

Appendix 4.12-A

Whittenton Branch Solid Waste Concern and Dana Street Station Memos



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Appendix B: Whittenton Branch Solid Waste Concern and Dana Street Station Memos



**FEIS/FEIR Technical Report
Whittenton Alternative**

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Vanasse Hangen Brustlin, Inc.

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Memorandum

To: File

Date: August 31, 2012

Project No.: 10111.00

From: Katherine Kudzma
Paul A. McKinlay, PG, LSP

Re: Whittenton Branch Solid Waste Concern,
Taunton and Raynham, Massachusetts

On behalf of the Massachusetts Department of Transportation (MassDOT), VHB has conducted a limited review of the current use of a portion of the inactive Whittenton Branch railroad right-of-way (ROW) that lies between Prospect Hill Street, Regan Circle, and the property at 184 Broadway in Raynham, Massachusetts (the Site). This limited review was conducted to evaluate fill material reportedly present on the ROW, specifically for the presence of Oil and/or Hazardous Material (OHM) which could have the potential to impact the future development of the Site for the South Coast Rail Whittenton Alternative (the Project). New England Recycling, Inc. (NER), having a primary address at 565 Winthrop Street in Taunton, Massachusetts (Taunton Facility), stores their material at 138 (Rear) Broadway in Raynham, Massachusetts (Raynham Facility), partially within the Site boundary as an unauthorized use. It should be noted that NER is also affiliated with G. Lopes Construction Company of Taunton, Massachusetts. A Site location map showing the vicinity of the Site is provided as **Figure 1**. An aerial photograph depicting relevant Site features and adjacent areas is provided as **Figure 2**.

Description of Files Reviewed

On May 16, 2012, VHB visited the Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Office to review the permit file associated with the NER Raynham Facility that, as noted above, is partially within the railroad ROW. The following is a list of pertinent documents:

- June 9, 1992 Notice of Noncompliance (NON) from MassDEP for the Raynham Facility (NON-SE-92-4002). Violations noted included the presence of refuse and brush dumped on the property within 100 feet of a potential wetlands resource area and within an Interim Well Head Protection Area.
- May 17, 1993 MassDEP field notes describing the Raynham Facility. Inspectors noted pile of construction and demolition (C&D) debris with solid waste (tires, wood waste metal stripping, brick, concrete, insulation, paper bags, and plastic buckets); piles of telephone poles with creosote, and a roll-off containing metal, pipes, fences, and rebar.
- August 25, 1993 letter from Fasanella Johnson & Wood P.C. (FJ&W) attorneys to MassDEP stating that NER does not have a stockpile or any metals or wood demolition materials at the Raynham Facility.
- September 9, 1993 NON from MassDEP for the Raynham Facility (NON-SE-93-4028). Violations noted included:

- The processing of solid waste in absence of a site assignment from the regulating board of health or MassDEP due to the presence of solid waste commingled with asbestos, brick, and concrete (ABC) rubble. Also noted was the processing of C&D debris in absence of an approval from MassDEP.
 - No site assignment was obtained for operations such as solid waste processing, nor has the Operator obtained a permit from MassDEP. The operator is in violation of 310 CMR 19.000.
 - In addition, MassDEP noted that the previous NON dated June 1992 had not been addressed.
- September 21, 1993 letter from FJ&W stating that the operator no longer accepts non pre-sorted ABC rubble, no solid waste is currently stockpiled at the property, and the Taunton and Raynham Conservation Commissions were satisfied with the operator's actions taken toward achieving wetland compliance.
 - October 19, 1993 letter of provisional compliance to NON-SE-93-4028 from MassDEP to NER regarding the Raynham Facility. The letter states that MassDEP considers NER to have complied with NON-SE-93-4028. Based on documents, it appears the NON-SE-92-4002 was also addressed through these actions, although an express letter from MassDEP providing notice of compliance was not obtained during the file review.
 - November 1, 1993 sketch prepared by G. Lopes Construction, Inc. showing items stored on-site including loam, mulch, stump chips, split stumps, roots and stone.
 - December 8, 1993 letter from MassDEP to NER addressing several issues surrounding the facility operations. The letter reiterates that issues of noncompliance for the processing of ABC commingled with solid waste assigned NON-SE-93-4028 have been rectified; the ABC processing operation may be conditionally exempt; stump chipping at the facility requires an application or remedial plan; and an application must be made to MassDEP if the operator intends to compost material at the facility.
 - November 16, 1993 letter from FJ&W providing documentation to confirm that the operations at the Raynham Facility are conditionally exempt in accordance with 310 CRM 16.05(3)(i).
 - April 11, 1994 letter from MassDEP to Gilbert J. Lopes (NER) in response to proposal to conduct stump processing at the Raynham Facility. MassDEP stated that this activity would be conditionally exempt when conducted in accordance with 310 CRM 16.05(1).
 - December 1994 permit (BWP SW 17) for recycling operation involving stumps, which is not conditionally exempt due to speculative accumulation (stumps may not be removed from Site within 90 days due to variations in deliveries).
 - September 2006 Beneficial Use Determination (BUD) application for NER prepared by Green Seal Environmental, Inc. The permit specifies the proposed project as the reuse of post-consumer asphalt shingles and lists NER's Taunton Facility as that which requires approval. NER intended to process and mix the shingles materials with ABC and soil to create a sub-grade road base material to be used for road-base construction project throughout Massachusetts. All sorting of material would be conducted at the Taunton Facility, while the mixing of the road-base (shingles and gravel) would be conducted at the Raynham Facility. Laboratory analysis of the material was to be conducted on a load-by-load basis to evaluate for the presence of asbestos.
 - Draft January 2007 BUD prepared by MassDEP for the re-use of pre and post consumer asphalt roofing shingles by NER. MassDEP describes the Raynham Facility operations as an existing sand and gravel, ABC rubble recycling, and wood waste composting operation. MassDEP approves the use of asphalt roofing shingles as a feedstock material at the Raynham Facility for the

manufacture/production of a sub-grade road base construction material. The approval specifies that one sample of each load must be tested for the presence of ACM.

- April 10, 2007 letter from MassDEP to Mr. Gilbert Lopes of NER providing draft provisional approval of the BUD for the reuse of asphalt roofing shingles.
- April 14, 2007 letter from the North Raynham Water District stating that the Raynham Facility is within a Zone II water supply area. A request was made to install monitoring wells and test for sodium and hydrocarbons because the asphalt being received by the facility could contain oil, gasoline, and road salts.
- September 5, 2007 article from the Enterprise Newspaper in Brockton, Massachusetts about the complaints the abutting residents have regarding the Raynham Facility. The article cited an agreement that the company made four years prior to construct a 1,000-foot-long, 8-foot-high berm planted with small evergreen trees along an old railroad bed to rectify the noise and dust problem.

During a visit to municipal offices on April 26, 2012, VHB also reviewed files pertaining to the Site at the selectman's office. A Notice of Administrative Completeness from MassDEP to NER dated November 15, 2006 was obtained. This letter pertained to the BUD for the reuse of asphalt roofing shingles.

VHB reviewed the MassDEP online waste site database for releases of OHM that may have occurred at the Site. One disposal site was identified on the G. Lopes Construction Raynham Yard located off Route 138. The disposal site was assigned Release Tracking Number (RTN) 4-22319 in December 2009 when approximately 50 gallons of hydraulic oil leaked from a ruptured line of an excavator to the underlying soil. An approximately 20 by 25 foot area was impacted, from which approximately 12 tons of impacted soil was removed and transported off-Site. The disposal site achieved a Class A-2 Response Action Outcome (RAO) in January 2010, which indicates that contaminant concentrations were not reduced to background levels but a Condition of No Significant Risk was achieved. Based on figures provided in the RAO report, the disposal site appears to be located approximately 250 feet south of the railroad ROW. Due to the nature of the release and the proximity to the Site, this disposal site is not expected to impact environmental media within the ROW.

File Review Summary

VHB conducted a review of available MassDEP permits and reports, as well as relevant municipal files. As indicated in the files, the Raynham Facility has received two enforcement notices from MassDEP (NON-SE-93-4028 and NON-SE-92-4002). NON-SE-93-4028 was issued in response to NER's failure to act after receiving NON-SE-92-4002. In October 1993, MassDEP stated that NER had complied with NON-SE-93-4028. Although a letter of compliance was not provided for NON-SE-92-4002, the areas of noncompliance appear to have been addressed in response to NON-SE-93-4028 and associated correspondences. The permit file also contained an approved BUD application. Finally, one MassDEP state-listed disposal site (RTN 4-22319) is located on the Raynham Facility property but is not likely to impact environmental media at the Site.

Site Reconnaissance

On July 23, 2012 VHB conducted a Site visit of the Raynham Facility and Site, which was guided by Norman Crowley of NER. A portable computer with GPS receiver was utilized by VHB personnel to determine the limits of the railroad ROW while in the field.

The western end of the ROW closest to Prospect Hill Pond was noted to abut a large pile of stumps and tree limbs that was encroaching upon the ROW. The pile was associated with the NER stump composting process whereby the stumps are initially stored until soft enough to be machine ground and then stored until composted for resale. In addition to the stumps, minor amounts of domestic waste and

boulders were observed in the pile. A second large pile containing sand, gravel, stumps, and minor debris was noted on another portion of the ROW located within NER's area of operation. According to Mr. Crowley, the piles on the Site are constantly changing as NER imports and exports the materials and no testing is performed for material processed at the Raynham Facility. Mr. Crowley stated that the Raynham Facility does not currently process asphalt shingles and they do not accept painted concrete. In addition, he stated that any material that contains undesirable items such as railroad ties is segregated and shipped to another facility. VHB did not note any significant stressed vegetation, staining, or odors at the time of the Site visit.

The remainder of the ROW in the vicinity of Regan Circle was observed to be densely vegetated. Landscaped trees and shrubs were noted in the ROW behind four properties on Regan Circle. Site photographs taken by VHB are attached to this memo.

Findings

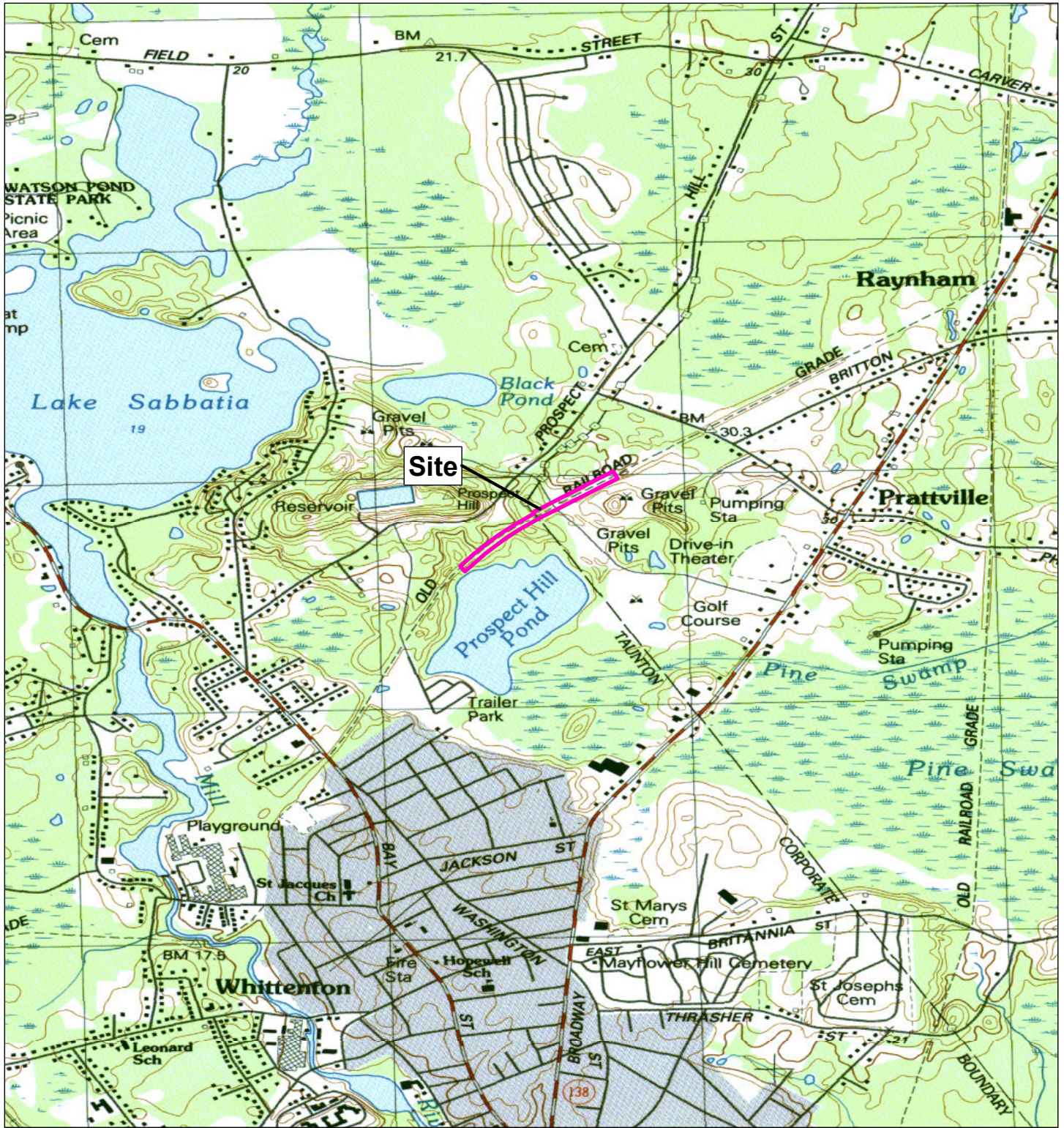
Based on a review of MassDEP files pertaining to the Raynham Facility, the following materials appear to be permitted for storage at the NER Facility: post-consumer asphalt shingles (non-asbestos containing materials), pre-sorted ABC rubble, wood waste, sand and gravel. VHB observed these materials during the Site visit in July 2012, in addition to minor amounts of debris including buckets, plastic bags, wire, and rebar. Material was stored partially within the railroad ROW, a use not authorized by the railroad. The solid waste/debris noted does not appear to constitute a release of OHM to the environment as defined by the Massachusetts Contingency Plan (310 CMR 40.00). Although no staining was observed during the Site visit, several pieces of large machinery were observed throughout the Site and may have the potential to release minor amounts of OHM to the environment.

Conclusions

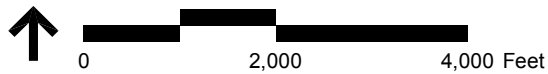
The ROW is currently occupied by what appears to be material containing stumps, compost, sand, gravel, boulders, and minor amounts of solid waste and debris. NER has indicated that this material is frequently relocated and new material brought into the Site and as such, could likely be relocated. Once the ROW has been restored and/or material has been permanently re-located, laboratory data could be obtained to assess for the presence of OHM.

Attachments:

- Figure 1 - Site Location Map
- Figure 2 - Site Plan
- Site Photographs
- File Review Documentation



Source USGS 2001 Topographic Map

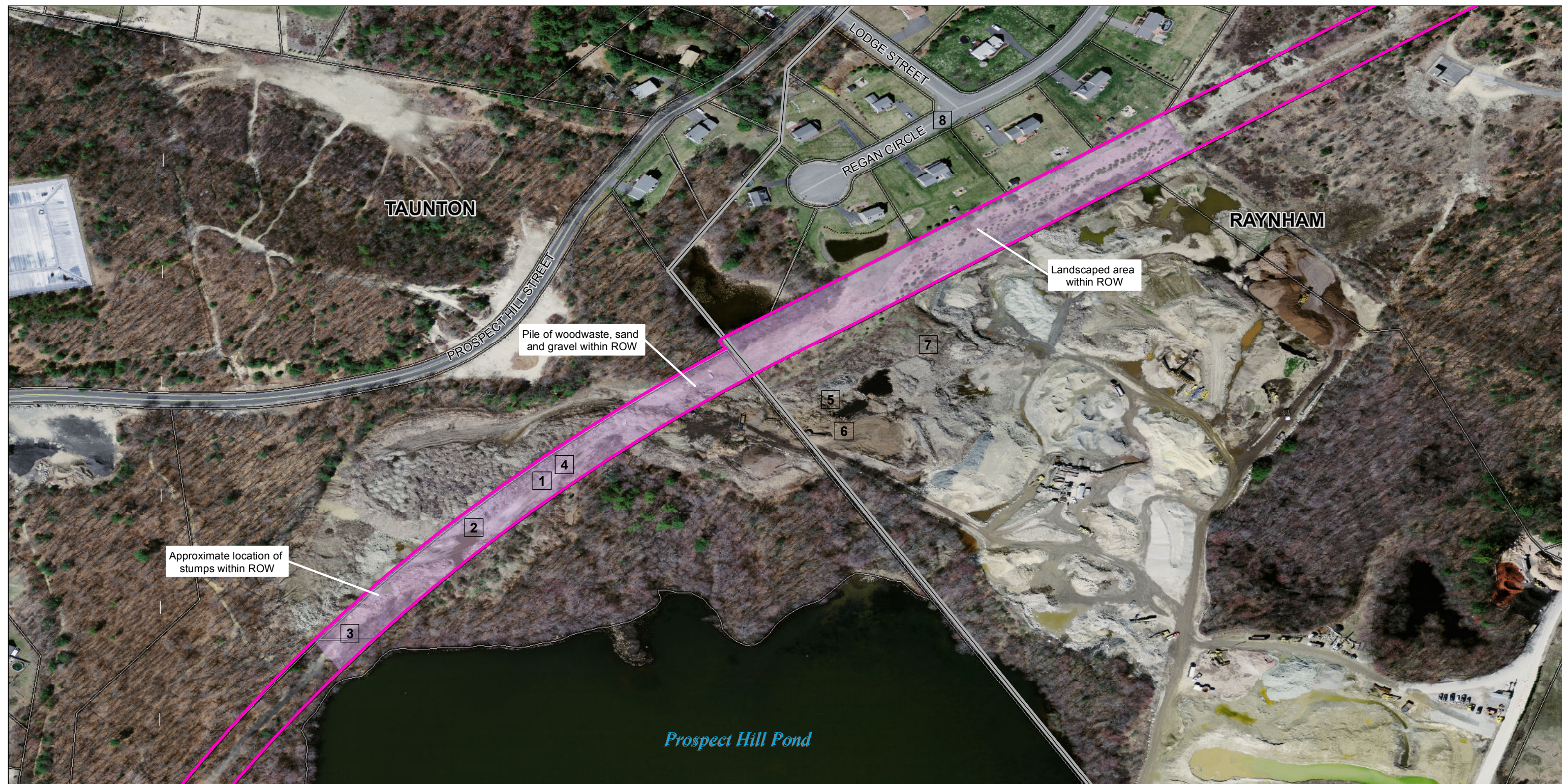


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Legend






 Site

FIGURE 1
Site Location Map
Railroad Right-of-Way
Raynham and Taunton, Massachusetts



Source: USGS 2008 Aerial Imagery

Legend

-  Railroad Right-of-Way (ROW)
-  Altered Portion of ROW
-  Assessor's Parcels
-  Town Boundary
-  Photograph Location (Approximate)



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FIGURE 2
Site Plan
Railroad Right-of-Way
Raynham and Taunton, Massachusetts

**Railroad Right-of-Way
Taunton and Raynham, Massachusetts
Site Photos Taken on July 23, 2012
by Vanasse Hangen Brustlin, Inc.**



Photo #1: View of southwestern end of Site taken facing southwest. Railroad right-of-way (ROW) in center.



Photo #2: View of southwestern end of Site taken southwest depicting piles of wood waste.



Photo #3: View of ROW at closest point to Prospect Hill Pond, taken facing southwest.



Photo #4: View of central portion of Site taken facing northeast.

**Railroad Right-of-Way
Taunton and Raynham, Massachusetts
Site Photos Taken on July 23, 2012
by Vanasse Hangen Brustlin, Inc.**



Photo #5: Photo taken northeast showing abutting piles of sand and gravel. ROW at center of photo.



Photo #6: Example of undesirable debris segregated from material by NER for disposal at alternate facility.



Photo #7: View of ROW, taken facing northwest. ROW is located in vegetated area on right side of picture.



Photo #8: View of portion of ROW abutting residential development on Regan Circle. ROW is located behind landscaped trees behind shed.



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Memo

To: File

Date: August 31, 2012

Project No.: 10111.00

From: Katherine Kudzma
 Paul A. McKinlay, PG, LSP

Re: MassDEP File Review for Proposed Dana
 Street Station in Taunton, Massachusetts

On behalf of the Massachusetts Department of Transportation (MassDOT), VHB has conducted a review of the Massachusetts Department of Environmental Protection (MassDEP) Bureau of Waste Site Cleanup (BWSC) online database to identify state-listed disposal sites located in the vicinity of the proposed Dana Street Station in Taunton, Massachusetts (the Site). VHB also reviewed the historic Sanborn Fire Insurance maps available online through ProQuest in order to establish a general Site history. The Site as referenced in this memo encompasses various design options for the proposed station (the Project), which is part of the Whittenton Alternative of the South Coast Rail (SCR) project. The footprints depicted in these options encompass or occupy a portion of the parcels detailed in the following table:

Parcel Maplot	Address	Acreage Total Parcel	Current Use
54-441	60 Hodges Avenue	157.20 (Partial)	Municipal/Undeveloped Land
54-448	Dana Street	0.44	Vacant Land
54-449	Dana Street	0.45	Vacant Land
54-450	Dana Street	0.47	Vacant Land
54-451	Dana Street	0.48	Vacant Land
54-452	Dana Street	0.50	Vacant Land
54-453	Dana Street	0.49	Vacant Land
54-454	Dana Street	0.35	Vacant Land
54-455	Dana Street	0.35	Vacant Land
54-171	140 Dana Street	1.22	Telecommunications Facility
54-457	Railroad	N/A (Partial)	Railroad/Vacant Land

It should be noted that parcel 54-457 is a portion of the existing railroad right-of-way (ROW); however, the proposed station footprint options appear to make use of the vacant land in this parcel immediately to northeast of the existing tracks and the parcel is addressed in this memo. A Site location map showing the vicinity of the Site is provided as **Figure 1**. A Site plan depicting relevant Site features is provided as **Figure 2**.

Summary of Files Reviewed

Three disposal sites were identified on the Site or within close proximity and are detailed below.

Dana and Danforth Streets, Release Tracking Number (RTN) 4-11241

A release of fuel oil at 140 Dana Street from an underground storage tank (UST) was reported to MassDEP in March 1995 and assigned RTN 4-11241. Based on a review of available reports, the properties (and portion of the Site) assessed under RTN 4-11241 appears to encompass the City of Taunton Assessor's parcels Map 54, Lots 448 through 455 and Map 54, Lot 171 as displayed on **Figure 2**.

According to the Phase I Initial Site Investigation (ISI) prepared for RTN 4-11241 by Hermenau & Hermenau Consulting Engineers (HHCE) in 2006, two 10,000-gallon fuel oil aboveground storage tanks (ASTs), and one 1,000-gallon gasoline UST have been removed from the Site; however, one 500-gallon waste oil UST remained abandoned at the property (as of the date of the report).

Soil and groundwater testing conducted during the Phase I ISI revealed exceedances of the applicable regulatory reporting thresholds for extractable petroleum hydrocarbons (EPH), and volatile petroleum hydrocarbons (VPH) at the property. In addition, metals including arsenic, barium, cadmium, and lead were detected above the reporting thresholds; however, these contaminants were attributed to background and deemed not reportable to the MassDEP by HHCE. The Phase I ISI summarized proposed future response actions, which would ultimately result in closure of the disposal site. However, according to the MassDEP database, no reports have been submitted since the Phase I ISI in 2006, which indicates that the disposal site may not be in compliance with applicable regulations.

The presence of a potentially out-of-compliance disposal site on the Site suggests that contamination was identified on the Site and is a potential concern for the proposed project.

Tank #13 Cottage #8, 60 Hodges Avenue, RTN 4-13181

A release of No. 2 fuel oil discovered during the removal of a 1,000-gallon UST was reported to MassDEP in July 1997 and assigned RTN 4-13181. The disposal site achieved a Class A-2 RAO in September 2004, which indicates that contamination has not been reduced to background levels but a Condition of No Significant Risk has been achieved. The disposal site is located approximately 450 feet east of the Site. Based on proximity and response actions conducted, the disposal site is not expected to impact environmental media at the Site.

Former Nason Oil, 7 Perry Avenue, RTNs, 4-289 and 4-16050

A release of petroleum was discovered at 7 Perry Avenue in 1986 during an environmental assessment and assigned RTN 4-16050 in April 1987. A second release of petroleum discovered during the removal of an abandoned 500-gallon UST at 7 Perry Avenue was reported to MassDEP in February 2001 and assigned RTN 4-16050. The property has a long history of use for petroleum product storage between 1913 and 1986. Both disposal sites have achieved a Class A-2 Response Action Outcome (RAO), RTN 4-289 in November 1998 and RTN 4-16050 in February 2002. A Class A-2 RAO indicates that contamination has not been reduced to background levels but a Condition of No Significant Risk has been achieved. Based on the direction of groundwater flow and proximity to the Site, the disposal sites are not expected to impact environmental media at the Site.

Site History

The 1888 Sanborn map is the oldest record obtained during this review and depicts railroad tracks on and abutting the Site. According to the Phase I ISI prepared for RTN 4-11241 by HHCE in August 2006, the portion of the Site west of Dana Street has also has a history of use as an active freight yard (at least from the 1900s to 1980s), Agway retail (1950s to 1960s), Service Transport Company trucking business (1978 to 1996), and the temporary storage of bituminous concrete (1999). This portion of the Site also has a history of petroleum storage dating back to at least 1937. According to the 1937 Sanborn map, the portion of the Site west of Dana Street contained a feed house, motor oils store house, fuel oil tanks, offices, and a railroad yard. The majority of the Site is currently vacant and contains overgrown vegetation. A

telecommunications facility, including equipment and a metal tower is located in a fenced enclosure on the southernmost portion of the Site (see Figure 2).

Sanborn maps dating back to 1937 depict the portion of the Site on 60 Hodges Avenue (Map 54, Lot 441) as undeveloped land. Based on existing aerial imagery, this portion of the Site may have been used for agricultural purposes in the past.

According to the Sanborn maps, land immediately to the south of the Site (known as 28 Dana Street) was utilized for coal storage since at least 1888. The Staples Coal Company occupied the property sometime around 1893. By 1937, the Royal Coal Company occupied land south of the Site and contained twelve, 60 foot tall concrete coal silos, which remain. Sometime between 1937 and 1950 the property began being used as a scrap iron yard. This property, abutting the Site, is currently used as a scrap yard.

Conclusions

During a review of the MassDEP online database, available online Sanborn maps, and a drive-by Site reconnaissance, VHB identified the following environmental concerns for the Site:

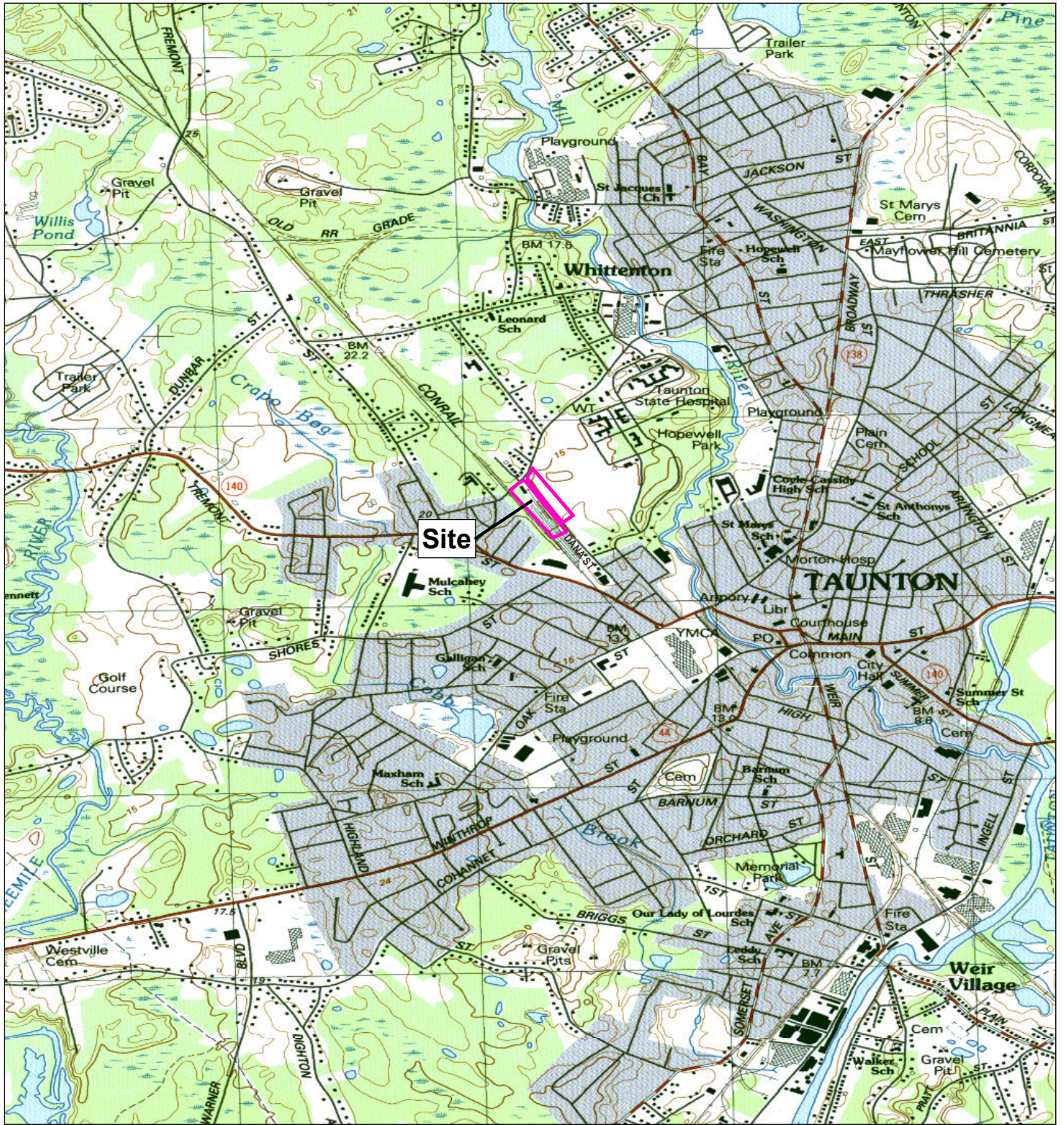
- The Site is partially occupied by an active state-listed disposal site (RTN 4-11241). The disposal may be out-of-compliance with the applicable regulations and the lack of documentation online suggests that remedial actions have not been conducted to mitigate contamination identified and documented in the Phase I ISI report. Contaminants that exist at the Site above applicable regulatory standards include petroleum constituents and metals.
- The Site and abutting property to the south has a long history of industrial use. For example, the property at 28 Dana Street is currently used as a scrap yard. The Site itself was formerly utilized as a truck business, Agway distributor location, and for the temporary storage of bituminous concrete. The extent to which these industrial activities have impacted the Site is unknown.
- The portion of the Site on 60 Hodges Avenue appears to have always been undeveloped; however, the property may have been utilized for agricultural purposes. Pesticides or herbicides may have been utilized on the property and have the potential to impact environmental media at this portion of the Site.
- Finally, the portion of the Site west of Dana Street was formerly occupied by a railroad yard since at least 1888. Contaminants associated with former railroad operations include metals and semi-volatile organic compounds (SVOCs). Urban fill, which can contain metals and polycyclic aromatic hydrocarbons (PAHs) may have also been placed on the Site in order to fill in wetland areas. Finally, a vegetation control program may have been implemented in the railroad right-of-way and may have introduced lead, arsenic, and other pesticide/herbicide-related contaminants into Site soils.

In summary, the Site environmental media have the potential to be impacted by numerous sources related to industrial and agricultural uses. In addition, known contamination associated with the disposal site assigned RTN 4-11241 has been documented on the Site.

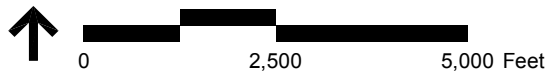
Prior to construction, it is recommended that a plan be developed to properly handle and manage Site soil and groundwater that may be contaminated, which would likely incorporate pre-characterization of media requiring management. Soils should be handled in a manner that protects the health and safety of workers, nearby receptors, and visitors to the Site. In addition, impacted soil and groundwater should be managed in accordance with applicable regulations and policies prior to leaving the Site, should export be required.

Attachments:

Figure 1 - Site Location Map
Figure 2 - Site Plan
File Review Documentation



Source USGS 2001 Topographic Map

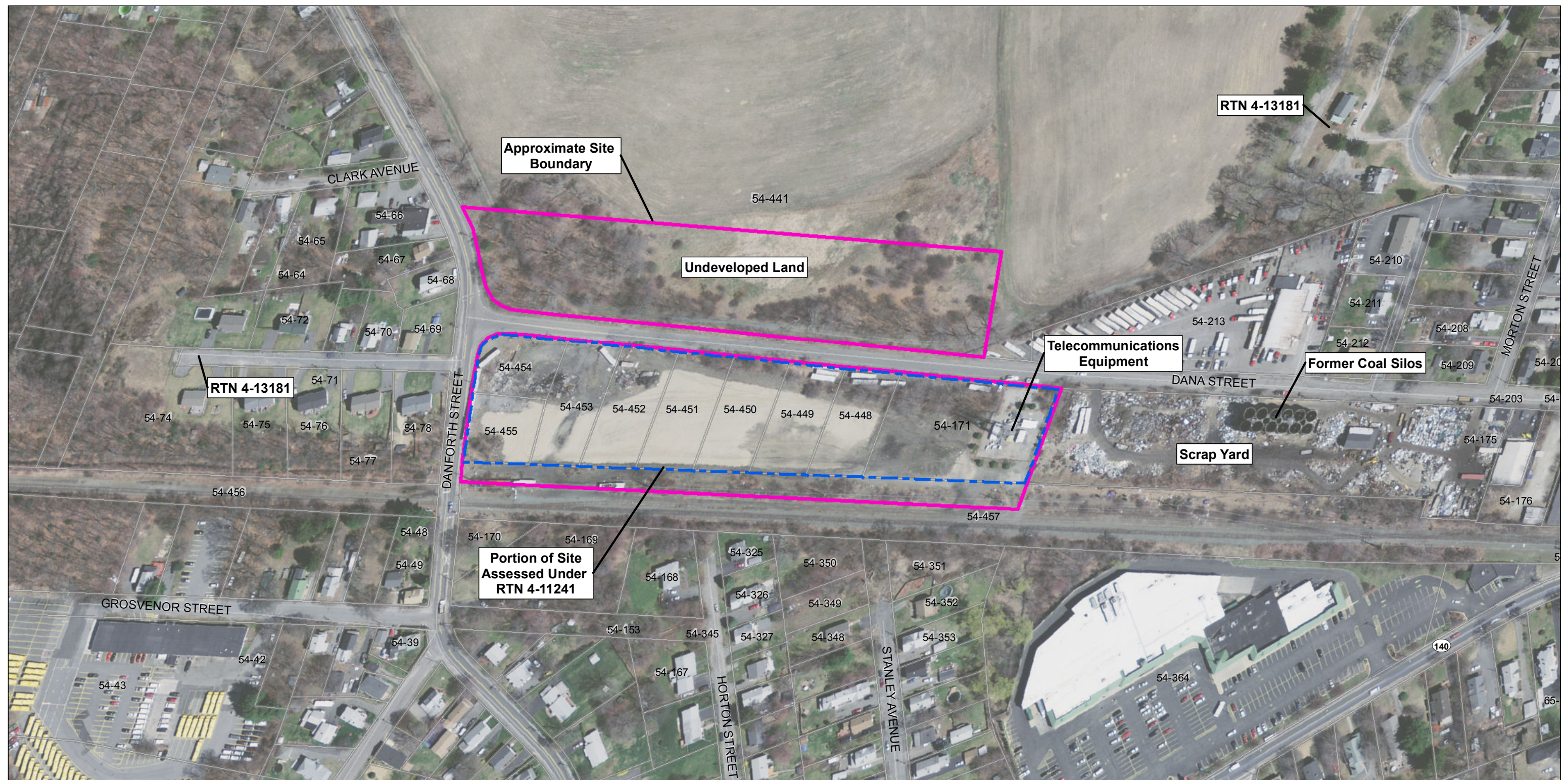


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Legend




 Approximate Site Location

FIGURE 1
Site Location Map
Dana Street Station
Taunton, Massachusetts



Source: USGS 2008 Aerial Imagery

Legend

-  Approximate Site Boundary
-  Portion of Site Assessed Under RTN 4-11241
-  Assessor's Parcels



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FIGURE 2
Site Plan
Dana Street Station
Taunton, Massachusetts