



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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August 30, 2004

Ms. Phillis Johnson-Ball
Case Control Unit
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423

RE: Wilmington, Massachusetts
Eames Street Development Project
Environmental Comments
Finance Docket No. 34391

Dear Ms. Johnson-Ball,

The Massachusetts Department of Environmental Protection (DEP) has reviewed the document entitled "Environmental Assessment, New England Transrail, LLC, d/b/a Wilmington and Woburn Terminal Railroad Co. – Construction, Acquisition, and Operation Exemption – in Wilmington and Woburn, MA." The document is dated August 4, 2004, and was completed by the Surface Transportation Board's Section of Environmental Analysis (STB) to meet the Board's obligation under the National Environmental Policy Act. The goal of the environmental assessment is to identify and evaluate the potential direct, indirect, and cumulative environmental impacts of the proposed action, in order to determine if New England Transrail (NET) qualifies for an exemption from the formal application procedures of 49 U.S.C. 10901, which would otherwise require the completion of a full Environmental Impact Statement. NET wants the exemption in order to operate a truck-to-rail reload facility at 51 Eames Street in Wilmington, MA, which is presently owned by the Olin Corporation, and formerly operated as a chemical plant. DEP reviewed this document only as it relates to the Construction Release Abatement Measure (RAM) that is currently underway at the property located at 51 Eames Street in Wilmington, MA.

Environmental Assessment as it relates to the Construction RAM

The STB provides a summary of the status of the Construction RAM, and correctly points out that for redevelopment of property in contaminated areas, a condition of "no significant risk" as defined in the Massachusetts Contingency Plan must be obtained, for future developers/workers/occupants of the property. Prior to development of the property, Olin must submit a Construction RAM Completion Report to DEP. The remediation activity on the Olin property remains the obligation of Olin Chemical, and according to the STB report, NET is bound by contract not to impede that work in any way. NET explains in its petition that if it were to impede the remediation work or add to the environmental problems at the Olin property, NET would join with Olin as a responsible party for remediation costs to clean up the property.

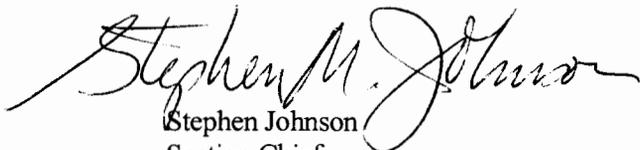
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DEP understands that NET is in the process of purchasing the 51 Eames Street property, and plans to develop it as a truck-to-rail reload facility. It should be noted that if contaminated soil and/or groundwater are expected to be encountered during property development, the proposed soil and groundwater monitoring and management plans for this development must be incorporated into a separate Construction Release Abatement Measure (RAM) Plan for approval prior to the initiation of those specific construction activities that may encounter contaminated media. The Construction RAM must comply with the applicable provisions of 310 CMR 40.0440. Additional guidance on the performance of construction related RAM activities is contained in DEP Policy No. WSC-00-425, *Construction of Buildings in Contaminated Areas*.

If you have any questions regarding this comment letter please contact Christopher Pyott at (617) 654-6654 or at the letterhead address.

Very truly yours,


Christopher Pyott
Environmental Analyst
Site Management


Stephen Johnson
Section Chief
Site Management

cc via e-mail:

Wilmington, Chairman of the Community Advisory Panel, Attn: Jeff Hull
Wilmington Conservation Commission, Attn: Robert J. Douglas
Wilmington Board of Health, Attn: Greg Erickson
Wilmington Water Department, Attn: Mike Woods
GeoInsight, Inc., 319 Littleton Road, Suite 100, Westford, MA 01886, Attn: Michael Webster
Jack Fralick, Board of Health, City Hall, 10 Common Street, Woburn, MA 01801
DEP/NERO/Water Supply, Attn: Jim Persky
DEP/Boston/Legislative Liaison: Marc LaPlante
Olin Corporation, P.O. Box 248, Charleston, TN 37310
Attn: Stephen Morrow
Sleeman, Hanley & DeNitto, 50 Congress Street, Boston, MA 02109
Attn: Margaret Hanley
MACTEC Engineering and Consulting, 107 Audubon Road, Wakefield, MA 01880
Attn: Michael Murphy
Foley, Hoag & Eliot LLP, 155 Seaport Boulevard, Boston, MA 02210
Attn: Laurie Burt
Kathleen & Winifred Barry, 14 Powder House Circle, Wilmington, MA 01887
Senator Bruce Tarr, Room 507, State House, Boston, MA 02133
Rep. James Miceli, Room 167, State House, Boston, MA 02133
Rep. Charles Murphy, Room 166, State House, Boston, MA 02133
Rep. Carol Donovan, Room 473-B, State House, Boston, MA 02133

cc via mail:

DEP/Data Management: C&E/INTLET
Chairman, Board of Selectmen, 121 Glen Road, Wilmington, MA 01887
Mayor John Curran, City Hall, 10 Common Street, Woburn, MA 01801
Public Library, 175 Middlesex Avenue, Wilmington, MA 01887
Attn: Olin Site Repository