

**Environmental
Resources
Management**

399 Boylston Street, 6th Floor
Boston, MA 02116
(617) 646-7800
(617) 267-6447 (fax)

<http://www.erm.com>

25 February 2010
Reference: 0114119

Mr. Brian Monahan
Conservation Commission
Wayland Town Hall
41 Cochituate Road
Wayland, MA 01778



Re: Request for Return of Performance Bond for Work Completed
Under DEP File Numbers 322-0564 & 322-0647
Former Raytheon Facility, 430 Boston Post Road
Wayland, Massachusetts

Dear Mr. Monahan:

Environmental Resources Management (ERM) has prepared this letter on behalf of Raytheon Company (Raytheon) to formally request return of the performance bond secured by the Town of Wayland for work completed at the Former Raytheon Facility at 430 Boston Post Road (Site) under Massachusetts Department of Environmental Protection (MassDEP) File Number 322-0564, and subsequently, MassDEP File Number 322-0647.

Certificates of Compliance were issued on 25 March 2010 for both File Numbers, indicating the Town of Wayland Conservation Commission (Commission) is satisfied that the work was completed in accordance with both Orders of Conditions. Given that this bond was held to secure performance and observance of the Orders, it is no longer necessary for the Town to hold this money and the associated interest accrued on the account.

Background

A Notice of Intent (NOI) was submitted by ERM on 26 September 2003 describing a scope of work including monitoring well installation in the Resource Area and vertical profiling of groundwater within the 100-Foot Buffer to Bordering Vegetated Wetland. MassDEP File Number 322-0564 was assigned on 20 November 2003 and the Order of Conditions contained the following special condition requiring the submission of a performance bond:

34. Prior to commencing any work on the site the applicant shall submit to a (sic) Town a bond, deposit of money, or negotiable security in the amount of \$30,000 to secure the performance of the conditions and the observance of the safeguards of this Order of Conditions. The terms of the bond or security shall be less than three years from the effective date of this Order of Conditions. [Adopted pursuant to Wayland's Code Chapter 194-9]

In accordance with this special condition, ERM submitted check number 021241 to the Town of Wayland in the amount of \$30,000, dated 10 February 2004 (copy attached).

The scope of work associated with File Number 322-0564 was completed prior to the 10 October 2006 submission of a Request for Certificate of Compliance. This document also included the initial request for return of the \$30,000 performance bond on the grounds that the scope of work was completed in accordance with the Order.

On 4 June 2007, ERM submitted a Response to Order of Conditions for MassDEP File Number 322-0647. This new File Number was related to additional remediation work to be carried out by Raytheon at the Site, including soil remediation and wetland restoration. In the 4 June 2007 submittal, ERM agreed to the Commission's request that the unreturned \$30,000 be used as a performance bond to secure the work to be completed under 322-0647.

A request for Certificate of Compliance for work completed under 322-0647 was submitted on 19 November 2009. That letter contained a request for return of the bond money as follows:

The Commission currently holds a \$30,000 bond used to secure performance of the project. This money was originally submitted to the Commission in February 2004 to secure work conducted under DEP File Number 322-0564. That work was completed and a request for a Certificate of Compliance and return of the bond money was submitted to the Commission on 10 October 2006. The request was not addressed and the bond money was not returned. In the 8 August 2006 Order of Conditions for DEP File Number 322-0647, the Commission requested use of the \$30,000 account to secure the current project activities. Project activities have been completed and the work was conducted in substantial compliance with the Order as documented in this submittal package. Therefore, it is no longer necessary for the Commission to hold

the bond as a tool to ensure completion of the project. At this time Raytheon requests return of the \$30,000 bond held by the Commission to secure performance of the conditions set by the Order.

Certificates of Compliance for both File Numbers were issued by the Commission on 25 March 2010, indicating the Commission's satisfaction that the work was completed in accordance with the Orders of Conditions.

ERM requests that the Commission return the \$30,000 and any interest accrued on the account given the evidence presented herein. ERM and Raytheon would like to be included on the agenda for the 10 March 2011 Commission meeting to discuss this matter further.

If you have any questions or comments please contact the undersigned at (617) 646-7800.

Sincerely,



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



Jason D. Flattery, P.E.
Project Manager

jdf

encl: Copy of ERM Check No. 021241, 10 February 2004

cc: Jonathan Hone, Raytheon
Louis Burkhardt, Raytheon
Ben Gould, CMG Environmental
PIP Repositories

021241
02/10/04
003474

▼ PLEASE DETACH AND RETAIN FOR YOUR RECORDS ▼

INVOICE NUMBER	DATE	VOUCHER NO.	AMOUNT
CONCOM	02/10/04	12291	30,000.00

Total: 30,000.00

THIS DOCUMENT IS PROTECTED BY A MICRO-PRINT SIGNATURE LINE, FLUORESCENT PAPER FIBERS, A WATERMARKED BACKER, AND IS REACTIVE TO CHEMICAL ALTERATION



ERM
399 BOYLSTON STREET 6TH FLOOR
BOSTON, MA 02116
PH (617) 267-8377

CITIZENS BANK
MASSACHUSETTS

02/10/04

021241

5-7017-2110

NO. 021241

PAY THIRTY THOUSAND DOLLARS AND *****00/100 CENTS \$ *****30,000.00

TO THE
ORDER
OF

Town of Wayland
Wayland Town Building
41 Cochituate Rd
Wayland, MA US

AUTHORIZED SIGNATURE

WARNING: THIS DOCUMENT IS VOID IF ACCOUNT NUMBER DOES NOT APPEAR ON THE REVERSE SIDE IN RED

⑈021241⑈ ⑆211070175⑆ 1130150116⑈

RM