

August 16, 2011

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Melissa Taylor, Project Manager  
US Environmental Protection Agency  
One Congress Street, Suite 1100  
Boston, MA 02114

Re: Shpack Superfund Site (Six Pages)  
Comments on the 30% Design Report (ERM April 29, 2011)

Ms. Taylor,

I have reviewed ERM's Preliminary (30%) Design Report dated April 29, 2011 and submit the following comments and requests:

In an e-mail from you dated June 27, 2011 it was first brought to my attention that: ERM acting as the environmental consulting firm for the PRP Group (Shpack Steering Committee), was recommending a change in the Risk/Reuse Scenario for the Shpack Site, and that you and 'management' at EPA were seriously considering allowing this change.

First, I do not understand why it took two months since publication and release of the ERM's 30% Design Report for the stakeholders in Norton to be notified.

On June 30, 2011 I submitted a six page comment piece to you opposing the proposed change.

Following a conference call with Town Manager Michael Yunits, Conservation Agent Jennifer Carlino, and myself with you – it was agreed that a meeting should be held for an update from the Army Corps (on their plans and schedule for demobilization), as well as your agency and consulting engineers (ERM), and a representative for the PRP Group

(Michael Last, Esquire) to present and discuss EPA's plan for the final cleanup.

The meeting was held at the Norton Public Library on July 19, 2011 with Norton Department Heads and stakeholders present.

John D'Agostino of ERM gave the presentation for EPA, providing information on the Preliminary (30%) Design Report.

I do not have a copy of the Power Point Presentation to compare with the 30% design report, but there seems to be a very significant change in what was presented to us for review on the disc, and what we were being told at the July 19<sup>th</sup> Library Meeting.

Of major concern is the section of the 30% Design Report relative to 'On-Site Soils Assessment'. [See Pages 22 – 27 and Page 65].

Appendix D Figures 8e – 8m lists the chemical contaminants above cleanup levels in multiple locations where the ACOE has already excavated and removed radiological contaminants. The depth levels range from 2-8 feet, with the exception of Benzo(b)fluoranthene (found from 1-8 feet) and Dioxin (at 2-3 feet).

I could not find any mention of PCBs.

In EPA's June 2004 'Proposed Plan' for cleanup of the Shpack Superfund Site – acceptable alternatives included excavation of radiological, PCB, and Dioxin contaminated soil and sediment, and disposing of it or treating it off-site.

The 100% Design Report should address this.

Note Also: I believe there is an error on Figure 8f

The yellow circles should be > **(above)** 2,800 pg/kg NOT < **(below)**.

ERM's April 29, 2011 Preliminary (30%) Design Report changes the Reuse Scenario and Risk Assessment from Adjacent Resident to Passive Recreation - which has a tremendous impact on the cleanup levels, particularly in the Residual Contaminated Areas - Site Wide Soils Assessment.

Remedial Activities in the 30% Design Report for the On-Site Soil Assessments is still incorrectly based on risk to recreational users.

What we heard at the library meeting from both you (EPA) and Michael Last, Esq. (Shpack Steering Committee) was that a change in the Reuse Scenario was unacceptable, and the more conservative Adjacent Resident Alternative would still be applied.

But getting more specific information from yourself or John D'Agostino to confirm this was not possible.

I was still left wondering what materials would be excavated where and to what level.

We should not have to wait for the 100% Design Report for assurance - that the only level of cleanup acceptable to Norton is still going to be implemented.

**I believe a supplemental report should be drafted before the final 100% design phase.**

**This supplemental report should demonstrate how the cleanup (especially of Residual Contaminated Areas already excavated by the ACOE which still contain chemical contaminants above cleanup levels) will be implemented using the Adjacent Resident Scenario and the Risk Assessment Criteria as originally dictated in the Record of Decision.**

Also needing to be addressed in a Supplemental Report:

Inner Rung Area - Sampling and Proposal for Excavation. EPA disagreed with findings and proposed action in ERM's 30% Design Report?

Inner Rung Area – Pursuing acquisition of this swamp land from the estate of Harold Wetherell (Bob Eddleston, Executor) to be added to Norton's restricted conservation parcels and a procedure for transfer to the Town.

ALI Landfill Debris Area - ERM's review of most recent ACOE's analytical reports (Did USACE run any tests for non-rad. materials?)

EPA/ERM's plan for excavation activities and covering\*\*\*.

\*\*\*After excavation and removal of any contaminated materials - Addition of a silty sand barrier at this area (and along the ALI Boundary) could have a positive effect on the Shpack Cleanup, at least to some extent blocking the leaching of contaminants from the ALI Mound back into the Shpack Site.

Chemical Only Stockpile Area - Confirmation that there are not any materials exceeding ROD Radiological Criteria.

USACE demonstrate compliance with L-1 cleanup levels for radiological constituents, before EPA/ERM will confirm their responsibility for packaging and shipping this material off-site.

Tongue Area - Movement of National Grid Poles & Access Agreement – Status of negotiations? This is a critical element for cleanup of the Tongue Area.

Information on the creation of upland areas around Nat'l. Grid poles.

Water Main Installation - Status of negotiations with Al Dumont (Rainbow Land Inc.) to obtain the house and property at 53 Union Road, which would have a major impact on a critical element of the remedial action plan.

**In short: the 30% Design Report is unacceptable in its present form and needs to be modified for approval before proceeding to the 100% Design.**

Note also

The Final 100% Design Report should include:

Incorporation of the 'Impact Minimization Plan' (IMP) as presented in USACE Report – 'Remedial Action Work Plan', December 2007, Appendix D, Prepared by Robert W. Davis.

Review of the Micro Topography Plan surveyors prepared for the USACE, which delineated wetlands, plants and species originally present at the Site (to be used as a guide in restoration).

More detailed information on restoration/recreation of vernal pools and wetlands (use of clay liners?), the means of getting the water table to its proper level, and long term maintenance (just topsoil with wildflowers?)

Better communication with the Norton Conservation Commission (through Norton's Agent Jennifer Carlino), and more timely reporting to all Norton officials and stakeholders (including myself) on status of the Design Report and project schedule.

EPA and ERM should discuss with USACE the difficulties of excavation in the Spring, and effective measures used to deal with the high water table.

Between October 2011 and the Spring 2012 mobilization by EPA – The Town of Norton should know exactly who to contact (with a backup) in case there is a problem at the Site. This was brought up at the Library meeting by the Chief of Norton Fire and Rescue.

After mobilization by EPA, there should be a designated person ON Site to contact. And we should also expect update reports (such as those which were e-mailed weekly by Moe Beaudoin, USACE).

Before demobilization by EPA, there should be a plan in place (acceptable to the Norton Highway Department) for the repaving of Union Rd., or whatever reconstruction may be deemed appropriate by the Town.

Finally:

The Town of Norton supports the change which would eliminate extension of a water main into Norton. Extension of an existing 8" water main from Attleboro for approximately 2,600 feet (to within 500 feet of the Shpack Site) IS not only acceptable, but preferred.

The Town would however appreciate consideration from the City of Attleboro, if an emergency situation should occur in this area, to allow Norton Fire and Rescue access to the water main.

We expect the Final Remedial Action Work Plan (RAWP) will use the Adjacent Resident Scenario, which resulted in L-1 soil cleanup levels for most of the site.

A change (update) in Risk Review to Passive Recreation would likely allow exceedances in chemical contaminants to remain in place if they were beneath the 2' level. Using the 0-2' depth criteria based on Recreational Users would justify no further action on a good portion of the site, where very little chemically contaminated material has been detected at 0-2' level.

Please keep us informed as to the process we can now expect.

The meeting at the library was helpful and should perhaps be considered again before scheduling a public meeting in Norton.



Heather A. Graf  
Coordinator, CAST

CC:

John D'Agostino, ERM

Michael Last Esq., Shpack Steering Committee

Garry Waldeck, Mass. DEP

Tim Beauchemin, ACOE ✓

Michael Yunits, Norton Town Manager

Jennifer Carlino, Norton Conservation Agent

Leon Dumont, Norton Health Agent

Paul Schleicher, Acting Chief Norton Fire and Rescue

Brian Clark, Chief Norton Police Department

Keith Silver, Norton Highway Superintendent

Ron O'Reilly, Chair Norton Conservation Commission

Garth Patterson, Congressman Barney Frank's Office