



RECEIVED 7/10/03

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

251 Causeway Street, Suite 900

Boston, MA 02114-2119

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

April 4, 2003

Tel. (617) 626-1000
Fax (617) 626-1181
<http://www.mass.gov/envir>

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Former Raytheon Facility Remediation Project
PROJECT MUNICIPALITY : Wayland
PROJECT WATERSHED : Concord River
EOEA NUMBER : 12984
PROJECT PROPONENT : Raytheon Company
DATE NOTICED IN MONITOR : February 26, 2003

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

According to the Expanded Environmental Notification Form (EENF), the proposed project involves the remediation of approximately 3,700 cubic yards (c.y.) of wetland soil and sediment contaminated with polycyclic aromatic hydrocarbons (PAH), polychlorinated biphenyls (PCB) and heavy metals from a 74,000 square foot (s.f.) area of Bordering Vegetated Wetlands (BVW), located in the western portion of the 83-acre former Raytheon property abutting the Sudbury River off Boston Post Road in Wayland. Contaminated soil waste will be transported off-site for disposal. Contaminated sediment waste/water will be treated prior to discharge back to the Sudbury River system (a designated Outstanding Resource Water), and/or containerized and transported off-site for disposal. As described by the proponent, this project is regulated under the Massachusetts Contingency Plan (MCP) as a Tier IB site remediation activity (RTN# 3-19482).

The project is undergoing MEPA review and requires the preparation of an EIR pursuant to Section 11.03 (3)(a)(1) (a) of the MEPA regulations, because the project requires state permitting and results in the alteration of one or more acres (1.5 acres total) of Bordering Vegetated Wetlands (BVW).

The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (DEP); and an Order of Conditions from the Wayland Conservation Commission (and hence a Superseding Order of Conditions from DEP if the local Order were appealed). The project will also require a General Program Category II Permit from the U.S. Army Corps of Engineers, oversight by DEP pursuant to M.G.L. 21E and implementing regulations, and approval of the proposed remediation plan pursuant to US EPA's Toxics Substance Control Act (TSCA) regulations (40 CFR 761.61).

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues related to land alteration, wetlands, and water quality.

The proposed project consists of 4 main elements: 1) containment/stabilization of the contaminated wetland soil and sediment, 2) excavation/dewatering of contaminated wetland soil and sediment, 3) off-site disposal of contaminated wetland soil and sediment, and 4) wetlands resource area restoration. The proponent is also conducting additional site remediation work that is not part of this EENF, pertaining to a separate release of oil and/or hazardous materials to groundwater within the 83-acre parcel.

Upon review of the EENF, I find that the project, if properly implemented should have substantial environmental benefits. According to the comments received from the Town of Wayland's Conservation Commission, the Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council (RSC), and others, the scope of the proposed project should be expanded to include additional impacted wetland resource areas. I note that the proponent is currently conducting additional sampling in and around the proposed excavation area within the Sudbury River floodplain. Given the potential benefits of the proposed project and the amount of study completed to date, I find that the environment will be best served by allowing the proposed project to advance through the environmental review process, rather than delaying the proposed remediation/restoration work pending additional study of a broader project.

However, to avoid project segmentation, the proponent should submit a Notice of Project Change to re-open the MEPA review of this project should the results of the proponent's additional sampling work warrant the expansion of the project's proposed wetlands remediation and restoration area beyond the 1.5-acre area that has been described in the ENF.

Single EIR Request

The proponent filed an EENF, in connection with a request to prepare a Single SEIR (rather than the ordinary Draft and Final EIR) in accordance with Section 11.05(7) of the MEPA Regulations. That section sets forth the following standards for an EENF, which is required for a Single EIR:

1. describe and analyze all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the scope;
2. provide a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and
3. demonstrate that the planning and design of the project use all feasible means to avoid potential environmental impacts.

The EENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. Most of the comments received support the Single EIR request. Based on my review of the EENF, I find that the proponent has met the standard in Section 11.06(8) and may proceed with a Single SEIR. The scope for the Single Environmental Impact Report (EIR) is outlined in detail below.

SCOPE**General**

The proponent should prepare the SEIR in accordance with the guidelines contained in section 11.07 of the MEPA regulations, as modified by this scope. The SEIR should include a copy of this Certificate and of each comment received. The proponent should circulate the SEIR to those who commented on the ENF, and to any state agencies from which the proponent will potentially seek permits or approvals. In addition, the proponent should provide a reasonable number of copies free of charge on a first come, first served basis. A copy of the SEIR should be made available for public review at the Wayland Public Library.

Alternatives

The EENF contains an appropriate alternatives analysis. The SEIR should include a full analysis of alternative construction methods for the proposed wetlands remediation work, including the temporary re-routing of stormwater and wastewater discharges from the existing Wayland Business Center building complex, again demonstrating consistency with the MEPA mandate to avoid, minimize, and mitigate Damage to the Environment to the maximum extent feasible.

Project Description and Permitting

The SEIR should include a thorough description of the project, including a detailed haul route description and description of construction methods. The SEIR should also include a brief description of each state permit or agency action required or potentially required for the project, and should demonstrate that the project meets applicable performance standards.

In accordance with Executive Order 385 (Planning for Growth) and section 11.01 (3)(a) of the MEPA regulations, the SEIR should also discuss the consistency of the project with the local and regional growth management and open space plans. The SEIR should identify all easements (temporary and permanent) required for the proposed project and their current status. To the extent that information on need for the project will be required as part of the state permitting process, the SEIR should include a demonstration of project need.

Wetlands

According to the information contained in the ENF, the project will result in the alteration of approximately 1.5 acres of BVW. The SEIR should include enough information to satisfactorily demonstrate that the project will not require a variance from the Wetlands Protection Act regulations, or, in the alternative, that the project meets the variance criteria. The SEIR should respond to DEP's comments regarding the proponent's proposed wetlands restoration plan. Specifically, the SEIR should include a proposed planting schedule for bareroot wetlands plant material, a detailed discussion of the use of "non-generic" wetland replacement soils, and a control plan for invasive wetland plant species. The SEIR should also provide a detailed discussion of the additional sampling work conducted by the proponent to finalize the limits of the proposed excavation area.

The SEIR should include a thorough discussion of impacts from proposed excavation, staging, disposal and restoration activities. The SEIR should address erosion, sedimentation and flood control measures and other measures that will be taken to protect water quality during project construction.

Rare Species

As described in ENF, the State's Natural Heritage & Endangered Species Program (NHESP), has identified a total of twelve rare species known to occur within the project site; Wood Turtle (*Clemmys insculpta*), Blanding's Turtle (*Emydoidea blandingii*), Cooper's Hawk (*Accipiter cooperii*), Sharp-shinned Hawk (*Accipiter striatus*), Northern Harrier (*Circus cyaneus*), Bald Eagle (*Haliaeetus leucocephalus*), American Bittern (*Gallinula chloropus*), Least Bittern (*Ixobrychus exilis*), Pied-billed Grebe (*Podilymbus podiceps*), King Rail (*Rallus elegans*), Common Moorhen (*Gallinula chloropus*), and Sedge Wren (*Cistothorus platensis*). The proponent should work closely with NHESP to determine if the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act.

Hazardous Waste Remediation

The project has been designed to address existing contamination of oil and/or hazardous materials located on site within wetland resource areas based on a risk assessment that addresses risks to human health, safety, public welfare and the environment. As described by the proponent during the MEPA Scoping Session for this project, the 83-acre property also contains groundwater that has been impacted by releases of oil and/or hazardous material. The SEIR should contain a detailed description of the groundwater contamination located within the former Raytheon property including the nature and extent of groundwater contamination, and proposed and/or ongoing groundwater contamination treatment activities.

According to DEP's comments, the proponent will need to obtain the necessary permits under MGL c. 21E, 21C and OSHA for removing, pumping or working in contaminated media. I strongly recommend that the proponent consult with DEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to evaluate the proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction, and to coordinate the project's construction activities with the other ongoing groundwater treatment projects in the area.

The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction. The SEIR should include an update on site remediation activities, and discuss the permitting requirements pursuant to M.G.L. 21E.

Construction Period Impacts/Coordination

The construction/remediation period will be the major source of impacts from the project, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, impacts to private property and adjacent land uses, and traffic impacts on adjacent roadways. According to the EENF, the use of both rail and truck transportation will service the proposed project site.

The SEIR should discuss truck types, sizes, volumes, routing, site access, and hours of operation, including any off-site stacking of trucks. The SEIR should contain a detailed description of the project's proposed truck and rail haul routes. Safety and traffic congestion problems along primary truck and rail haul routes, and at the project site, must be analyzed, and mitigation measures for significant project impacts must be proposed. The proponent should identify any current and planned roadway and bridge repairs and improvements located throughout the proposed truck haul route and discuss the proponent's coordination efforts with MHD and the Town of Wayland to address any traffic concerns that might result from the proposed project and these roadway improvements. I ask the proponent to work closely with the Town of Wayland, the Massachusetts Highway Department (MHD) and private property owners located within and adjacent to the project site and/or along the proposed truck haul routes to identify the locations of all public and private water supply wells, and other sensitive receptors, and to ensure that they will not be impacted by the proposed project's activities.

As described during the MEPA scoping session, the proposed construction activities will require the temporary relocation of the Wayland Business Center's existing stormwater and wastewater discharge outfall channels to a wetland location away from the proposed area of excavation. The proponent should consult with DEP and the Town of Wayland's Board of Health regarding the temporary relocation of existing stormwater and wastewater discharge outfall channels.

All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetland resource areas, endangered species habitat areas, and wellhead protection areas. The proponent should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel.

Comments

The SEIR should respond to the comments received. I note that many of the commenters have raised concerns with the size of wetland area proposed for remediation and the need to expand the project from the preferred alternative described in the EENF. These commenters have identified the need to conclude the proponent's current round of additional soil testing before finalizing the project site size. The SEIR should present as much detail as available to respond to the concerns raised.

In the event that the current round of soil testing results in the need to expand the proposed area of remediation and increase the project's impacts to wetlands, I will require the proponent to submit a Notice of Project Change to the MEPA Office to provide a detailed description of these changes.

Mitigation


The SEIR should include a summary of all mitigation measures that the proponent has committed to. The SEIR should include Proposed Section 61 findings for use by the state permitting agencies.

EOEA #12984

EENF Certificate

April 4, 2003

April 4, 2003
DATE



Ellen Roy Herzfelder, Secretary

Comments received:

03/28/03	Massachusetts Department of Environmental Protection – NERO
03/28/03	Town of Wayland Conservation Commission
03/28/03	Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council – (RSC)
04/02/03	Stan Robinson (Late Comment)

12984 EENF
ERH/NCZ/ncz

zavolas, nicholas (ENV)

From: Stan Robinson [stanrob@world.oberlin.edu]
Sent: Wednesday, April 02, 2003 2:45 PM
To: Zavolas, Nicholas (DEP)
Subject: ENF - Former Raytheon Facility

April 2, 2003

Mr. Nicholas Zavolas
Executive Office of Environmental Affairs
Massachusetts Environmental Policy Act Office
251 Causeway Street, Suite 900
Boston, MA 02114

Re: Wetland Remediation Permit Application, Former Raytheon Facility,
430 Boston Post Road, Wayland, MA; RTN 3-13302, Permit #133939.

Dear Mr. Zavolas,

I offer public comments on the above ENF, pursuant to the notification I received from Raytheon's Edwin Madera stating a deadline of April 4, 2003 for such comments. (Separately, I'm faxing you a copy of Madera's notification. I have left a message for Mr. Madera regarding this.)

In related proceedings, I had already commented stating my disagreement with Raytheon's plan for wetland remediation. In subsequent documentation, Raytheon's LSP dismissed my comments, inappropriately in my view, and Raytheon merely proceeded with the filing of the above application.

To summarize the main thrust of my concern, I believe Raytheon is trying inappropriately to use potential interruption of wetland services as an excuse for leaving four acres of wetlands polluted with PCBs exceeding 1000 ppb. This excuse is set up by the snare of a "Net Environmental Benefit Analysis" which analyzes several remediation scenarios but never even considers the scenario I suggested. My reading of Raytheon's defense is that my suggested scenario would cost more dollars and therefore they are entitled to reject it. I don't believe that higher dollar cost is valid grounds for leaving PCBs in wetlands.

Pertinent excerpts of my Raytheon site PIP comments (submitted to meet their deadline 12/23/02) are as follows:

(3) A BETTER WETLAND SCENARIO. Raytheon's "Net Environmental Benefit Analysis" (NEBA) should be redone because at least one important scenario was ignored. I will refer to it as Scenario 3B. Scenario 3B consists of creating at least 5.3 acres of NEW wetlands as quickly as possible at the Raytheon site, then excavating and cleaning up all 5.3 acres of CURRENT wetlands on which PCB contamination exceeds 1 ppm. Properly sequenced and executed, the ONLY meaningful negative component of impact of Scenario 3B arises from delay in removal of PCBs, which is inherent in ALL scenarios. Substitute wetland services would be nearly 100% by Fall 2003 when PCB cleanup is scheduled to begin. PCB cleanup would be far more thorough than in Scenarios 1, 2, and 2B, and equal to Scenario 3. Wetland services would be far less impaired than in Scenarios 1, 2, 2B, and 3. Accordingly, Scenario 3B's "net environmental benefit" (as Raytheon defines it) is more positive than any of Raytheon's four scenarios. In the absence of an even better one, Scenario 3B should be adopted.

(4) EXTENT OF CLEANUP GOAL. Raytheon's use of the euphemistic

term "risk-based disposal" translates to a goal of only PARTIAL cleanup of its pollution, down to so-called MMCLs. Such a procedure might even have cover of law, not to mention plaudits from an army of well-fed politicians, engineers, and LSPs, but that still doesn't make it right. In short, RESIDUAL POLLUTION IN ANY AMOUNT IS NOT ADEQUATELY PROTECTIVE OF COMMUNITY OR ENVIRONMENTAL HEALTH. Our goal must be FULL cleanup, equivalent to undoing ALL of the pollution inflicted by Raytheon. To the extent this proves beyond feasible reach, we need maximum feasible cleanup now, followed by continuing cleanup work each time an advance in feasibility presents itself.

(5) MISLEADING USE OF THE TERM "NO SIGNIFICANT RISK." The foundation of "risk-based disposal," so-called risk analysis, presumes to balance health and other risks borne by the victims of pollution against cleanup costs which the polluters might have to pay. The lexicon of this innately unfair procedure includes dishonest terms such as "a level of no significant risk to public safety, health, and the environment" (referring to MMCLs). This is pseudoscientific doubletalk for residual pollutant levels declared to be politically acceptable by elite bureaucrats bodies after friendly negotiations with polluter-fed lobbyists.

Sincerely,

Stan Robinson
9 Wheelock Road
Wayland, MA 01778
Tel 508-358-2282



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

NZ

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Acting Commissioner

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MAR 31 2003

March 28, 2003

Ellen Roy Herzfelder, Secretary
Executive Office of
Environmental Affairs
251 Causeway Street, Suite 900
Boston MA, 02114

MEPA

RE: Wayland
Former Raytheon Facility
ENF/EOEA #12984

Attn: MEPA Unit

Dear Secretary Herzfelder:

The Department of Environmental Protection Northeast Regional Office has reviewed the Environmental Notification Form submitted by Raytheon Company to remediate contaminated soil and groundwater in an 83-acre property in Wayland (EOEA #12984). The Department submits the following comments on wetlands, remediation of contamination, and Endangered Species.

Wetlands

Wetland soils should be replaced with soil of similar pH, texture and organic content and not with "generic" organic soil. The ENF proposes to use bareroot plants to replant the disturbed area. It should be noted that bareroot species must be planted during a narrow window of the early planting season. This may not be practical given the schedule of the project.

A plan for the control of invasive vegetation should be specific as to whether herbicides will be used, what types of herbicides will be used and the criteria for deciding when treatment is warranted. The plan should also include criteria for non-herbicide control methods. The control plan should be prepared prior to planting.

Contamination

The Department has record of at least three releases to the soil and groundwater occurring at this site; Release Tracking Numbers 3-13302, 3-22408, and 3-22665. The project proponent is advised that removing contaminated soil, pumping contaminated groundwater, or working in contaminated media must be done under the provisions of MGL c.21E/21C and OSHA. Failure to

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171.

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obtain the necessary permits under these provisions beforehand may result in considerable delay of the project as well as administrative penalties. The appropriate soil and groundwater tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide the contractor the technical guidance required to facilitate any necessary permits.

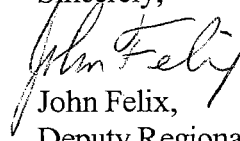
The disposal or recycling facility that will receive the soils that have been excavated from the site must be identified prior to the start of work. The runoff water should be analyzed for TPH as well as PCBs, PAHs and heavy metals. Statistical analysis procedures should be refined to require five (5) grab samples, not to exceed 250 cubic yard in total for each sample.

Endangered Species

The project proponent is encouraged to work with the Natural Heritage and Endangered Species Program (NHESP) to minimize and/or mitigate any aspects of the proposed project that may impact the state-protected rare species identified.

The DEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. Please contact Rachel Freed at (978) 661-7783 for further information on the wetland issues. Please contact Iris Davis at (978) 661-7724 for further information on the contamination issues. If you have any general questions regarding these comments, please contact David Shakespeare, MEPA Review Coordinator at (978) 661-7797.

Sincerely,



John Felix,
Deputy Regional Director

cc: Eric Worrall, DEP-Boston
Rachel Freed, DEP-NERO
Iris Davis, DEP-NERO
Pat Huckery, NHESP
Brona Simon, Massachusetts Historical Commission



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

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Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

EDWARD KUNCE
Acting Commissioner

NERO FACSIMILE TRANSMITTAL FORM

TO:

Date: 03/28/03 *TZ*

Attention: Nicholas Zavalas

Company Name: EOEA MEPA UNIT

Company Fax Number: 617-626-1181

Company Phone Number: 617-626-1030

FROM:

DEP Contact Person: David Shakespeare

DEP Bureau: _____

Contact Telephone: 978-661-7797

Comments: # 12984

Rachel Freed - DEP Wetlands

Transmittal Form plus 2 pages.

To report transmission problems call the DEP CONTACT PERSON
FAX Number for NERO is 1-978-661-7615



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

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ELLEN ROY HERZFELDER
Secretary

EDWARD P. KUNCE
Acting Commissioner

March 28, 2003

Ellen Roy Herzfelder, Secretary
Executive Office of
Environmental Affairs
251 Causeway Street, Suite 900
Boston MA, 02114

RE: Wayland
Former Raytheon Facility
ENF/EOEA #12984

Attn: MEPA Unit

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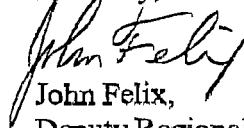
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Sincerely,



John Felix,
Deputy Regional Director

cc: Eric Worrall, DEP-Boston
Rachel Freed, DEP-NERO
Iris Davis, DEP-NERO
Pat Huckery, NHESP
Brona Simon, Massachusetts Historical Commission

WAYLAND CONSERVATION DEPARTMENT
41 COCHITUATE ROAD
WAYLAND, MA 01778
(508) 358-3669 FAX: (508)-358-3606

FACSIMILE (FAX) COVER SHEET

DATE: 03/28/03

TO: EOEA, Attn: MEPA Office Nicholas Zavolas, EOE No. 12984

FAX #: 617-626-1181

FROM: Wayland Conservation

TOTAL PAGES SENT: _____ **(Including Cover Sheet)**

Remarks:

If you have any questions, please call the office.

If any pages are missing or there is any problem, please call

Jill at (508) 358-3669

NZ
/



TOWN OF WAYLAND
MASSACHUSETTS
01778
CONSERVATION COMMISSION

TOWN BUILDING
41 COCHITUATE ROAD
TELEPHONE: (508) 358-3669
FAX: (508) 358-3606

March 28, 2003

Secretary Ellen Roy Herzfelder
EOEA, Attn: MEPA Office
Nicholas Zavalas, EOEA No. 12984
251 Causeway Street Suite 900
Boston, MA 02114

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MAR 28 2003

MEPA

Dear Secretary Herzfelder;

The following comments are submitted on behalf of the Wayland Conservation Commission regarding the proposed activities at the former Raytheon facility in Wayland, Massachusetts.

One constant reservation that the Town and the Town's L.S.P. has voiced is the basis for determining the extent of p.c.b. clean-up to be done at the site. Generally, the pcp clean-up is being limited to the area of stunted growth and area of readily apparent harm. While there are pcp samples beyond these areas that are elevated, the current proposal does not give any environmental benefit to cleaning up these additional spots. In part, using a net environmental benefit analysis that gives a value to these additional areas of zero predetermines that there is no benefit to removing the soils from the additional spots. While there is extensive analysis done to determine what areas should be restored the analysis, beyond the targeted sites, is formulated with one variable being a zero and therefore it can never actual produce an analytical benefit with a value greater than zero! If wetlands beyond the area of stunted growth and area of readily apparent harm actually were given a value of something more than zero the subsequent analysis of whether or not to extent the area of excavation may well be greater. The applicant should be required to do further net environmental benefit analysis of the wetlands using some value other than "no benefit" for these additional wetland areas.

A second point to raise is that while the MEPA process is underway some of the potential contaminant impact is being further defined – that is the dioxin contamination being assessed in the wetland soil. How does the MEPA process make a decision for a problem that is not fully understood? What the final wetland impact might be is not known. This uncertainty should be clearly reflected in any action or decision made by the MEPA process.

The MEPA process should be a compliment to the final site remediation without imposing conditions or requirements that will later, as the full breath of the activity is defined, become an impediment to the timely clean up of the site. The Town and the Conservation

Commission have invested vast amounts of time in attempting to both evaluate the site assessment and subsequent remediation. In addition, through funding provided by Raytheon, the Town has its own L.S.P. evaluating the assessment and providing input on behalf of the Town. The input of others is welcome but it is hoped that there is a recognition that the Town of Wayland has invested heavily in this project to date and seeks to see the project coordinated among the various agencies and interests being pursued.

Finally, we have concerns over their definitions of resource areas, particularly the riverfront. Thank you for the opportunity to comment.

Sincerely,

Marylynn Gentry (signature)

Marylynn Gentry, Chair
Wayland Conservation Commission

Cc. Wayland Board of Selectmen
Wayland Board of Health
DEP - NERO
E. Madera, Raytheon
J. Dobrinski, ERM
File

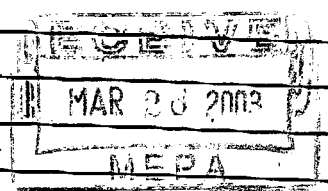
MG/jm

FAX

PLEASE DELIVER TO: Secretary
Ray Herzberger
FROM: Lee Soppacher,
River Stewardship Council

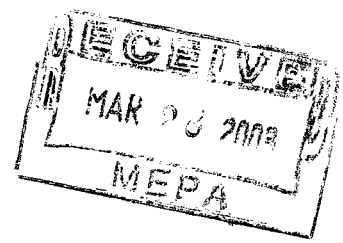
DATE: 3/28/03
TOTAL PAGES: ~~2~~ 3
PHONE: 978-461-0208
FAX: 617-626-1180

ATTN: Nick Zavala
EOEA # 12984





h2



March 27, 2002

Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
Attn: MEPA office
MEPA Analyst: Nick Zavolas, EOE: 12984
251 Causeway Street, Suite 900
Boston, MA 02114

RE: EOE # 12984, Raytheon Facility Remediation Project, Wayland, MA

Dear Secretary Roy Herzfelder:

On behalf of the Sudbury, Assabet and Concord Wild and Scenic River Stewardship Council (RSC), I thank you for the opportunity to comment on the above-mentioned project. The project site is within the floodplain of the Sudbury River, a nationally designated wild and scenic river. All remediation activities at the site are of great interest to the RSC.

Twenty-nine miles of the Sudbury, Assabet and Concord Rivers have been nationally designated as Wild and Scenic Rivers due to their "outstandingly remarkable resource values," including scenery, history, literature, recreation and ecology. The River Stewardship Council was created as part of the designation and has been empowered to work with the National Park Service to promote the long-term protection of the rivers and these resources. It includes representatives from each of the eight shoreline communities as well as two regional conservation organizations, the Commonwealth and federal agency representatives.

As the RSC evaluates Raytheon's plans to remediate its Wayland site, our primary concerns are the potential ecological impacts to the Sudbury River and its environs presented both by the currently contaminated condition of the floodplain and by Raytheon's proposed response action. The thoroughness of the risk assessment, especially how it addresses ecological risk, is of utmost importance to the River Stewardship Council.

Raytheon has identified an area of 1.5 acres to be excavated based on a risk assessment that addresses risks to human health, safety and welfare as well as the environment. We agree that the 1.5 acres must be remediated. In response to concerns voiced by the Town of Wayland, Raytheon has done further assessment of the site and has taken additional samples in and around the proposed excavation area in the river floodplain. This new data must be thoroughly evaluated to determine if additional excavation or alternative remediation is needed in order to meet the "no significant risk" cleanup standard.

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This new data must also be evaluated to determine if there are other areas of contamination within the wetland posing a risk to either human or ecological health that merit remediation. Raytheon's target site cleanup goal for PCBs is an average residual concentration of 2 parts per million, which would require site closure with an Activity and Use Limitation to assure that on-site soils do not continue to present any significant risk. Because of the vastness of the contaminated area of wetland, the alleged presence of background level contaminants for which Raytheon will not be assuming responsibility, and other variables that are unavoidably part of any averaging computation process (such as the subjective decision about the inclusion of certain data points with very low contaminant concentrations or non-detect), we have concerns that certain areas of the site with elevated PCBs and/or other contaminants may be left as is, with actual concentrations remaining in places at levels significantly higher than the targeted average goal. The averaging analysis must be done very conservatively, with great consideration given to actual ecological risks posed by post-remediation residual contaminants. Remediation plans should not be finalized until a thorough and satisfactory risk assessment has been completed.

In implementing the plans in place to excavate and restore the known problem area, Raytheon must take great care to protect the river, complete its assessment work comprehensively and expedite its response action. Raytheon anticipates commencing the excavation late this summer, during expected dry conditions, and completing the soil replacement and planting within a total of eight to twelve weeks. Assuming the ongoing data collection and analysis are completed very soon, we also urge all permitting agencies, including MEPA, to expedite their review and approval process so that the floodplain excavation and initial restoration work may be completed by this fall. We have concerns that, if the work is not undertaken until 2004, the response action plan may be compromised by MWRA's planned release of additional waters to the Sudbury River next year, which would elevate the water level in the floodplains.

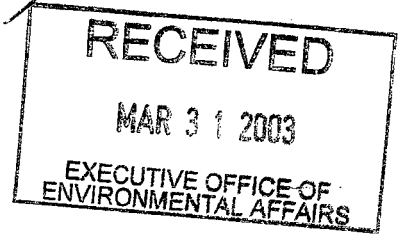
Erosion and flood control measures will be important during the entire remediation and restoration process as safeguards against unexpectedly severe weather. Special attention should be paid to ensuring that controls are in place during the reseeding and planting process. Monitoring must continue for at least five years to guarantee that the plantings survive and thrive, thereby restoring important wetland functions and values that are critical to the protection of the Sudbury River and its surrounding habitat. It will also be important to assure that only native species are included in the restoration plan and that every attempt will be made to prevent the introduction of invasive species to the restored wetland.

Thank you for this opportunity to comment. We look forward to working with all involved parties to ensure successful remediation and restoration of this site.

Sincerely,



Ron McAdow, Vice-Chair
Wild and Scenic River Stewardship Council



March 27, 2003

Ellen Roy Herzfelder, Secretary
Executive Office of Environmental Affairs
Attn: MEPA office
MEPA Analyst: Nick Zavalas, EOE: 12984
251 Causeway Street, Suite 900
Boston, MA 02114

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MAR 31 2003

MEPA

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