

**DRAFT PHASE II SITE ASSESSMENT SCOPE OF WORK  
and DRAFT PUBLIC INVOLVEMENT PLAN  
FORMER LEWIS CHEMICAL PROPERTY**

DEP Site Number: 3-1616

**Comments On April 5, 2005 Phase II Comprehensive Site Assessment Scope of Work**

Site boundaries should be clarified and a better explanation of the term “site” is needed, especially in relation to identifying the extent of the contamination.

The site boundaries should be more clearly identified in the Scope as containing the area within the Former Lewis Chemical property boundary plus the abutting Commonwealth of Massachusetts (DCR) property boundary (the latter is not delineated on the Site Map contained in the Scope).

Furthermore, the Scope should clearly state that the term “site”(as defined in 310 CMR 40.0006) may include any area beyond the current site boundaries -- e.g., portions of the Neponset River -- if significant amounts of hazardous material originating from within the current site boundaries have come to be located there. Thus the “site” as it is currently delineated and the “site” as it may be delineated after the completion of this Phase II Comprehensive Site Assessment are not necessarily the same. This is very important, as it would clarify purposes 1., 3. and 4., as listed in Section 1.2 of the Scope.

NepRWA understands that, as noted in the last paragraph of Section 2.3 and the second paragraph of Section 2.5, the Scope concentrates on pollutants within the current site boundaries and that a Phase II Scope of Work Addendum would be done if additional offsite sampling were found necessary. This point needs to be clarified earlier in Section 2.3 under, “Completion of Shallow Soil Borings” where it is stated that if a significant source of PCBs is found within current site boundaries, additional work will be done to better define the extent of PCB’s “during a second work mobilization”; a reference to the last paragraph of Section 2.3 would probably be sufficient.

Section 2.6 of the Scope, “Phase II Report and Statement of Conclusions,” should be clarified to indicate that should a Phase II Addendum be necessary, the Report and Statement will not be completed until after the site assessment pursuant to that Addendum has been completed (assuming that this is, indeed, DND’s intention).

Finally, it is not clear how the timing of activities under a Phase II Addendum would relate to the timing of Stage I Environmental Screening. 310 CMR 40.0995(3)(a) requires that for Stage I Environmental Screening, “(a)available evidence shall be evaluated to determine whether there is a current or potential future exposure of Environmental Receptors to contamination at or from the disposal site (emphasis added).” It would

seem to us, therefore, that Stage I Environmental Screening should not be done until the assessment is completed under a Scope Addendum, should such an Addendum prove necessary. The April 5, 2005 Scope, however, states in the second paragraph of Section 2.5 that “(i)f required, the scope of work for a Stage II ecological risk characterization will be defined in a Stage II Scope of Work Addendum.” The MCP, however, seems to require that if a Stage II Scope of Work Addendum is found to be needed, then the Stage I and, if necessary, the Stage II Environmental Screening should both be done after the Addendum has been completed.

### **Comments On April 5, 2005 Draft Phase II Public Involvement Plan**

310 CMR 40.1405 states:

(6) A Public Involvement Plan shall ensure, without limitation that:

...

(e) opportunities to comment on the response action are provided by holding a minimum 20 day comment period on all submittals required pursuant to 310 CMR 40.0400 and 40.0800, with the following qualifications:

1. any public comment period may be extended, if requested by the public, for a minimum of an additional 20 days;
2. Phase II Scopes of Work shall be subject to additional comment periods if significant changes are proposed which substantially alter or expand the Scope of Work.
3. comment periods on Immediate Response Action Plans may be reduced or eliminated by the Department if it would delay the timely implementation of the remedial action;
4. comment periods on Release Abatement Measures to be performed after Tier Classification shall be ten days, and comments shall be simultaneously submitted to the Department if the Department is not conducting the response action; and
5. comment periods for reports concerning inspection and monitoring of remedial actions and status reports are not required unless specifically requested by the public in the process of developing or revising a Public Involvement Plan.

Therefore, PIP Section 4.4, “(d)ocuments available for public comment” should include any Phase II Scope of Work Addendum as well as any submittals to DEP pursuant to Sections 40.0400 and 40.0800 (the PIP should note that these documents may or may not be filed with DEP, depending on what is discovered on the site). Although the Draft PIP includes “proposals and reports for Preliminary Response Actions”, it should specifically

list each submittal to DEP pursuant to Sections 40.0400 and 40.0800. I believe this would have to include requests for approval, Action Plans, Status Reports and Completion Reports. Likewise, the draft PIP plan should identify comment periods for each document as well as the fact that comment periods may be extended if requested by the public.

Exhibit II of the draft PIP should also note the activity description and timeframes for the aforementioned actions, even though none of them are certain to occur.

Finally the site boundaries should be more clearly identified in the draft PIP as containing the area within the Former Lewis Chemical property boundary plus the abutting Commonwealth of Massachusetts (DCR) property boundary (the latter is not delineated on the Site Map contained in the PIP).