

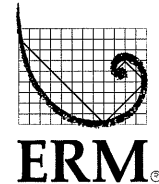
**Environmental
Resources
Management**

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

<http://www.erm.com>

13 July 2004
Reference: 0013606.01

Mr. Benson R. Gould
CMG Environmental, Inc.
600 Charlton Street
Southbridge, MA 01550



Ms. Linda Segal
9 Aqueduct Road
Wayland, MA 01778

Re: Response to Public Comments
Draft Revised Public Implementation Plan (PIP)
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts (the "Site")
RTN 3-13302 and 3-22408

Dear Mr. Gould and Ms. Segal:

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, and Linda Segal regarding the Draft Revised PIP, dated 12 May 2004. CMG's comment letter, dated 9 June 2004, contains six comments and Ms. Segal's letter, dated 10 June 2004, contains 16 comments. This response letter includes relevant portions of each comment in italics and responses in plain text.

CMG's Comments:

I) 4.2.2 Mailing List [& ff.]

Errata: this section of the Draft Revised PIP begins on page 25. In the copy we reviewed, the following page is numbered 20, with consecutively-numbered pages through the end of the document. The Table of Contents exhibits the same pagination error.

The document pagination and Table of Contents have been revised to reflect correct page numbers.

II) 2.2 ENVIRONMENTAL ASSESSMENT

March 1996- Release of OHM to Groundwater Reported to DEP

On page 11 of the Draft Revised PIP, ERM states "... under the Phase II Site Assessment. Approximately three deep overburden wells and eleven shallow overburden wells were installed..." It seems odd that ERM would not know the exact number of deep and shallow overburden wells installed for Phase II assessment of RTN 3-13574. Table 4 in their November 28, 2001 Phase II Comprehensive Site Assessment report indicates installation of three (shallow overburden) monitoring wells installed at the Site in March 1996 (MW-27, MW-28, and MW-30). However, ERM characterized these wells as "Phase I Monitoring Wells." Table 4 also indicates five (shallow) wells installed as "Post-Phase I Monitoring Wells" (MW-31, MW-TP-3, BW-1, BW-2, and BW-3), installed in July and December 1996; four (shallow) wells designated "Haley & Aldrich Monitoring Wells" (HA-I01 through HA-I04), installed in January 1988; and 30 "Phase II Monitoring Wells" installed between May 1998 and March 2002. Of the latter, five were deep overburden wells (greater than 54 feet total depth): MW-33D, MW-43D, MW-44D, MW-45D, and MW-47D; and 25 were 'shallow' overburden wells: MW-32, MW-33S, MW-33M, MW-33B, MW-34, MW-35, MW-36, MW-37, MW-37M, MW-38, MW-39, MW-40, MW-40S, MW-41, MW-42S, MW-43S, MW-44S, MW-44M, MW-45S, MW-45M, MW-45B, MW-46S, MW-46M, MW-47S, and MW-47M.

Wayland requests that Raytheon ascertain which groundwater monitoring wells ERM is referring to in this portion of the Draft Revised PIP and provide a definite number. Since the intent of this section is to provide an informational overview, we see no need to enumerate exactly which wells ERM is describing, but use of the word "approximately" suggests that either you do not know how many wells you had installed, or you do not know which wells served the purpose of investigating the March 1996 notification condition. (Note: wording of the Draft Revised PIP paragraph discussed in this comment is almost identical to that found in the analogous section of the original [November 10, 2000] PIP.)

A total of 40 additional wells were installed during the Phase II Comprehensive Site Investigation to further delineate the VOC impacts to groundwater at the Site. These wells include 33 shallow and medium overburden, 5 deep overburden and 2 bedrock monitoring wells. The document has been modified to reflect these statistics.

III) January 1997 - Tier Classification

On page 11 of the Draft Revised PIP, ERM states "This designation [Tier IB] requires Raytheon to perform response actions pursuant to the MCP without

prior approval from the DEP." This is somewhat misleading; the Tier IB designation does not in and of itself require Raytheon to 'perform response actions pursuant to the MCP.' Raytheon (or any other 'Potentially Responsible Party') has the same set of MCP obligations whether the disposal site in question carries a classification of Tier IA, IB, IC, or II.

The Town presumes that ERM is noting the distinction between a disposal site classification of Tier IA and Tier IB, since the Site numerical ranking results in a Tier IA score. (DEP unilaterally determined the Site should have Tier IB status despite its Tier IA numerical ranking score.) It is true that MCP regulations mandate DEP lead for Tier IA sites, whereas lower classifications do not require DEP lead.

Wayland requests that Raytheon change the wording of this paragraph to indicate DEP 'allows' performance of response actions without prior approval rather than 'requires.' We also believe this would be a good place to explain why DEP has classified the Site Tier IB despite its Tier IA numerical ranking score.

Raytheon is required to conduct response actions at the Site according to the Massachusetts Contingency Plan (MCP). Under MCP regulations, the Site was classified as a Tier IB site in 1997 based on a numerical ranking survey of site conditions. This designation allows Raytheon to perform response actions pursuant to the MCP without prior approval from the DEP. In April 2000, based on the discovery of the imminent hazard conditions in the wetland, the numerical ranking survey was re-evaluated. A Major Permit Modification was submitted in May 2000 to upgrade the site to Tier IA which requires DEP oversight of all activities. Based on its review of the Major Permit Modification Application, the DEP determined that conditions within the wetland did not pose a threat to potable supplies, and as such, the Site remained classified as Tier IB. The DEP issued a new Tier IB Permit (#133939) with special conditions as described under the "October 2000 – Permit Decision" heading.

The Revised PIP has been modified as requested to include the above details. The reason for re-evaluating the numerical ranking survey is described under the "May 2000 – Major Permit Modification Application" heading. An explanation of the DEP decision to retain the Site as Tier IB is included under the "October 2000 – Permit Decision" heading.

IV) 4.2 INFORMING THE PUBLIC

The Town would like to note here that recent improvements ERM has made to

the Site web page, in particular incorporating MCP regulatory language to explain each category of document submittal, represent a clear improvement that should help promote greater public understanding of the issues involved.

Raytheon continues to strive to involve the public in Site activities and to aid in the understanding of the complex Site circumstances to facilitate the restoration and protection of the Site and the Town's natural resources.

V) 4.2.2 Mailing List

DEP has set forth regulations governing PIP activities at 310 CMR 40.1405. Paragraph (6)(h) of this regulation states [A PIP shall ensure that] "Public Involvement Activities are undertaken throughout the response action and that a schedule is developed for conducting these activities." To date, Raytheon has orchestrated several "PIP Meetings" to disseminate information regarding significant milestones in Site assessment and remediation, along with at least two days set aside for on-Site tours of the wetlands remediation. These events have been adequately advertised through mailings to the 'PIP list' and notice postings in the Town Building.

Wayland would like to point out that Raytheon has also appeared before the Conservation Commission on several occasions to discuss assessment and remediation activities that fall within the purview of that commission. These are (typically) public meetings, and the topics of discussion are frequently either specific Site 'response actions' (as DEP terms them) or other activities that are pertinent to such response actions. However, few of the interested public have attended these public Conservation Commission meetings. The Town is concerned that this results from a lack of awareness rather than a lack of interest.

Therefore, Wayland requests that Raytheon add 'notices of upcoming public Conservation Commission meetings where Site activities are on the agenda' to the list of items for which you will distribute written notices (along with similar public hearing appearances before other local, state, or federal agencies).

Raytheon has and will continue to notify the PIP participants about public meetings, including meetings with regulatory agencies, through notification letters, newspaper legal notices and/or postings on the Raytheon Extranet. However, meetings with the Conservation Commission are scheduled and publicized by the Commission. Raytheon does not control the meeting schedule, time changes, cancellation or length of advance notice. The Conservation Commission publishes notices in the Wayland Town Crier and on the Town's website.

Raytheon has and will continue to send a notification letter upon the submittal of a Request for Determination of Applicability or a Notice of Intent to the Conservation Commission. The notice will detail the initial meeting time and location scheduled by the Conservation Commission, if available at that time. Changes in meeting time and location and notices of follow up meetings will be posted on the Raytheon Extranet. Raytheon believes that the Raytheon Extranet is the most efficient mode of disseminating such notices and updates. Raytheon has and will continue to post notices of all public involvement opportunities on the Raytheon Extranet as accurate and up to date as possible. In addition to the posting of such notices on the Calendar portion of the website, Upcoming Events now appear on the main page of the website to increase visibility.

VI)

4.5 SOLICITING PUBLIC INVOLVEMENT

4.5.3 Response to Comments

In this section Raytheon makes what Wayland believes is the most important change to the existing PIP - extending the public comment period from 20 days to 30 days. We believe that this will facilitate information exchange between Raytheon and the public.

Raytheon continues to support opportunities for public involvement and facilitation of public understanding to expedite remediation of the Site in a manner consistent with applicable regulations and public interest, to the extent practicable.

Ms. Segal's Comments:

1) Table of Contents pages 1 and 2: I do not see a listing here for Figures 1 and 2 which were included in the hard copy of the original 2000 Plan. I hope they will be retained. At our January meeting, I had asked that Figure 2 be revised to contain additional information, perhaps marking where various RTN designations apply in general on the property, particularly the location of the new Northern Area. I had also asked that the current deed restrictions be shown on a map (I see the draft text information added on page 29). As I showed you at the January meeting, Figure 2 from the Draft Phase I report for the newest RTN seems a good source. Perhaps for the sake of clarity, some version of it should become a new Figure 3 for the PIP Plan.

Figures 1 and 2 from the November 2000 PIP have been retained as noted in the Table of Contents and they appear in the Figures section of the Draft Revised PIP. A disposal site map has been created and added to the

Revised PIP as Figure 3 depicting the areas of the site regulated under each Release Tracking Number (RTN). In addition, the areas of the Site affected by the Notice of Activity and Use Limitation (AUL) and the deed restriction are shown.

As Section 4.3 of the Draft Revised PIP explains, AULs are a formal MCP process and are administered through the MCP regulatory framework. Deed restrictions are independent of the MCP. Although there is a current deed restriction regarding the use of the property that can only be modified by Raytheon, new restrictions can only be initiated by the current property owner. The current deed restriction prohibits the following activities at the Site:

- Residential, childcare, daycare, recreational, agricultural, horticultural, gardening or for public access purposes,
- Groundwater use except for assessment or remedial purposes,
- Subsurface activities or land development, unless certified by LSP, and
- Any activity, in the opinion of the LSP, that would result in significant risk from exposure to contaminated media.

2) Page 2, 3rd paragraph, line 4: *"The first draft Plan....."*

The document has been modified accordingly.

3) Page 2, 3rd paragraph, last sentence: *"The final November 2000 Plan....."*

The document has been modified accordingly.

4) Page 2, 4th paragraph, last sentence: *"PIP participants from the Town of Wayland submitted a petition on April 5, 2004 requesting that....."*

The document has been modified accordingly.

5) Page 2, last paragraph: *This document "therefore is a (delete draft) revised PIP....."*

The document has been modified accordingly.

6) Page 7, section 2.2: During our January 2004 meeting, I had suggested including the DEP's ongoing support role regarding the groundwater investigation as well as some indication of Larry Immerman's work product. I do not see that included in this draft. I believe it is significant that the agency has contributed such technical assistance regarding our understanding of the groundwater, given the overall interest in being able to resolve that there are/will be no impacts or threats from Raytheon site contamination to the Baldwin drinking water wellfield. You have presented DEP's information to the public during PIP meetings. Please acknowledge and summarize that work product somehow in section 2.2.

A summary of the DEP's assessment of groundwater quality within the Town of Wayland's Baldwin Pond Wellfield conducted in 2001 and 2002 has been added to the document in Section 2.2 under "November 2001 – DEP Baldwin Pond Wellfield Project" heading. Raytheon appreciates the DEP's efforts in assessing potential sources of impact to the Baldwin Pond wellfield and in the collection and sharing of valuable field data.

7) Page 11: Per comments from LSP Ben Gould, please revise the top paragraph accordingly.

The document has been modified accordingly.

8) Page 12: **Tier Classification:** I strongly agree with Ben Gould's comments regarding the need to explain the fact that the assigned tier classification is lower than what the data and the MCP scoring system indicate it should be. Please enhance this paragraph accordingly.

The document has been modified accordingly.

9) Page 19, bottom paragraph: I am not entirely comfortable with the **next to last sentence**. I do not recall that you folks have addressed in much detail an assessment of potential impacts to "nearby receptors given current or potential future scenarios." My awareness of some potential future scenarios causes me to question when and how it was determined that the potential impacts are "low," particularly in view of the sentence that follows, indicating that the reporting on this matter seems to be a work in progress. I sense this statement may be premature and I ask you to please reconsider the wording, unless my understanding is mistaken.

The document has been modified to emphasize the preliminary nature of the statement regarding the low potential of the groundwater

contamination to impact Site occupants or nearby receptors and that a full risk assessment will be conducted as part of the Phase II investigations. Modifications have been made in two locations, under "31 December 2001 – Phase I Initial Site Investigation Report" heading and under the summary of nature and extent of impact at the end of the environmental assessment chronology.

10) Page 21, last entry: Date should read "3 March 2004."

The document has been modified accordingly.

11) Page 24: Section 4.2.1, site files: It is my understanding that the DEP files have been moved to Salem. Please revise the contact information accordingly.

The document has been modified to reflect the DEP's new file review location and contact information.

12) Page 28: Our new State Senator is Scott Brown. Please revise the contact information accordingly.

The document has been modified accordingly.

13) Page 29: Deed restriction paragraph: If you add a Figure as I have requested above, please add a figure reference in parenthesis after ".....that only Raytheon can modify."

Figure 3 showing the areas of the Site affected by the deed restriction has been added to the document and referenced accordingly.

14) Page 30, Section 4.4: Thank you for adding this section to acknowledge the important role of the Town's LSP consultant in the PIP process. Please add to the description of his role the fact that he also submits **written public comments** as appropriate. Please consider adding somewhere (perhaps in the appendices) a simple inventory list of his written submittals to date.

The document has been modified to include submission of written public comments as part of the Town's LSP consultant role. A list of his written submittals is included in Appendix A Inventory of Available Documents.

15) Exhibit I, page iii, first paragraph: Please consider editing the wording of the first sentence as follows: ".....at the request of Linda Segal to **discuss how to best incorporate.....**"

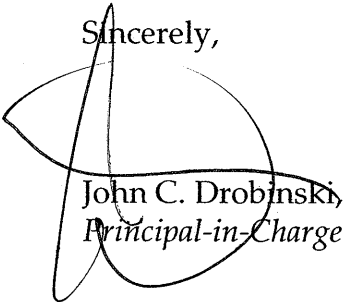
The document has been modified accordingly.

16) One personal request: Once the revised PIP document is available in final form, I would appreciate receiving a hard copy. It can be left for me in Town Building at the Selectmen's office the next time anyone associated with your project stops by to spare the mailing cost.

A hard copy of the Revised PIP document will be mailed to the address you have provided on the PIP contact list.

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



for R. Joseph Fiocco, Jr., P.G.
Senior Project Manager

cc: Mr. Edwin Madera, Raytheon Company, Sudbury, MA 01776

Public Repository (Primary Location), Wayland Public Library, Wayland,
MA 01778

Public Repository (Secondary Location), Board of Health Office,
Wayland, MA 01778

Ms. Karen Stromberg, Massachusetts Department of Environmental
Protection – Northeast Region, One Winter Street, Boston, MA 02108