for the vertical and horizontal

extent of the MTBE impacts on the Former Raytheon Facility property to be delineated. Text has been added to the Phase II CSA to this effect.

*VIII) On page 32, in the Risk Characterization chapter of the draft Phase II, ERM states that the OHM of concern "are not expected to bioaccumulate in the top two feet of soil" While this is certainly true of the chlorinated VOCs in the Northern Area (and MTBE in the Southern Area), it may not be true of the naturally-occurring background arsenic reporting condition in the Western Area. According to the ASTDR "Toxicological Profile for Arsenic" (September 2000, p. 254):*

*While arsenic bioaccumulates in animals, it does not appear to biomagnify between trophic levels (Eisler 1994; Farag et al. 1998).*

*This again goes to the point Wayland previously made in comment 1. The Town requests that Raytheon either include a clause to the effect of "apart from naturally-occurring elevated arsenic in the Western Area," or provide the requisite ecological risk assessment information necessitated by inclusion of a bioaccumulative contaminant in the risk assessment. Alternatively, Raytheon could submit a partial Class B-1 RAO Statement for dissolved arsenic in the Western Area wetlands, precluding the need to comply with risk characterization and Phase II report requirements for this portion of the property.*

ERM decided to conduct a Method I Risk Characterization for the reasons identified in Section 6.1 of the Phase II CSA. Arsenic in soil in the western portion of the site was discussed in the Phase II CSA for Release Tracking Number 3-13302, dated 27 November 2001. The bioaccumulation of arsenic is not an evaluation criteria under the MCP for evaluating the applicability of a Method I Risk Characterization.

*IX) In the final bullet item listed on page 33 of the draft Phase II, ERM raises the possibility of removal of a portion of the (83-acre) Deed Restriction. The Town requests that Raytheon clarify that in the event of such Deed Restriction removal, Method I risk characterization (310 CMR 40.0970) must compare Site soils to S-I (not S-2) standards.*

*More importantly, Wayland requests that Raytheon provide a discussion of whether their existing Deed Restriction can satisfy the requirements of 310 CMR 40.1012(2)(a)1 that specify an Activity and Use Limitation (AUL) must be implemented prior to submittal of an RAO Statement that does not permit unrestricted use, in any portion of a disposal site where soil exposure point concentrations exceed Method 1 risk characterization S-I standards. As has been discussed at length in related forums, the existing Deed Restriction is not*

*an AUL in accordance with MCP requirements, hence it may not be acceptable for a future RAO Statement to rely upon it.*

ERM included discussion in Section 6.8 of the Phase II CSA that indicated that one of the limitations of the Risk Characterization was that "the conclusions of the Risk Characterization may need to be reviewed if new or changed information becomes available, such as revisions to the Deed Restriction. If the Deed Restriction is removed from portions of the Former Raytheon Facility, Raytheon and ERM will evaluate the potential concentrations of contaminants to the appropriate regulatory criteria within the areas of the property at that time."

Raytheon and ERM do not believe it is appropriate to include a discussion in the Phase II CSA of the existing Deed Restriction as it relates to an AUL until such time that an AUL is required for achieving a RAO.

### **PHASE III Comments**

*X) In the third Phase II conclusion, on page 4 of the draft Phase III, ERM states that "The northern boundary of the CVOC plume was delineated to levels below applicable RCs approximately 0.5 miles south of the Baldwin Pond Wellfield." There is no similar statement found in the draft Phase II report (either in the Conclusions section [2.2] or Nature and Extent of Impacts to Groundwater section [5.3.4] of that report).*

*Furthermore, Figure 7 of the draft Phase II illustrates ERM's modified Waterloo sampling point B-412 as approximately 2,430 feet (about 0.46 miles) due south of Baldwin Pond Well #3. This point exhibited 45 ug/L of TCE and 130 ug/L of cis-1,2-dichloroethene (RCGW-1 standards of 5 & 70 ug/L, respectively) in March 2004. The next-closest sampling points (DEP-9 through DEP-11) range from approximately 1,820-2,100 feet (about 0.35-0.40 miles) south of Baldwin Pond Well #3. These wells did not exhibit any RCGW-1 exceedances, although DEP-10S had detections of TCE and cis-1,2-dichloroethene.*

*Therefore, Wayland believes it is imprecise (if not inaccurate) to assert that the northerly boundary of the chlorinated VOC plume is "approximately 0.5 miles" of the Town wellfield. We request that Raytheon strike this language from the Phase III unless it is also presented and adequately supported in the Phase II.*

The third Phase II conclusion, presented in the draft Phase III, is included in the Phase II Section 7.0, Conclusions. ERM has modified the text to read "The northern boundary of the CVOC plume was delineated to

levels below applicable RCs approximately 0.4 miles south of the Baldwin Pond Wellfield."

XI) *On page II of the Phase III, ERM indicates that "The treatability study results are not reflective of in situ conditions," noting that the study results did not lead to complete dechlorination of TCE, whereas they have observed this in field studies. Wayland is concerned that ERM's interpretation of the treatability study results has allowed them to extrapolate incomplete bioremediation in bench-scale testing to support a conclusion that full-scale application would achieve complete bioremediation of chlorinated VOCs; this may be overly optimistic.*

*The Town recommends that ERM re-do the treatability study using fine-grained material (silty sand) from the Northern Area subsurface, layered with coarser-grained materials, to better simulate in-situ conditions. However, we realize that this may not be feasible due to the need to mobilize substantial equipment in the field and the time and difficulty involved in running the anaerobic microcosm tests. As an alternative, Wayland requests that Raytheon provide additional information (such as published literature studies) to better support their assertion that bioremediation is a viable treatment alternative for the Site.*

ERM directs CMG to the references provided on the Interstate Technology & Regulatory Council website (<http://www.itrcweb.org/gd.asp>) to support the selection of bioremediation to treat the downgradient portion of this plume.

XII) *On page 21 of the Phase III, ERM states that inaction "would not achieve a permanent solution." This seems true on face value, but in reality is based on unstated time frame considerations. Wayland requests that Raytheon clarify this statement to the effect that "this alternative would not achieve a permanent solution within MCP time frames."*

*The Town requests that Raytheon provide some objective qualifier such as "greater than 25 years" or "on the order of 100 years" as appropriate.*

Thank you for these comments, however, in accordance with 310 CMR 40.0550 of the MCP, any person undertaking response actions at a Tier I disposal site shall achieve a Response Action Outcome within 5 years of the effective date of the permit. Based on our evaluation and experience, inaction at this time would not achieve a permanent solution at this Site within this timeframe. It is difficult to predict when a permanent solution would be achieved with no active remediation activities.



XIII) In the first bullet on page 24 of the Phase III, ERM states that "indigenous microbes may not be capable of complete reductive dehalogenation." However, they have also reported detection of ethene in deep groundwater near the leading edge of the chlorinated VOC plume, an indicator that complete dehalogenation is in fact occurring in situ. Furthermore, ERM and Raytheon have selected bioremediation as the preferred alternative to address residual chlorinated VOC contamination away from the identified release source, a process that relies on microbial activity. Wayland requests that Raytheon provide a fuller and more consistent explanation of the 'indigenous microbe' finding.

Groundwater data collected in September 2005 following the installation of the three downgradient well clusters in the wetland further support ERM and Raytheon's assertion that reductive dechlorination is naturally occurring in the downgradient portion of the plume. Ethene was detected in well clusters MW-554, MW-555 and MW-556, and cis-DCE detected in MW-554D and MW-555D (Table 14 of Final Phase II CSA). The detection of these daughter products of TCE is direct evidence that indigenous microbes are present and reductive dechlorination is occurring. ERM directs CMG to the references provided on the Interstate Technology & Regulatory Council website (<http://www.itrcweb.org/gd.asp>) to support the selection of bioremediation to treat the downgradient portion of this plume.

The first bullet on page 24 of the Phase III "Dehalogenating microbes are likely present in the aquifer. However, indigenous microbes may not be capable of complete reductive dehalogenation." will be removed. A statement supporting the likely success of indigenous microbes to further degrade TCE in the downgradient plume will be added.

XIV) On Page 30 of the Phase III, ERM asserts that "There are no risks associated with the generation of toxic byproducts under this alternative that would pose short-term or long-term risks to human health." However, they are proposing to capture vapor-phase VOCs (including PCE, TCE, and vinyl chloride) using activated carbon. Each of these VOCs can cause contaminated filter carbon to exhibit characteristic toxicity (i.e., result in a D-listed hazardous waste). By definition, a hazardous waste is capable of posing either a short-term or a long-term risk to human health.

The Town requests that Raytheon either strike this sentence, or (if possible) provide technical justification explaining why capture of chlorinated VOCs by carbon would not have any possibility of generating a hazardous waste.

Carbon is typically regenerated or recycled and therefore is not sent off-site as hazardous waste. Therefore ERM does not anticipate generating hazardous waste from this activity.

*XV) As with the second part of comment X, the Town requests that Raytheon provide some objective qualifier such as "greater than 25 years" or "on the order of 100 years" as appropriate.*

Thank you for these comments, however, in accordance with 310 CMR 40.0550 of the MCP, any person undertaking response actions at a Tier I disposal site shall achieve a Response Action Outcome within 5 years of the effective date of the permit. Based on our evaluation and experience, inaction at this time would not achieve a permanent solution at this Site within this timeframe. It is difficult to predict when a permanent solution would be achieved with no active remediation activities.

*XVI) On Page 36 of the Phase III, ERM indicates that "The primary constituents of concern at the Site are amenable to treatment using air stripping." This is true for the chlorinated VOCs in the Northern Area, but not MTBE (the sole contaminant of concern in the Southern Area of RTN 3-22408). Although its (unitless) Henry's Law Constant (0.026) is greater than 0.01, air stripping is not a generally preferred method of removing MTBE from groundwater. Once more this goes to the point Wayland made in comment I. The Town requests that Raytheon modify this portion of the Phase III to address MTBE. Alternatively, Raytheon could file for DPS in the Southern Area regarding dissolved MTBE, precluding the need to comply with Phase III requirements for this portion of the property.*

As stated in Page 4 of the Phase III the MBTE impact in the Southern Area was not carried forward for evaluation in the Phase III. Raytheon addressed the Town's request for a DPS for MTBE in Comment #I.

*XVII) The single sentence ERM provides on page 44 of the draft Phase III provides only one tentative date, submittal of the Phase IV Remedy Implementation Plan by December 2006. This is an MCP deadline requirement rather than a schedule for implementation of the selected remedial action alternatives. Therefore, Wayland believes that Raytheon has not sufficiently met the particular Phase III requirement set forth at 310 CMR 40.0861(2)(i): "A Remedial Action Plan shall contain ...a projected schedule for implementation of Phase IV activities pursuant to 310 40.0870." The town requests that Raytheon provide, at a minimum, a tentative schedule for the bullet items listed under Section 7.1 of the Phase III.*

Raytheon has added the following items to the implementation schedule:

- Submit Draft Phase IV Remedy Implementation Plan (RIP) – Summer/Fall 2006
- Implement Phase IV Activities –Fall/Winter 2006

A more detailed schedule will be provided in the Phase IV RIP.

*The Following are Ms. Linda Segal's Comments:*

*Phase II Document:*

*I) page 6, section 3.2 Property Ownership. I do not have documentation of the real estate transaction, but apparently some part of the former Raytheon property changed hands at the end of August/beginning of September, 2005 to a new real estate entity named Twenty Wayland, LLC, headed by the following four managers:*

<i>Title</i>	<i>Individual Name First, Middle, Last, Suffix</i>	<i>Address (no PO Box) Address, City or Town, State, Zip Code</i>
MANAGER	ANTHONY J. DELUCA	45 BROAD ST. 4TH FLR. BOSTON, MA 02109 USA
MANAGER	DEAN F. STRATOULY	45 BROAD ST.4TH FLR. BOSTON, MA 02109 USA
MANAGER	GORDON J. CLAGETT	45 BROAD ST. 4TH FLR. BOSTON, MA 02109 USA
MANAGER	CHARLES R. IRVING III	45 BROAD ST. 4TH FLR. BOSTON, MA 02109 USA

*It appears you need to clarify ownership, and for purposes of utmost clarity, please do so by parcel number for the entire acreage that Raytheon had for its former facility.*

ERM presented property ownership information in Section 2.3 of the Phase I ISI report, dated 17 December 2003. Since production of this report, Wayland Business Associates, LLC acquired the parcels 23-52 and 23-52C of the Former Raytheon Facility property on 25 August 2004.

Most recently Twenty Wayland, LLC acquired parcels 23-52 and 23-52C of the Former Raytheon Facility property. The managers listed are for notification purposes. ERM has updated the text accordingly.

*II) page 32, Section 6.2 Site Use Assumptions. It appears the S2 soil standard is being used here consistent with the existing site uses as a Limited Commercial District (office space, etc.) Residential housing is not a current or approved use. The goal of the cleanup is to achieve the determination of no significant risk, and if I understand Ben Gould's comment November 17 letter correctly, if the existing deed restrictions are to be lifted at some point in the future (in part or otherwise), and if no AUL will be imposed in its place, then the more strict S 1 standard will apply. I note that that is alluded to on page 41, Section 6.8 Limitations with regard to revisions to the Deed Restrictions.*

Raytheon and ERM do not believe it is appropriate to include a discussion in the Phase II CSA of the existing Deed Restriction as it relates to an AUL until such time that an AUL is required for achieving a RAO.

*Phase III Document:*

*I) page 80+, Section 8.0. Public Notification. In the future, legal notification should be addressed to Fred Turkington, Town Administrator (Wayland no longer has an Executive Secretary position in our town government).*

Raytheon (Edwin Madera) has introduced himself to Fred Turkington. Future public notification will be addressed to Fred Turkington, Town Administrator at the Town Hall.

*October 19 PIP Meeting:*

*I) It was clear that a number of first-timers attended this meeting, probably because of the heightened public awareness about future redevelopment of the property. I therefore suggest that while the milestone requiring this PIP meeting are the two Draft documents you must submit to DEP next month to meet permitting deadlines, I respectfully suggest you consider having on hand a few overhead slides that show the status of other RTNs on the property so anyone attending can also appreciate the bigger picture.*

Thank you for these observations. As you are aware, Raytheon developed the extranet as a tool to update members of the community on environmental actions at the Site. The extranet contains updates to all existing RTNs at the Site. Due to time constraints of PIP presentations, Raytheon is unable to provide status updates for all RTNs during a PIP

meeting. However, Raytheon and ERM will continue to be available for questions after PIP meetings.

*II) During the Q&A portion of the meeting, a Wayland resident brought to your attention the fact that the deed restrictions in place on the property do not appear to be attached to the deed as various real estate transactions have occurred in recent years. That being the case, the concern is how in fact those important protective provisions are clearly understood by all current and future stakeholders. Your presentation to Wayland Selectmen at the end of June in tandem with Ben Gould's June 27 5-page explanation about the deed restrictions (posted on the Planning Board's website) are informative, but it is not clear to me what Raytheon and its LSP can be or should be doing to ensure that the deed restrictions are attached to the deed.*

The placement of a Deed Restriction on a property is a legal process. Raytheon may not always be aware of property transactions, since we no longer own the property. Because the Deed Restriction is a legal instrument, it becomes the buyers responsibility to review the deed and any amendments during due diligence.

On December 12, 2005, ERM located the Deed Restriction for the property on the Massachusetts Registry of Deeds webpage ([www.masslandrecords.com](http://www.masslandrecords.com)). The Massachusetts Registry of Deeds webpage contains all records from 1974 to the present as well as images for all records from 1986 to present. With knowledge of the Deed Restriction information (e.g., file date of 22 October 1997, address 430 Boston Post Road, Wayland, MA.), the Deed Restriction was located in book/page 01179/14. Please inquire with the Registry of Deeds if more information is needed.

*III) During that same Q&A portion of the meeting, another Wayland resident brought to your attention the need to have some mechanism in place so the Town of Wayland stays informed as the inevitable redevelopment of the property moves forward, e.g. as Raytheon is asked to amend the deed restrictions, as other environmental issues and impact need to be well understood by town officials, as the Town still owns and operates a Wastewater Treatment Plant on the property, etc. You reminded us that Raytheon funds LSP services for the cleanup, but not for other related informational needs. I respectfully request that you please consider how such important and reliable communication of information can be ensured.*

Raytheon will continue to communicate with the Town of Wayland and public through the PIP meetings and the extranet site. Raytheon has been and will continue to be responsive to the Town's requests for meetings to discuss issues associated with environmental conditions at the former Raytheon Facility. However, questions regarding

redevelopment activities should be addressed to the property owner/redeveloper.

*IV) In support of item 3 above, I regret to have to disclose that during public meetings in the last few months, there have been incidents when the Town has not been able to rely on environmental information provided by other parties. I have two examples for you, as follows:*

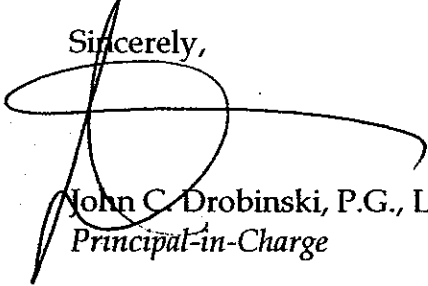
*a) At a May 10, 2005 Planning Board/Selectmen joint public meeting, Selectman Doug Leard asked how the deed restrictions affect building housing and children playing on green spaces. KGI developer Frank Dougherty chose to provide a "simple" answer (quoting from videotape) "Raytheon is working with DEP to finish the cleanup of this site. That process is almost complete and that restriction will be removed we understand fairly shortly. ..." That is not what I understood from what was presented at the October 19 PIP meeting.*

*b) During public board discussions about the existing wastewater treatment plant, it was disclosed that KGI developer Frank Dougherty attended a technical meeting with the EPA and Wayland wastewater commissioners. The feedback from the developer was one of optimism regarding their preference to build a new plant to increase the total plant discharge capacity from 65,000 gallons/day to 100,000 GPD or more to enable a larger, higher water use (housing, restaurants) redevelopment project. The wastewater commissioners, however, seemed to come away from that EPA meeting with the opposite, more dim view of the likelihood of an EPA permit allowing increased discharge to the Sudbury River. Ultimately, at the end of October, EPA contacted the wastewater chairman indicating that the likelihood was "nil."*

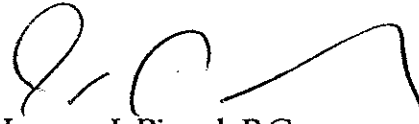
Thank you for these comments.

If you have any questions or comments please, contact Mr. Edwin Madera of Raytheon at (978) 440-1813.

Sincerely,



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



Jeremy J. Picard, P.G.  
Project Manager

cc: Mr. Edwin Madera, Raytheon Company, Sudbury, MA 01776  
Public Repository, Wayland Public Library, Wayland, MA 01778  
Public Repository, Board of Health Office, Wayland, MA 01778  
Mr. Ben Gould, CMG Environmental, Southbridge, MA 01550  
Ms. Linda Segal, Wayland, MA 01778