



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Distribution: _____

REC'D JUL 21 2003 **ERM**
Boston
 Client/Location: (# if contract file)
July 17, 2003
 File Folder: _____

251 Causeway Street, Suite 900

Boston, MA 02114-2119

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

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE SINGLE ENVIRONMENTAL IMPACT REPORT

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 : June 10, 2003

The Secretary of Environmental Affairs hereby determines that the Single Environmental Impact Report (SEIR) submitted on the above project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Single EIR, 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. 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 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 proponent is also conducting additional site remediation work that is not part of the proposed project, pertaining to a separate release of oil and/or hazardous materials to groundwater within the 83-acre parcel.

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.

Single EIR

MEPA review is an informal process that does not itself result in a formal adjudicative decision approving or denying a proposed project. In accordance with Section 11.08 (8)(d) of the MEPA Regulations, I must find a Single EIR adequate so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during the MEPA review process, and that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings..." After examining the record before me, I find that there is enough information on the project and alternatives, impacts, and mitigation to meet that regulatory standard. The Single EIR has generally responded adequately to the Certificate on the Expanded Environmental Notification Form issued April 4, 2003. I am satisfied that the project has avoided and mitigated environmental impacts to the greatest extent feasible, and that the state permitting agencies have adequate information on which to base their permit decisions, although as discussed below, there are several areas where additional information will be developed during the permitting process.

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. I encourage the proponent to continue to work closely with DEP and the Town of Wayland's Conservation Commission to examine the feasibility of expanding the proposed area of excavation and removing additional amounts of contaminated wetland soils. 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, the proponent should consult with the MEPA Office to determine whether any additional MEPA filings will be required.

Wetlands

As described in the SEIR, the manufactured soil proposed for the project's wetland replacement soils is comprised of organic and mineral components that are comparable to the soils found in the Sudbury River wetlands. This manufactured soil will hold water during flooding events and allow drainage to recharge groundwater. The proponent has scheduled the proposed planting of wetland plant material for late November 2003 and will conclude by mid-December 2003. The proponent has committed to covering the filled area with topsoil to support the proposed reseeding and establishment of herbaceous wetland species. According to the proponent, the remediation area will be restored to a deep emergent marsh system as part of the Sudbury River floodplain. The proponent has also committed to conducting an annual monitoring and invasive species control program for a period of five years.

Rare Species

As described in SEIR, the project may result in some temporary impacts to rare species known to occur within the project site. The proponent has committed to scheduling specific project activities for the Fall season and to incorporate additional safeguards to mitigate project impacts and avoid the taking of any state or federally listed rare species that may occur within the project site. The proposed project will not require a Conservation Permit pursuant to the Massachusetts Endangered Species Act.

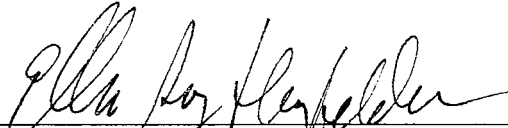
Construction Period Impacts/Coordination

I ask the proponent to identify the disposal facility(s) designated to receive the contaminated sediment waste/water, and to provide a detailed description of the project's proposed truck and rail haul routes to the designated disposal facility(s). The proponent should 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.

Section 61 Findings

The proponent and state agencies should forward copies of their Section 61 Findings/Letter of Commitment to the MEPA Office for completion of the file.

July 17, 2003
DATE



Ellen Roy Herzfelder, Secretary

Comments received:

07/09/03 Massachusetts Department of Environmental Protection – NERO
07/10/03 Stan Robinson

Single EIR #12984
ERH/NCZ/ncz

zavolas, nicholas (ENV)

From: Stan Robinson [stanrob@world.oberlin.edu]
Sent: Thursday, July 10, 2003 3:48 PM
To: Zavolas, Nicholas (DEP)
Subject: Raytheon Wayland SEIR

July 10, 2003

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

Re: "MEPA - Single Environmental Impact Report"
Wetland Remediation Permit Application
Former Raytheon Facility
430 Boston Post Road
Wayland, Massachusetts
RTN 3-13302, Permit #133939.

Dear Mr. Zavolas,

I offer public comments on the above SEIR, pursuant to notification dated 6/11/03 and received 6/13/03 from Raytheon's Edwin Madera stating a deadline of today (7/10/03).

In prior proceedings, I have already commented stating my disagreement with Raytheon's proposal (which remains unchanged) to remediate only 1.5 acres of the 5.3 acres of wetland area it polluted. Raytheon's LSP has dismissed my comments repeatedly, simply proceeding with further steps in the application process, posing the appearance of a "done deal." Based strictly on budget and personnel limitations, DEP has declined to classify the polluted area as Tier 1A.

To repeat 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 is falsely supported by a blindered "Net Environmental Benefit Analysis" which analyzes several remediation scenarios but fails to consider the scenario I suggested (see "A BETTER WETLAND SCENARIO" quoted [WITH BRACKETED ANNOTATIONS] from my comments 12/23/02):

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 [PERHAPS 10 ACRES WOULD BE APPROPRIATE] 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. [NOTE 7/10/03: SUBSEQUENT CONTAMINATION DISCOVERIES BY RAYTHEON MAY WELL PUSH THIS DATE INTO THE FUTURE, BUT THE UNDERLYING LOGIC REMAINS THE SAME.] 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.

Raytheon's reasons for its refusal to consider Scenario 3B deserve close scrutiny and, I submit, rejection. Reasons stated include:

- (a) Raytheon's proposal appears to satisfy other agencies. (This remains to be seen, but even if proven so eventually, so what?)
- (b) Raytheon's proposal costs less and involves less work than my proposal. (Raytheon can afford the cost of a larger cleanup. Costs to be borne by the polluter cannot be allowed to outweigh the public health burden of a non-cleanup.)
- (c) Raytheon doesn't have access to additional property on which to construct compensatory wetlands. (This is a red herring. Raytheon already proposes to clean areas on an adjoining parcel it never owned, leased, or occupied. The 82 acre tract it did lease and occupy includes a gigantic, adjoining, scantily-used parking area clearly available for temporary or even permanent reuse. Raytheon is responsible for cleanup even at a high cost, but this adjoining land makes it comparatively economical.)
- (d) It's too late to change the plan. (It's not too late. Meanwhile, I've been proposing this scenario from the beginning, giving Raytheon plenty of time to make room for the contingency of having to construct 5 to 10 acres of compensatory wetlands.)
- (e) Raytheon's proposal satisfies all the legal requirements. (Not so. It employs the falsehood of ignoring Scenario 3B with a better Net Environmental Benefit Analysis.)

Sincerely,

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

zavolas, nicholas (ENV)

From: Baker, Nancy (DEP)
Sent: Wednesday, July 09, 2003 10:54 AM
To: zavolas, nicholas (ENV)
Cc: Felix, John (DEP)
Subject: 12984 Former Raytheon Facility Wayland

For Use in Intra-Agency Policy Deliberations
~~~~~

Hi Nick, Staff at DEP have reviewed the following SEIR and have no comments:

12984 Former Raytheon Facility Wayland Single EIR 7/10/2003

In the event that you believe this project needs additional review or a comment, please give me a call.  
Regards,  
Nancy

Nancy Baker  
DEP Northeast Region  
1 Winter Street  
Boston, MA 01208

Phone: 617/626/6524  
FAX:617/292/5850