

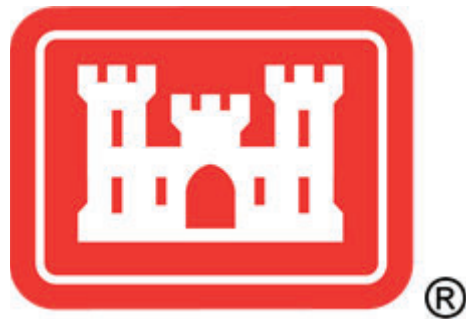
FINAL

FIRST FIVE-YEAR REVIEW REPORT

TISBURY GREAT POND
MUNITIONS RESPONSE SITE
FUDS PROPERTY NO. D01MA0453, PROJECT 01

MARTHA’S VINEYARD, MASSACHUSETTS

Prepared for:



U.S. Army Corps of Engineers
New England District

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FINAL
FIVE YEAR REVIEW

Tisbury Great Pond Munitions Response Site
FUDS Property No. D01MA0453, Project 01
Martha's Vineyard, Massachusetts

Prepared for:

U.S. Army Corps of Engineers
New England District

Contract: W912DR-15-D-0015
Delivery Order 0003

Prepared by:

ERT, Inc.
Laurel, Maryland 20701
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28 March 2022

JOHN A. ATILANO II
Colonel, Corps of Engineers
District Engineer

Date

COMPLETION OF SENIOR TECHNICAL REVIEW

This document has been produced within the framework of the ERT, Inc. (ERT) quality management system. As such, a senior technical review has been conducted. This included review of all elements addressed within the document, proposed or utilized technologies and alternatives and their applications with respect to project objectives and framework of U.S. Army Corps of Engineers regulatory constraints under the current project, within which this work has been completed.



ELECTRONIC SIGNATURE

12/16/20

Thomas Bachovchin, PG
Senior Technical Reviewer

Date

COMPLETION OF INDEPENDENT TECHNICAL REVIEW

This document has been produced within the framework of ERT's quality management system. As such, an independent technical review, appropriate to the level of risk and complexity inherent in the project, has been conducted. This included a review of assumptions; alternatives evaluated; the appropriateness of data used and level of data obtained; and reasonableness of the results, including whether the product meets the project objectives. Comments and concerns resulting from review of the document have been addressed and corrected as necessary.



12/17/20

James Stuby, P.G
Independent Technical Reviewer

Date

Table of Contents

1.0	INTRODUCTION	1
1.1	Site Background	1
1.2	Five-Year Review Summary Form	2
2.0	RESPONSE ACTIONS	3
2.1	Basis for Taking Action	3
2.2	Response Actions Summary	3
2.3	Status of Implementation	4
3.0	PROGRESS SINCE THE LAST REVIEW	7
4.0	FIVE YEAR REVIEW PROCESS.....	8
4.1	Community Notification, Involvement & Site Interviews	8
4.2	Data Review	9
4.3	Site Inspection.....	9
5.0	TECHNICAL ASSESSMENT	11
6.0	ISSUES & RECOMMENDATIONS	13
7.0	PROTECTIVENESS STATEMENT.....	14
8.0	NEXT REVIEW	15
9.0	REFERENCE LIST	16
	APPENDIX A – SITE FIGURES.....	17
	APPENDIX B – INTERVIEWS and SITE INSPECTION CHECKLIST	18
	APPENDIX C – EOD REPORTS	19

LIST OF ACRONYMS AND ABBREVIATIONS

CENAE	USACE New England District
DD	Decision Document
DoD	Department of Defense
EOD	Explosive Ordnance Detail
FUDS	Formerly Used Defense Site
FYR	Five Year Review
LTM	Long-term Management
LUC	Land Use Control
MEC	Munitions and Explosives of Concern
MPPEH	Munitions Potentially Presenting an Explosive Hazard
MRA	Munitions Response Area
MRS	Munitions Response Site
NCP	National Contingency Plan
RAO	Remedial Action Objective
RI	Remedial Investigation
TTOR	The Trustees of Reservation
USACE	U.S. Army Corps of Engineers
UU/UE	Unlimited Use/Unrestricted Exposure
UXO	Unexploded Ordnance
UXB	UXB International, Inc.

1.0 INTRODUCTION

The purpose of a Five-Year Review (FYR) is to evaluate the implementation and performance of a remedy in order to determine if it is and will continue to be protective of human health and the environment. The methods, findings, and conclusions of reviews are documented in the FYR. In addition, the FYR report identifies issues found during the review, if any, and documents recommendations to address them.

The U.S. Army Corps of Engineers (USACE) is preparing this FYR pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121, consistent with the National Contingency Plan (NCP)(40 CFR Section 300.430(f)(4)(ii)), and considering Department of Defense (DoD) policy.

This is the first FYR for the Tisbury Great Pond Munitions Response Area (MRA), Formerly Used Defense Site [FUDS] Property No. D01MA0453, Project 01). The Decision Document (DD) was signed in June 2016 (USACE, 2016), but the triggering action for this FYR is the start of the remedial action (RA) for FUDS Property No. D01MA0453, Project 01 (April 2017). The FYR has been prepared for this site because explosive safety risks remain above levels that allow for unlimited use and unrestricted exposure (UU/UE).

The Remaining Land and Water MRS (Project 02), is not included in the FYR because USACE determined no action was necessary.

The FYR was led by the USACE New England District (CENAE). Participants included the USACE Baltimore District and the USACE contractor ERT, Inc. ERT's review team included a lead environmental scientist and a UXO Technician III. The review began February 28, 2020.

1.1 Site Background

The Tisbury Great Pond MRS, FUDS Property No. D01MA0453, is in West Tisbury, Dukes County, Martha's Vineyard, Massachusetts (Appendix A, Figure 1). The FUDS Munitions Response Area (MRA) acreage was delineated into two MRSs: Tisbury Great Pond MRS (Project 01) is approximately 123 acres of contaminated land, inland water, and ocean (Appendix A, Figure 2). The Remaining Land and Water MRS (Project 02) is approximately 959 acres of uncontaminated land and water.

Currently, the Tisbury Great Pond MRS (Project 01) is owned by the Trustees of Reservation (TTOR), the Commonwealth of Massachusetts (inland and coastal waters), and private landowners, the Tsissa Corp., and private landowners (see Appendix A, Figure 2). The land is part of the Massachusetts Coastal Zone and Long Point Wildlife Refuge.

Tisbury Great Pond is a designated shellfish and blue claw crab fisheries area and actively harvested for oysters, clams, crabs, and fish. Most of the barrier beach at the southern end of the pond is privately owned, with many different landowners owning a narrow strip of land extending from the pond to the Atlantic Ocean. The beach is used for recreational purposes. It is anticipated that the future land use will remain the same. It is also anticipated that erosion and future loss of the barrier beach as well as cuts to open up the barrier beach several times per year by the local authorities will continue.

Tisbury Great Pond Munitions Response Site

Final Five Year Review

Between August 1943 and July 1947, the MRA was used as a practice dive bombing and strafing range. The site was utilized to support the U.S. Navy's fighter training program at Quonset Point Naval Air Station, Rhode Island, and the Naval Auxiliary Air Station, Martha's Vineyard, Massachusetts. During the initial operational period of the range, strafing and masthead targets were constructed to allow student pilots to develop their gunnery and bombing skills. It is believed that military activities ceased at the site by the end of World War II.

1.2 Five-Year Review Summary Form

SITE IDENTIFICATION		
Site Name: Tisbury Great Pond MRS 1 (Project 01) and MRS 2 (Project 02), Martha's Vineyard, Massachusetts		
DoD ID: D01MA0453		
Region: USEPA Region 1	State: MA	City/County: Dukes
SITE STATUS		
NPL Status: Non-NPL		
Multiple OUs? Yes	Has the site achieved construction completion? No	
REVIEW STATUS		
Lead agency: Other Federal Agency U.S. Army Corps of Engineers (USACE)		
Author name: Carol Ann Charette, Project Manager		
Author affiliation: USACE		
Review period: 2/28/2020 - 7/30/2021		
Date of site inspection: October 9, 2020		
Type of review: Statutory		
Review number: 1		
Triggering action date: 4/28/2017		
Due date (five years after triggering action date): 4/28/2022		

2.0 RESPONSE ACTIONS

Response actions have included EOD emergency responses between 2009 and 2011, implementation of interim institutional controls in June 2014, and implementation of remedial actions at the Tisbury Great Pond MRS 01, 2017 to the present.

2.1 Basis for Taking Action

Based on the presence of MEC identified during the RI, a MEC Hazard Assessment was performed. The results of the MEC Hazard Assessment in the RI for the Tisbury Great Pond MRS (Project 01) identified a hazard level category of 1, indicating the highest level of potential explosive hazard conditions were present.

2.2 Response Actions Summary

Four MEC items were discovered and destroyed by EOD during emergency responses between 2009 and 2011 and eight MEC items (practice bombs with spotting charges) were identified and destroyed during the remedial investigation.

Interim Land Use Controls (LUCs) were implemented during the RI in order to ensure safety of the landowners, workers, and the public.

Decision Document

The Remedial Action Objective (RAO) for the Tisbury Great Pond MRS is to reduce the unacceptable probability of encountering MEC at the MRS such that a negligible probability of an encounter can be supported for recreational users, landowners, visitors, and workers conducting activities such as boating, fishing, periodic opening of the cut in the barrier beach to lower the pond level, swimming, and other activities at the MRS from explosive hazards associated with the following MEC exposures:

- In and below the dunes (potentially up to 6 ft bgs);
- In the top 3 ft of subsurface soil or sediment;
- During intrusive activities; and
- Dune erosion

The Selected Remedy for the Tisbury Great Pond MRS was Subsurface Clearance, with interim Land Use Controls (LUCs) in the form of public education and notification until UU/UE is achieved. The goal of the selected remedy is to protect people from encountering MEC at the Tisbury Great Pond MRS.

Interim Land Use Controls

The following are the specific components of the interim LUCs:

- Development and distribution of 3Rs (Recognize, Retreat, Report) explosive safety educational materials (e.g., brochures, fact sheets) to property owners, local responders, and Town officials, and implementation of the program.
- Installation and maintenance of signage at strategic access points in the MRS to alert users of the site's history and potential to encounter military munitions.

Tisbury Great Pond Munitions Response Site

Final Five Year Review

- Implementation of a targeted 3Rs Explosive Safety Education Program (annual training) that is focused on the property owners, local responders, and Town officials.

2.3 Status of Implementation

Remedial Action

USACE initiated remedial actions at the Tisbury Great Pond MRS in 2017. Remedial actions were delayed due to erosion conditions that prevented site access in certain areas. USACE remobilized in June of 2021, and the remedial actions were completed in late June 2021; a Remedial Action Completion Report will be prepared.

Through June 2021, approximately 285 MEC items and 295 MD items have been encountered. During the RA, nine (9) MEC items were recovered on land, 2 at or below the consistent detection depth of 36 inches and one at 40 inches. 276 MEC items were recovered in water, 12 at or below the consistent detection depth of 36 inches and one at 40 inches. Consistent detection depth means a worst case orientation (horizontal) where it would be expected that the item would always be detected. Where items are in a more favorable orientation or where multiple metallic sources are at the same location, detection depth would be greater. Since items were recovered at Tisbury below the consistent detection depth due to such favorable conditions, and many more were recovered up to that depth, it cannot be stated with certainty that additional deep items do not remain. Also, due to the dynamic site conditions resulting in significant sand movement, these deeper items could potentially become shallower or be exposed over time.

Interim LUCs Implemented

Pre-remedy interim LUCs were implemented as part of the RI, and then further developed in the Land Use Control Implementation Plan (LUCIP) after the DD was signed. USACE began conducting annual UXO awareness training under the LTM phase following the signing of the DD in June 2016. Beginning in October 2018, USACE has been conducting sign inspections and training annually, in the spring (June) prior to the start of the summer tourist season.

Implementation of the LUCs is outlined in the *Land Use Control Implementation Plan (LUCIP) for the Tisbury Great Pond MRS (Property No. D01MA0453), Martha's Vineyard, Massachusetts* (USACE, 2019). LUCs, as identified in the DD, have been fully implemented at the site. Sign maintenance, distribution of explosive safety educational materials, and explosive safety training is ongoing. For the previous annual Long Term Monitoring inspection, conducted June 25, 2019 (*Letter Report, Sign Inspection and UXO Awareness Training, Martha's Vineyard*, May 2020, Final), ERT conducted a public presentation for life guards and first responders including local police and fire department personnel and other interested parties on UXO Awareness, performed an evaluation of site conditions and inspected/maintenance signage associated with the MRS, and documented ordnance responses from the State Bomb Squad or EOD since the previous inspection. The Annual LTM Report (*USACE, May 2020*) provides the detail of the UXO training, attendees, conditions of signage and general site conditions with regard to erosional impacts to the signs.

The most recent LTM inspection for Tisbury Great Pond was conducted on October 9, 2020, concurrent with this FYR site inspection due to COVID-related travel recommendations; the report of these activities has been submitted separately. The following summarizes findings from the October inspection:

Current site conditions were evaluated. Appendix A, Figure 1, provides a site figure that indicates the footprint of the area physically evaluated during the inspection. The conditions are described

Tisbury Great Pond Munitions Response Site

Final Five Year Review

relative to the educational awareness signage for easier geographical reference. The main entrance, the entrance to Winter Beach, and the entrance to Summer Beach are areas where erosion is not impacting the proper function of the LUCs. Erosion has impacted signage in the area of Western Beach; no sign replacement was recommended in this area due to the site conditions. The 2019 annual LTM report indicated beach erosion in the western portion of the MRS that was severe enough to have destroyed the existing sign (the sign was washed away prior to April 2018). The 2020 inspection confirmed these erosional conditions in the western area of the MRS.

With regard to construction activities, the Riparian Owners Association opens “cuts” in the barrier beach separating the brackish pond from the open ocean, approximately 5 times per year, to prevent flooding in home owner basements along the edge of the pond and to flush the pond to maintain the environmental health of the pond. At times during these flushing operations, the current would flush munitions from the sediments of the pond; some munitions were removed from the bottom sediments of the pond to reduce the possibility of munitions being flushed out. The opening of the cuts continued throughout the remedial action and continue to the present time. However, no munitions finds have been specifically attributed to this barrier beach cutting in the five year period.

No other major construction activities have occurred within the MRS that impact the function of the LUCs and LTM program. USACE queried the Town of West Tisbury Inspector of Buildings, regarding construction permits over the past five years; the Department indicated that no intrusive building or electrical trenching permits were issued for the MRS area. There were no indications of additional areas of munition finds based on intrusive construction-type activities within the MRS, or indications that additional LUCs, such as signage, were required due to construction activities.

Finalized reports, and other relevant project information are available at the Information Repository and from the USACE New England District website shown in Section 4.1.

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3.0 PROGRESS SINCE THE LAST REVIEW

This is the first FYR.

4.0 FIVE YEAR REVIEW PROCESS

4.1 Community Notification, Involvement & Site Interviews

The Community Relations Plan (USACE, 2016b) serves as the framework for community relations during project activities conducted at the Tisbury Great Pond MRS.

Project information is available at the Information Repository and from the USACE New England District website (<https://www.nae.usace.army.mil/Missions/Projects-Topics/Marthas-Vineyard-RIFS/>). The Information Repository is located at:

Edgartown Library
58 North Water Street
Edgartown, Massachusetts 02539
Tel: (508) 627-4221
Web site: www.edgartownlibrary.org

A public notice was published in the Vineyard Gazette, by CENAE, on April 2, 2021 (included in Appendix B), stating the five-year review process had begun and inviting the public to submit any comments to USACE; none were received. The results of the review and the report will be made available on the USACE New England website and at the Site information repository location listed above.

During the FYR process, interviews were conducted to document any perceived problems or successes with the remedy that has been implemented to date. The results of these interviews are included in the Interviews and Site Inspection Checklist form (Appendix B), and are summarized below: Telephone interviews were planned to represent a variety of types of individuals, but a number of individuals contacted did not respond (i.e., calls were not returned). Table 1 presents a log of all calls. The individuals interviewed represent a variety of people associated with the area, including the local authorities. As indicated in the interviews in Appendix B, all were aware of the project to some degree, and while there were some minor concerns, none of the individuals raised significant concerns or had any substantive issues.

Table 1. Interview Call Log

Name	Organization	Phone #	Address	Result
Joanne Dearden	Project Manager Massachusetts Department of Environmental Protection-Boston	617-292- 5788	1 Winter Street, Boston, MA 02108	MassDEP has indicated they will provide written comments on the Draft-Final document
Samuel Hart	Superintendent, The Trustees of Reservations	508-693- 5966	Email: Hart@thetrustees.org Vineyard Haven, MA	Emailed Interview questions to Mr. Hart Sept. 1, received Sept 9
Adam Moore	Executive Director, Sheriff's Meadow Foundation, Parcel owner	508-693- 5207	Wakeman Conservation Center 57 David Avenue Vineyard Haven, MA 02568	Interviewed 7 Aug 2020

Tisbury Great Pond Munitions Response Site
Final Five Year Review

Name	Organization	Phone #	Address	Result
Kent Healy	The Town Sewers	508-693-6736	Riparian Owners Association - Town Sewers	Interview conducted 9-29-2020
Larry Miller	President Quansoo Beach Association	617-645-4982	PO Box 1857 Oak Bluffs MA 02557-1857	Interview conducted 9-30-2020
Joseph Tierney	Inspector of Buildings, Town of West Tisbury	508-696-0113	1059 State Road, 1st Floor PO Box 278 West Tisbury, MA 02575	Interview conducted 4-14-2021
Chief Jonathan Klaren	Chilmark Police Department	508 645-3310	15 State Road Chilmark, MA 02535	Left phone message 9-29-2020, No reply
Chuck Hodgekinson	Chilmark Conservation Commission	508 645 – 2114	401 Middle Rd Chilmark, MA 02535	Left phone message 9-29-2020, No reply
Fire Chief	West Tisbury Fire Department	508 693-2749	West Tisbury, MA 02575	Left phone message 9-29-2020, No reply
Maria McFarland	West Tisbury Conservation Commission	508 696-6404	1059 State Road, 2nd Floor West Tisbury, MA 02575	Left phone message 9-29-2020, No reply Declined 10-1-20
Private Owner	Parcel 42-4.9 (within MRS Boundary)	NA	NA	Phone attempts on 3-4-21 and 4-14-21; could not leave message
Private Owner	Parcel 42-4.10 (within MRS Boundary)	NA	NA	Phone attempts on 3-4-21 and 4-14-21; could not leave message

4.2 Data Review

Site related documents reviewed for this FYR are listed in the References. Regulations, policy, and guidance that were used to complete this FYR are also listed in the References. There were no emergency responses for munitions that occurred during the 5 Year Review period.

4.3 Site Inspection

The inspection of the Site was conducted on October 9, 2020. In attendance were the ERT Deputy PM and Senior UXO Manager. The purpose of the inspection was to assess the protectiveness of the remedy. The Site Inspection checklist is presented in Appendix B.

Current site conditions were evaluated as part of this report. Figure 1, Appendix A, indicates the footprint of the area physically evaluated during the inspection. For the survey of site conditions, ERT walked the areas of the shoreline from west of the boundary line shown to east of the easternmost sign (Summer Beach), to the northern area of the Main Entrance sign, assessing site conditions in terms of erosion and potential impacts to the proper functioning of the LUCs.

The main beach entrance, the entrance to Winter Beach, and the entrance to Summer Beach are areas where erosion is not impacting the proper function of the LUCs. However, erosion has impacted the signage in the area of Western Beach; no sign replacement was recommended in this area due to site conditions.

5.0 TECHNICAL ASSESSMENT

QUESTION A: Is the remedy functioning as intended by the decision documents?

Question A Summary:

No. The RA subsurface clearance component of the remedy assumed that UU/UE would be achieved after the subsurface clearance, and that no unacceptable risk would remain at the site. However, due to the fact that there likely remains munitions below 3 feet (the consistent detection depth for the Remedial Action, see Section 2.3 discussion), following the Remedial Action, USACE has determined that the remedy has not achieved UU/UE, and that an unacceptable risk remains at the site.

USACE has been performing interim LUCs since 2015 which include inspection and maintenance of signage, annual walk over inspections of the site, annual ordnance training, annual tracking of EOD or State Bomb Squad Responses, and whether any construction/intrusive activities have occurred at the site. Interim LUCs were intended to provide site-specific awareness for the local community and ensure the safety of land owners, workers, and the public until the remedial action was completed. The Interim LUCs have successfully reduced the probability that workers, visitors, and recreational users encounter, move, disturb, or handle munitions at the Tisbury Great Pond MRS.

QUESTION B: Are the exposure assumptions, toxicity data, cleanup levels, and RAOs used at the time of the remedy selection still valid?

Question B Summary:

No. The RAO for the Tisbury Great Pond MRS is to reduce the unacceptable probability of encountering MEC at the MRS such that a negligible probability of an encounter can be supported for recreational users, landowners, visitors, and workers conducting activities such as boating, fishing, periodic opening of the cut in the barrier beach to lower the pond level, swimming, and other activities at the MRS from explosive hazards associated with the following MEC exposures:

- In and below the dunes (potentially up to 6 ft bgs);
- In the top 3 ft of subsurface soil or sediment;
- During intrusive activities; and
- Dune erosion

The RAO addresses hazards under current and potential future land use (note that the current land use is not anticipated to change).

The final remedy assumed that UU/UE would be achieved after the remedial action was completed, and that no unacceptable risk would remain at the site. However, due to the fact that there likely remain munitions below 3 feet (the consistent detection depth for the Remedial Action) and erosion can expose these munitions to site receptors, the site has not achieved UU/UE and there is an ongoing potential for exposure to MEC by site receptors which creates an unacceptable risk at the site.

Tisbury Great Pond Munitions Response Site

Final Five Year Review

The DD identified thirty-four (34) Applicable or Relevant and Appropriate Regulations (ARARs) with which the remedy was intended to comply. The 34 identified ARARs applied to clearance activities conducted as part of the remedial action. Since the remedial action is now complete and no additional clearance activities are planned, the ARARs are no longer relevant.

QUESTION C: Has any other information come to light that could call into question the protectiveness of the remedy?

Question C Summary:

No other information has come to light that calls into question the protectiveness of the remedy.

6.0 ISSUES & RECOMMENDATIONS

Issues and Recommendations Identified in the Five-Year Review:

OU(s): Tisbury Great Pond MRS (Project 01) and Remaining Land and Water MRS (Project 02)	Issue Category: Remedy Performance			
	Issue: The remedy assumed that UU/UE would be achieved and that no unacceptable risk would remain at the site after the remedial action was complete. However, since munitions are likely present below 3 feet at the site, and erosion can expose these munitions to site receptors, UU/UE has not been achieved and an unacceptable risk remains at the site.			
	Recommendation: Modify the remedy through the proper CERCLA post-DD change process to remove the expectation that UU/UE will be achieved and to authorize permanent LUCs as part of the final remedy of the site.			
Affect Current Protectiveness	Affect Future Protectiveness	Party Responsible	Oversight Party	Milestone Date
No	Yes	Other USACE	State	12/31/2021

7.0 PROTECTIVENESS STATEMENT

Protectiveness Statement(s)	
<i>Operable Unit:</i>	<i>Protectiveness Determination:</i>
Tisbury Great Pond MRS (Project 01)	Short-term Protective
<i>Protectiveness Statement:</i> The remedy at MRS 1 currently protects human health and the environment because of the previous MEC clearance and the interim LUCs that provide site-specific awareness for the local community and ensure the safety of land owners, workers, and the public. However, in order for the remedy to be protective in the long term, the following action needs to be taken to ensure protectiveness: Modify the remedy through the proper CERCLA post-DD change process to remove the expectation that UU/UE will be achieved and to authorize permanent LUCs as part of the final remedy of the site.	

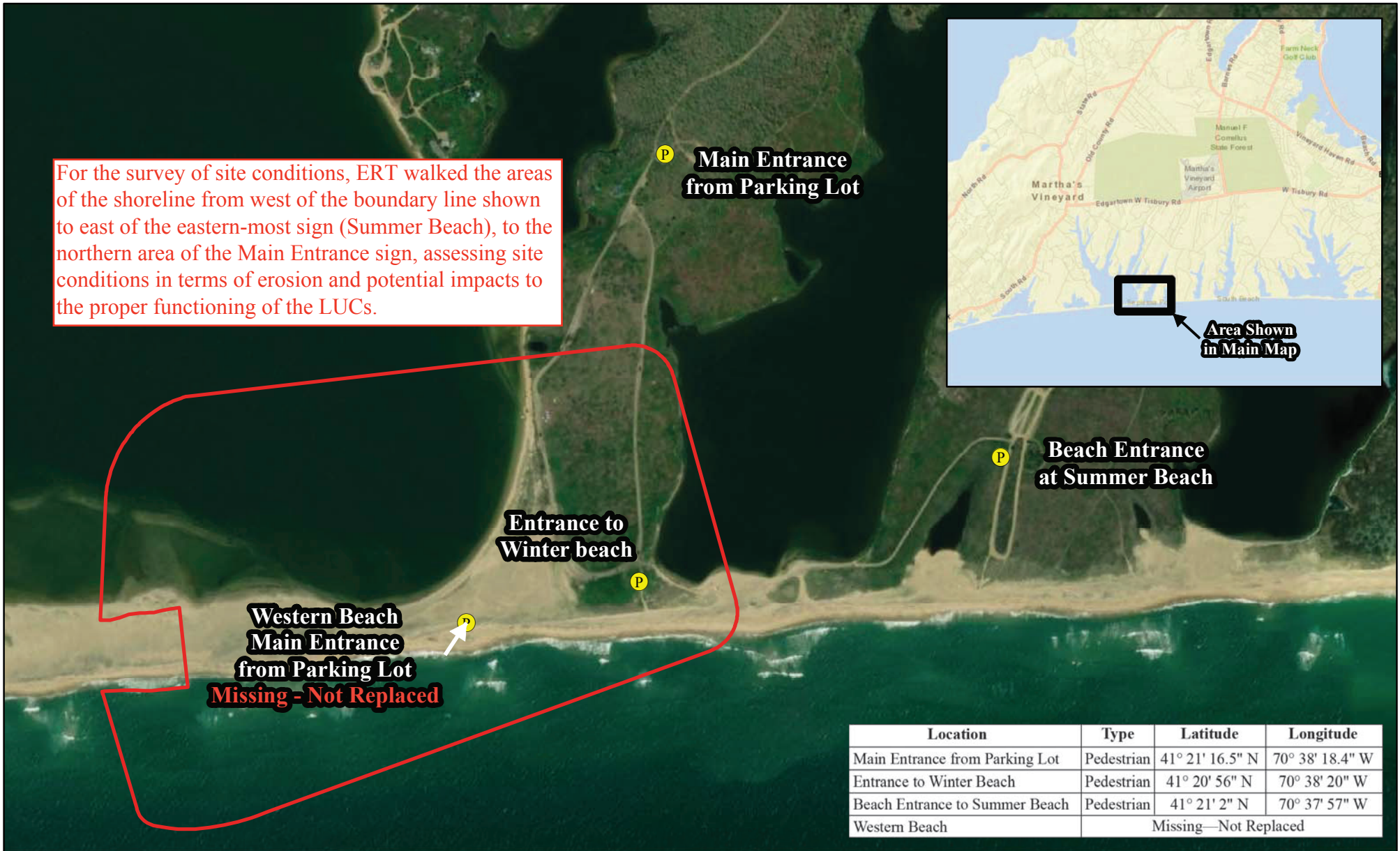
8.0 NEXT REVIEW

The next five-year review report for the Tisbury Great Pond MRS is required five years from the completion date of this review.

9.0 REFERENCE LIST

- Department of Defense (DoD) M4715.20 and Updates, *Defense Environmental Restoration Program (DERP) Management* (DoD, 2012). March.
- USACE. 2011. EP 200-1-18, *Five-Year Reviews of Military Munitions Response Projects*. 2011.
- USACE. 2016. *Final Decision Document, Tisbury Great Pond, FUDS Property No. D01MA0453, Projects 01 and 02. Martha's Vineyard, Massachusetts*. May.
- USACE. 2016b. *Community Relations Plan, Remedial Action Tisbury Great Pond MRS, Martha's Vineyard, Massachusetts*. December.
- USACE. 2019. *Land Use Control Implementation Plan for the Tisbury Great Pond MRS*. June.
- U.S. Environmental Protection Agency (USEPA). 2001. *OSWER 9355.7-03B-P, Comprehensive Five-Year Review Guidance*. June.
- USEPA. 2016. *Memorandum: Transmittal of the Five-Year Review Recommended Template*. 20 January.
- UXB International, Inc (UBX). 2014. *Tisbury Great Pond Investigation Area Remedial Investigation Report, Martha's Vineyard, Massachusetts, Final*. June.

APPENDIX A – SITE FIGURES






US Army Corps of Engineers
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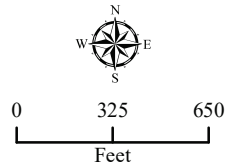
November 2020

Legend

 Pedestrian

 Tisbury Great Pond MRS - Remedial Action Area

Data Sources: ESRI Online, USACE



0 325 650
Feet

Figure 1
Site Inspection Areas

Tisbury Great Pond MRS
Martha's Vineyard, Massachusetts



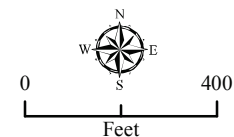
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Property Ownership

- Private
- Public

Tisbury Great Pond MRS - Remedial Action Area

Remaining Land/Water MRS - No Action Area



Data sources: ESRI Online, USACE

N:\GIS\Northeast\Massachusetts\MarthasVineyard\MXD\Tisbury\Parcels.mxd

Figure 2 Parcel Ownership

LUCIP
Tisbury Great Pond MRS
Martha's Vineyard, Massachusetts

APPENDIX B – INTERVIEWS and SITE INSPECTION CHECKLIST

EDGARTOWN
LEGAL NOTICES

**EDGARTOWN PLANNING BOARD
NOTICE OF PUBLIC HEARING**
The Edgartown Planning Board will hold a public hearing on Tuesday, April 20, 2021 at 5:00PM, at the request of Daniel D. Klasanick, Duval & Klasanick LLC, on behalf of Everance Energy (Owner) jointly and severally with Celco Partnership d/b/a Everance Wireless, to install a small cell antenna and supporting equipment on an existing utility pole located within the Town right of way of Herring Creek Road.

Application is made in accordance with Section 13.4 of the Edgartown Zoning Bylaw. The property is identified as Utility Pole #56 / 34S in the ROW on Herring Creek Road, and is adjacent to 70 Herring Creek Road and 2 Pradas Way. This public hearing will be conducted exclusively using Remote Conference technology, in accordance with Chapter 53 of the Acts of 2020. The applicant, interested parties, and the public, may attend the meeting using an internet-enabled device with a camera and mic, by visiting: <https://zoom.us/j/65377115396>, or by making a voice phone call to (646)558-8656 (when prompted, enter Meeting ID #65377115396). Application Materials are available for review online at <https://bit.ly/EPB-2021-0420> Douglas Finn, Assistant Edgartown Planning Board, April 29, 2021

**EDGARTOWN PLANNING BOARD
NOTICE OF PUBLIC HEARING**
The Edgartown Planning Board will hold a public hearing on Tuesday, April 20, 2021 at 5:00PM, at the request of Kara Shemeth, SBH, Inc., on behalf of Thomas M. Sheehy, Trustee of the 32 Ocean View Avenue Realty Trust (Owner) to extend an existing "L" of a pier in Edgartown Harbor southward to the edge of the fairied pier line. 77.22Acres is made in accordance with Section 6 ("Surface Water District") of the Edgartown Zoning Bylaw. The property is located at 32 Ocean View Avenue, East. P. 29-137.

This public hearing will be conducted exclusively using Remote Conference technology, in accordance with Chapter 53 of the Acts of 2020. The applicant, interested parties, and the public, may attend the meeting using an internet-enabled device with a camera and mic, by visiting: <https://zoom.us/j/65377115396>, or by making a voice phone call to (646)558-8656 (when prompted, enter Meeting ID #65377115396). Application Materials are available for review online at <https://bit.ly/EPB-2021-0420> Douglas Finn, Assistant Edgartown Planning Board, April 29, 2021

**EDGARTOWN ZONING BOARD
OF APPEALS**

NOTICE OF PUBLIC HEARING
On Wednesday, 21 April 2021 at 4:15PM the Edgartown Zoning Board of Appeals will hold a remote public hearing via Zoom on the request by **Charles Hajjar, Jr. - Edgartown Inn Realty Trust** for a special permit under sections 10.1 G & 10.2 A 2 of the town's zoning bylaw to **expand and conditionally permitted use by demolishing and reconstructing an existing rear building and increasing the capacity of the building to guest rooms to seven guest rooms.** The property is located at 60 North Water Street, P. 201-288 in the R-5 Zoning District.

For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

To Join Zoom Meeting: <https://zoom.us/j/88182976179> Meeting ID: 881 8297 6179 Or Join by Phone: 646 558 8656 (US New York) April 29, 2021

**EDGARTOWN ZONING BOARD
OF APPEALS**
NOTICE OF PUBLIC HEARING
On Wednesday, 21 April 2021 at 4:45PM the Edgartown Zoning Board of Appeals will hold a remote public hearing via Zoom on the request by **VIC MEND LAND LLC d/b/a Hob Knob Inn** to amend a 1997 special permit and allow a **manager's apartment to be converted to a guest room.** The property is located at 128 Upper Main Street, P. 202-179 in the R-5 Zoning District. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

To Join Zoom Meeting: <https://zoom.us/j/88182976179> Meeting ID: 881 8297 6179 Or Join by Phone: 646 558 8656 (US New York) April 29, 2021

**EDGARTOWN ZONING BOARD
OF APPEALS**

NOTICE OF PUBLIC HEARING
On Wednesday, 21 April 2021 at 5:00PM the Edgartown Zoning Board of Appeals will hold a remote public hearing via Zoom on the request by **Janie McLaughlin** for a special permit to **operate a restaurant/food shop with outdoor seating** under sections 3.1 G & 10.2 A 2 of the zoning bylaw. The property is located at 11 South Summer Street and is owned by Shute Building Realty Trust, Benjamin J. Hall, Jr. (Zoning District: 200-190) in the B-1 Business District. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

To Join Zoom Meeting: <https://zoom.us/j/88182976179> Meeting ID: 881 8297 6179 Or Join by Phone: 646 558 8656 (US New York) April 29, 2021

**EDGARTOWN ZONING BOARD
OF APPEALS**

NOTICE OF PUBLIC HEARING
On Wednesday, 21 April 2021 at 4:30PM the Edgartown Zoning Board of Appeals will hold a remote public hearing via Zoom on the request by **Vivian and Fredrick McMillen** for a special permit under section 10.1 G of the zoning bylaw to **demolish an existing residence and construct a new single-family dwelling and detached garage** on a portion of the existing lot. The property is located at 300 Milling Hill (Assr. Pl. 200-42) in the R-5 Zoning District. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

EDGARTOWN
LEGAL NOTICES

on 20 April 2021.
Lisa C. Morrison
Assistant
To Join Zoom Meeting: <https://zoom.us/j/88182976179> Meeting ID: 881 8297 6179 Or Join by Phone: 646 558 8656 (US New York) April 29, 2021

**EDGARTOWN ZONING BOARD
OF APPEALS**

NOTICE OF PUBLIC HEARING
On Wednesday, 21 April 2021 at 4:00PM the Edgartown Zoning Board of Appeals will hold a remote public hearing via Zoom on the request by **Jim Petrillo d/b/a D.H. LLC** for a special permit under section 10.1 G of the zoning bylaw to **construct a swimming pool and equipment shed** on a portion of the property located at 21 Down Harbor Road (Assr. Pl. 36-324) in the R-60 Zoning District. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

To Join Zoom Meeting: <https://zoom.us/j/88182976179> Meeting ID: 881 8297 6179 Or Join by Phone: 646 558 8656 (US New York) April 29, 2021

**TOWN OF EDGARTOWN
NOTICE OF PUBLIC HEARING**

Notice is hereby given in accordance with the provisions of the section 3 of the Massachusetts General Laws and amendments thereto, that Donaroma's Nursery and Landscaping Agency, Inc. and Deborah Ruszkowski, has requested permission to remove the following public shade tree. The tree is a Zelkova tree, approximately 16 inch DBH and 22 foot height. The tree is located at 53 South Water Street. Assessors map 200, parcel 330.3.

A remote public hearing will be held upon said request at 4:05PM on Monday April 5, 2021 at the request of the Board of Selectmen weekly Meeting via Zoom. * To Join Zoom Meeting: <https://zoom.us/j/85284377767> Dial by your location +1 646 558 8656 (US New York) Meeting ID: 852 8437 7767 mar26,april24.

BOARD OF SELECTMEN / TREE WARDEN

* To Join Zoom Meeting: <https://zoom.us/j/85284377767> Dial by your location +1 646 558 8656 (US New York) Meeting ID: 852 8437 7767 mar26,april24.

OK BLUFFS CONSERVATION COMMISSION

Pursuant to Massachusetts General Laws, Chapter 131, Section 40, the Massachusetts Department of Conservation and Recreation, the Ok Bluffs Wetlands Bylaw, the Ok Bluffs Wetlands Protection Act, and the Ok Bluffs Wetlands Conservation Commission will hold a public hearing on a Request for Notice of Intent filed by Bradley Jensen and Carolyn Jean Blackwood Family Trust for work on 274 Seaview Ave. The hearing will take place Wednesday April 7, 2021 at 3:00PM. Copies of the NOI may be obtained by contacting: conservation@okbluffsma.gov, April 14.

OK BLUFFS CONSERVATION COMMISSION

Pursuant to Massachusetts General Laws, Chapter 131, Section 40, the Massachusetts Department of Conservation and Recreation, the Ok Bluffs Wetlands Bylaw, the Ok Bluffs Wetlands Protection Act, and the Ok Bluffs Wetlands Conservation Commission will hold a public hearing on a Request for Notice of Intent filed by Joseph M. Burge for work on 10 Oak Bluffs Ave, Oak Bluffs. The hearing will take place Wednesday April 7, 2021 at 3:00PM. Copies of the NOI may be obtained by contacting: conservation@okbluffsma.gov, April 14.

TISBURY

LEGAL NOTICES

TISBURY PUBLIC HEARING NOTICE
The Tisbury Select Board will hold a public hearing on Tuesday, April 19th, 2021 at 5:30PM to review and consider request to transfer location of the auto rental license for Vineyard Enterprises, Inc. (aka Burge Car Rental) from 45 Beach Road to 19 Beach Road. Due to ongoing efforts to prevent COVID-19 the hearing will be held remotely via Zoom platform. The public can attend and participate in the hearing by joining the scheduled Zoom meeting at <https://zoom.us/j/98036488135> Meeting ID: 980 3648 1355 or by dialing 1-800-955-5155 (US New York) Full proposal is available for public inspection on the select Board website: <https://www.tisbury-ma.gov/about-us/press-releases/public-hearings>. If you are unable to attend the hearing please feel free to address your comments and/or concerns regarding the proposed petition to the Tisbury Board of Selectmen, Box 1239, Vineyard Haven, MA 02539 or via email to abandav@tisbury-ma.gov. Comments submitted by the public should be sent no later than on March 23, 2021. April 29, 2021

TISBURY
LEGAL NOTICES

TISBURY PUBLIC HEARING NOTICE
The Tisbury Select Board during a scheduled public hearing on Tuesday, March 30 at 5:00PM Tuesnooon will consider a proposed Short-Term Rental Regulations and Fee. Copy of signed Short-Term Rental Regulation is available for public inspection on the select Board website: <https://www.tisbury-ma.gov/office/18/news>, April 29, 2021

**WEST TISBURY
LEGAL NOTICES**

**NOTICE OF PUBLIC HEARING
WEST TISBURY CONSERVATION COMMISSION**

The West Tisbury Conservation Commission will hold a public hearing under the bylaws of the G.L. Ch. 131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** for a proposed project located at 57 and 58 Lambert's Cove Road, Assessors Map Lot 3. The public hearing will be held on April 3, 2021 at 5:30PM. The project consists of the construction of a 16'x16' addition to a single family dwelling located in the Riverfront Area. Public participation will be via virtual Zoom. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

**NOTICE OF PUBLIC HEARING
WEST TISBURY CONSERVATION COMMISSION**

The West Tisbury Conservation Commission will hold a public hearing under the bylaws of the G.L. Ch. 131 § 40, as amended, and West Tisbury Wetlands Protection Bylaw and regulations to consider a **Notice of Intent** filed by Schofield, Barbara & Hohn, Inc. for a project to construct a portion of a single-family dwelling in the Outer Buffer Zone of Land Subject to Easement. The hearing will take place on Tuesday, April 13, 2021 at 5:00PM. Public participation will be via virtual Zoom. For more information on how to use zoom to receive a copy of the application please contact: imorris@edgartown-ma.us. Written comments must be received no later than on 20 April 2021. Lisa C. Morrison, Assistant

**NOTICE OF PUBLIC HEARING
WEST TISBURY CONSERVATION COMMISSION**

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Pursuant to Massachusetts General Laws, Chapter 131, Section 40, the Massachusetts Department of Conservation and Recreation, the Ok Bluffs Wetlands Bylaw, the Ok Bluffs Wetlands Protection Act, and the Ok Bluffs Wetlands Conservation Commission will hold a public hearing on a Request for Notice of Intent filed by Bradley Jensen and Carolyn Jean Blackwood Family Trust for work on 274 Seaview Ave. The hearing will take place Wednesday April 7, 2021 at 3:00PM. Copies of the NOI may be obtained by contacting: conservation@okbluffsma.gov, April 14.

**GENERAL
LEGAL NOTICES**

**COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT
(SEAL)**

DOCKET NUMBER: 21 SM 00030

ORDER OF NOTICE

To: Robert E. Fuller, Jr.,

and to all persons entitled to the benefit of the Massachusetts Civil Relief Act, 50 U.S.C. § 53901 et seq.

Timothy B. Klein,

claiming to have an interest in a Mortgage covering real property in the County of Road, Chilmuk, Dukes County, Massachusetts, filed by Robert E. Fuller, Jr., to Timothy B. Klein dated January 1, 2013 as recorded in Dukes County Registry of Deeds in Book 1320, at Page 728, has filed with this Court a complaint and determination of Defendant's/Defendants' Servicemembers status.

If you now are, or recently have been, in the active military service of the United States of America, then you may be entitled to the benefits of the Servicemembers Civil Relief Act. If you object to the closure of the above-mentioned property on this basis, then you or your attorney must file a written appearance and answer in this Court at **Three Pemberton Square, Boston, MA 02108** on or before May 10, 2021. If you fail to do so, your failure to challenge the foreclosure on the ground of non-compliance with the Act.

Witness, Gordon H. Piper, Chief Justice of the Court on Mar 26, 2021.

Attest: Deborah J. Patterson, Recorder, April 2, 2021

MARTHA'S VINEYARD LAND BANK

is seeking a designer to revise its existing Comprehensive Zoning Ordinance. The request at (508)627-7141 or electronically at krauss@vineyardlandbank.com, mar26,april24.

**REQUEST FOR PROPOSALS
VTA PROJECT #2021-02**

UNLEADED GASOLINE
The Massachusetts Department of Transportation (VTA) is seeking sealed proposals to supply their vehicles and other tax exempt inventory. The deadline for proposals is April 12, 2021. To obtain proposal specifications and bid package, email: ltthom@vineyardlandbank.com or call (508)695-4112. Sealed proposals are due at the VTA Office, 11A Street-Business Park, Edgartown, MA 02539 by 10:00 AM on April 12, 2021. Suppliers may be able to deliver said fuel beginning June 1, 2021. The VTA reserves the right to reject any and all bids. April 29, 2021

GENERAL
LEGAL NOTICES

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
DOCKET NO. DU21P0043EA
ESTATE OF:
ALLAN A. DEBETENCOURT, JR.
DATE OF DEATH: 11/10/2020**

**CITATION ON PETITION FOR
FORMAL ADJUDICATION**

To all interested persons:
A Petition for Formal Appointment of Personal Representative has been filed by Allan A. DeBettencourt, Jr. of Oak Bluffs, MA and Joseph M. DeBettencourt of Oak Bluffs, MA requesting that the Court enter a formal Decree and Order appointing each other relief as requested in the Petition. The Petitioner requests that: Allan A. DeBettencourt, Jr. of Oak Bluffs, MA and Joseph M. DeBettencourt of Oak Bluffs, MA be appointed as Personal Representative(s) of said estate to serve Without Surety on the bond in unsupervised administration.

IMPORTANT NOTICE
You have the right to obtain a copy of the Petition from the Petitioner or the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection at this Court by 10:00 a.m. on the return day of 04/13/2021.

This is NOT a hearing date, but a deadline by which you must file a written appearance and objection if you object to this proceeding. If you fail to file a timely written appearance and objection followed by an Affidavit of Objections within thirty (30) days of the return day, action may be taken without further notice to you.

**UNSUPERVISED ADMINISTRATION
UNDER THE MASSACHUSETTS
UNIFORM PROBATE CODE (MUPC)**

A Personal Representative appointed under the MUPC in an unsupervised administration is not required to file an inventory or account of the estate. Persons interested in the estate are entitled to notice of the proceedings. If you are a person interested in the estate, you may petition the Court in any matter relating to the estate, including the distribution of assets and expenses of administration.

WITNESS, Hon. Susan L. Jacobs, First Justice of the Court. Date: March 24, 2021. Attest: Deborah J. Patterson, Recorder of Probate. Docket Number: 202539 (508)627-4703 April 14.

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
DOCKET NO. DU86P114EA
ESTATE OF:
ALFRED L. O'CONNELL
DATE OF DEATH: 05/28/1986**

**CITATION ON PETITION FOR
FORMAL ADJUDICATION**

To all interested persons:
A Petition for S/A - Formal Probate of Will with Appointment of Personal Representative has been filed by Maynard I. Stockwell, Jr. of Jamaica Plain, MA requesting that the Court enter a formal Decree and Order appointing each other relief as requested in the Petition. The Petitioner requests that: Maynard I. Stockwell, Jr. of Jamaica Plain, MA be appointed as Personal Representative(s) of said estate to serve Without Surety on the bond in unsupervised administration.

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**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
DOCKET NO. DU86P114EA
ESTATE OF:
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DATE OF DEATH: 05/28/1986**

**CITATION ON PETITION FOR
FORMAL ADJUDICATION**

GENERAL
LEGAL NOTICES

**COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT
PROBATE AND FAMILY COURT
DOCKET NO. DU21P0043EA
ESTATE OF:
ALLAN A. DEBETENCOURT, JR.
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Community Interview Questionnaire Sheets **(Answers received via Email 9 September, 2020)**

Name: Samuel A. Hart, The Trustees of Reservation, Islands Director

Note: Based on his position and responsibilities, this interview addressed all three MMRP sites on Martha's Vineyard: South Beach, Cape Poge, and Tisbury

Telephone (H): (508) 693-5966 **Work (W):** _____

1. FUDS Long Term Management (signage and educational awareness) is in effect at the three MMRP sites: South Beach, Cape Poge, and Tisbury Munitions Response Sites. Have you heard about this project? If so, what is your overall impression of the project?

A: I have heard about this project. Most people in the community have. My impression is that cleaning up after oneself is a good thing and that clearing the land of as much military waste as possible is in the best interests of everyone from both an ecological and recreational perspective. Other island communities where the US military has operated share similar perspectives. Kudos to the government for continuing a proactive approach and I hope they can keep up these important efforts.

2. Are you aware of any community concerns regarding the site or its operation and administration? If so, please give details

A: I am. Most people are concerned with the contamination of our groundwater from UXO and other instruments of war left over from WWII. The project has done a fairly good job keeping the community and visitors informed but the key is removal and protection of these ecologically sensitive areas.

3. Do you feel well informed about the site's activities and progress?

A: I do but I can't speak for everyone. We just found another bomb in the dunes at Cape Poge two weeks ago so we know that they are still out there. How many more are still out there? What are the long term effects to marine life and drinking water?

4. Have you talked with any Army Corps of Engineers, state, or environmental officials about the ongoing LTM at the Former South Beach FUDS? If you have, were they responsive to your concerns or questions?

A: I have not but have no reason to believe they wouldn't be helpful.

5. Do you have any comments, suggestions, or recommendations regarding the site's management or operation?

A: How does this project influence the thinking around cleaning up Nomans Land island? Have there been lessons learned that will help the town of Chilmark decide what to do next? Leaving Nomans Land Island a nature preserve is in everyone's interest but will leaving the UXO and other materials there threaten groundwater and cause greater harm in the long run?

Community Interview Questionnaire Sheets

(8-07-2020 interview by ERT)

Name: Adam Moore (Executive Director of Sheriff's Meadow Foundation, and Resident)

Note: Based on his position and responsibilities, this interview addressed all three MMRP sites on Martha's Vineyard: South Beach, Cape Poge, and Tisbury)

Telephone (H): 508-693-5207 Work (W): _____

1. FUDS Long Term Management (signage and educational awareness) is in effect at the three MMRP sites: South Beach, Cape Poge, and Tisbury Munitions Response Sites. Have you heard about this project? If so, what is your overall impression of the project?

A: Mr. Moore is generally aware of USACE's activity at Martha's Vineyard but did not specifically know individual MRS designations. He says his overall impression of the project is "generally positive." He was not specifically aware of the signage as he does not go to the beach area much.

2. Are you aware of any community concerns regarding the site or its operation and administration? If so, please give details

A: Mr. Moore did not know of any community concerns. He says there have been community concerns in the past about the expense of the cleanup activities and the necessity for it. He mentioned an issue of property rights, regarding the ability to cross different properties, noting that South Beach is different because it is all one unified ownership. On other parts of the beach folks are crossing different property lines." When further asked if this was related to USACE activities and rights of entry, he said, "No, but it is just an issue."

3. Do you feel well informed about the site's activities and progress?

A: He said he has not been specifically informed about site progress.

4. Have you talked with any Army Corps of Engineers, state, or environmental officials about the ongoing LTM at the Former South Beach FUDS? If you have, were they responsive to your concerns or questions?

A: He said he has not spoken with anyone.

5. Do you have any comments, suggestions, or recommendations regarding the site's management or operation?

A: No.

Community Interview Questionnaire Sheets

Name: Kent Healy, “The Town Sewers (local nickname)” one of three officials elected by Riparian Owners Association

Date of interview: 29 Sept. 2020

Telephone (H): 508-693-6736 **Work (W):** _____

1. FUDS Long Term Management (signage and educational awareness) is in effect at the Tisbury Great Pond Munitions Response Site. Have you heard about this project? If so, what is your overall impression of the project?

A: Yes. Mr. Healy has walked the beach for around 70 years. He does not think the project was necessary, because due to erosion the location of the beach at the time of WWII was about 50 or 100 feet south of its current location, and so the Army Corps has been “digging in the wrong place.” Mr. Healy is a civil engineer trained in geo-technology.

2. Are you aware of any community concerns regarding the site or its operation and administration? If so, please give details

A: No.

3. Do you feel well informed about the site's activities and progress?

A: Yes, but he has not personally seen the signs.

4. Have you talked with any Army Corps of Engineers, state, or environmental officials about the ongoing LTM at the Tisbury Great Pond Munitions Response Site? If you have, were they responsive to your concerns or questions?

A: Mr. Healy knows Carol Charette (USACE PM), and has a good relationship with her. He said “she knows what she’s doing.” He said “she has kept us busy trying to accommodate them with their digging.”

5. Do you have any comments, suggestions, or recommendations regarding the site's management or operation?

A: “I wish the Corps of Engineers would get through with it, so that the riparian owners can get back to taking care of the pond, and doing what’s in the best interest of the pond.”

Community Interview Questionnaire Sheets

Name: Lawrence Miller, President, Quansoo Beach Association

Date of interview: 30 September 2020

Telephone (H): 617 645 4982 **Work (W):** _____

1. FUDS Long Term Management (signage and educational awareness) is in effect at the Tisbury Great Pond Munitions Response Site. Have you heard about this project? If so, what is your overall impression of the project?

A: Yes, he has heard of the project, but only what he has read in the newspapers. It appears to be successful and appears to be complete.

2. Are you aware of any community concerns regarding the site or its operation and administration? If so, please give details

A: Not really – there was some uncertainty that the project was complete.

3. Do you feel well informed about the site's activities and progress?

A: Reasonably so from newspapers.

4. Have you talked with any Army Corps of Engineers, state, or environmental officials about the ongoing LTM at the Tisbury Great Pond Munitions Response Site? If you have, were they responsive to your concerns or questions?

A: No, he has not spoken with anyone.

5. Do you have any comments, suggestions, or recommendations regarding the site's management or operation?

A: Not at this point. It appears that the dune grass has been replanted.

Community Interview Questionnaire Sheets

(Telephone Interview 14 April, 2021)

Name: Joseph Tierney, Inspector of Buildings, Town of West Tisbury

Telephone (H): (508) 696-0113 Work (W): _____

1. FUDS Long Term Management (signage and educational awareness) is in effect at the Tisbury Munitions Response Sites. Have you heard about this project? If so, what is your overall impression of the project?

A: He knew about the project. His impression was that it was under control in terms of responsible parties doing what needed to be done.

2. Are you aware of any community concerns regarding the site or its operation and administration? If so, please give details

A: He was not aware of any particular concerns.

3. Do you feel well informed about the site's activities and progress?

A: Yes, he felt well informed.

4. Have you talked with any Army Corps of Engineers, state, or environmental officials about the ongoing LTM at the Former South Beach FUDS? If you have, were they responsive to your concerns or questions?

A: He noted he had not talked to anyone specifically from the Army Corps.

5. Do you have any comments, suggestions, or recommendations regarding the site's management or operation?

A: He did not have anything more to add.?

6. Do you have direct involvement with intrusive activities based on your job position?

A: Yes, as Inspector of Buildings he is responsible for those seeking permits for intrusive work. He researched the area that ERT had provided ahead of the interview and determined that there were no applicable permits involving intrusive work associated with his department.

Appendix B-2
Five-Year Review Site Inspection Checklist

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Five-Year Review Site Inspection Checklist

Purpose of the Checklist

The site inspection checklist provides a useful method for collecting important information during the site inspection portion of the five-year review. The checklist serves as a reminder of what information should be gathered and provides the means of checking off information obtained and reviewed, or information not available or applicable. The checklist is divided into sections as follows:

- I. Site Information
- II. Interviews
- III. On-site Documents & Records Verified
- IV. O&M Costs
- V. Access and Institutional Controls
- VI. General Site Conditions
- VII. Landfill Covers **(not applicable to this project)**
- VIII. Vertical Barrier Walls **(not applicable to this project)**
- IX. Groundwater/Surface Water Remedies **(not applicable to this project)**
- X. Other Remedies **(not applicable to this project)**
- XI. Overall Observations

This checklist was developed by EPA and the U.S. Army Corps of Engineers (USACE). It focuses on the two most common types of remedies that are subject to five-year reviews: landfill covers, and groundwater pump and treat remedies. Sections of the checklist are also provided for some other remedies. The sections on general site conditions would be applicable to a wider variety of remedies. The checklist should be modified to suit your needs when inspecting other types of remedies, as appropriate.

In accordance with the above, this checklist has been modified to reflect the current LUCs at the Tisbury Great Pond MRS.

Please note that “O&M” is referred to throughout this checklist. At sites where Long-Term Response Actions are in progress, O&M activities may be referred to as “system operations” since these sites are not considered to be in the O&M phase while being remediated under the Superfund program.

Five-Year Review Site Inspection Checklist (Template)

“N/A” refers to “not applicable.”)

I. SITE INFORMATION	
Site name: Tisbury Great Pond MRS and the Remaining Land and Water MRS	Date of inspection: 9 October 2020
Location and Region: Martha’s Vineyard, Mass.	EPA ID:
Agency, office, or company leading the five-year review: ERT, Inc., for USACE	Weather/temperature: 60s to 70s F, clear, windy
Remedy Includes: (Check all that apply) <div style="display: flex; flex-wrap: wrap;"> <div style="width: 50%;"> <input type="checkbox"/> Landfill cover/containment <input type="checkbox"/> Access controls <input checked="" type="checkbox"/> Institutional controls <input type="checkbox"/> Groundwater pump and treatment <input type="checkbox"/> Surface water collection and treatment <input checked="" type="checkbox"/> Other: Educational Signage_____ </div> <div style="width: 50%;"> <input type="checkbox"/> Monitored natural attenuation <input type="checkbox"/> Groundwater containment <input type="checkbox"/> Vertical barrier walls </div> </div>	
Attachments: <input type="checkbox"/> Inspection team roster attached <input type="checkbox"/> Site map attached	
II. INTERVIEWS (Check all that apply) SEPARATELY PRESENTED BEFORE CHECKLIST	

III. ON-SITE DOCUMENTS & RECORDS VERIFIED (Check all that apply)			
1.	O&M Documents <input type="checkbox"/> O&M manual <input type="checkbox"/> As-built drawings <input type="checkbox"/> Maintenance logs Remarks: Final LUCIP <i>Land Use Control and Long-Term Management (LTM) Implementation Plan for the Tisbury Great Pond MRS</i> (USACE 2019).	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
2.	Site-Specific Health and Safety Plan <input type="checkbox"/> Contingency plan/emergency response plan Remarks _____	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input checked="" type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A
3.	O&M and OSHA Training Records Remarks _____	<input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N/A
4.	Permits and Service Agreements <input type="checkbox"/> Air discharge permit <input type="checkbox"/> Effluent discharge <input type="checkbox"/> Waste disposal, POTW <input type="checkbox"/> Other permits _____ Remarks _____	<input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available <input type="checkbox"/> Readily available	<input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input type="checkbox"/> Up to date <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A <input checked="" type="checkbox"/> N/A

IV. O&M COSTS																																											
1.	O&M Organization <input type="checkbox"/> State in-house <input type="checkbox"/> PRP in-house <input type="checkbox"/> Federal Facility in-house <input type="checkbox"/> Other: Signs currently inspected and maintained by ERT, Inc. for USACE. <input type="checkbox"/> Contractor for State <input type="checkbox"/> Contractor for PRP <input type="checkbox"/> Contractor for Federal Facility																																										
2.	O&M Cost Records <input type="checkbox"/> Readily available <input type="checkbox"/> Up to date <input checked="" type="checkbox"/> Funding mechanism/agreement in place (ERT contracted by USACE) Original O&M cost estimate _____ <input type="checkbox"/> Breakdown attached <div style="text-align: center;">Total annual cost by year for review period if available</div> <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;">From _____</td> <td style="width: 20%;">To _____</td> <td style="width: 20%;"></td> <td style="width: 40%;"><input type="checkbox"/> Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td><input type="checkbox"/> Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td><input type="checkbox"/> Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td><input type="checkbox"/> Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> <tr> <td>From _____</td> <td>To _____</td> <td></td> <td><input type="checkbox"/> Breakdown attached</td> </tr> <tr> <td style="text-align: center;">Date</td> <td style="text-align: center;">Date</td> <td style="text-align: center;">Total cost</td> <td></td> </tr> </table>			From _____	To _____		<input type="checkbox"/> Breakdown attached	Date	Date	Total cost		From _____	To _____		<input type="checkbox"/> Breakdown attached	Date	Date	Total cost		From _____	To _____		<input type="checkbox"/> Breakdown attached	Date	Date	Total cost		From _____	To _____		<input type="checkbox"/> Breakdown attached	Date	Date	Total cost		From _____	To _____		<input type="checkbox"/> Breakdown attached	Date	Date	Total cost	
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3.	Unanticipated or Unusually High O&M Costs During Review Period Describe costs and reasons: <u>None.</u>		
V. ACCESS AND INSTITUTIONAL CONTROLS <input type="checkbox"/> Applicable <input type="checkbox"/> N/A			
A. Fencing			
1.	Fencing damaged	<input type="checkbox"/> Location shown on site map	<input type="checkbox"/> Gates secured <input checked="" type="checkbox"/> N/A
Remarks: _____ _____			
B. Other Access Restrictions			
1.	Signs and other security measures	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> N/A
Remarks: The Tisbury Great Pond MRS property is mostly owned by the Trustees of Reservation, but there are also private land owners.			
C. Institutional Controls (ICs)			
1.	Implementation and enforcement		
	Site conditions imply ICs not properly implemented	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
	Site conditions imply ICs not being fully enforced	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
Type of monitoring (e.g., self-reporting, drive by): In-person inspection.			
Frequency: Annual			
Responsible party/agency: ERT under contract to USACE			
Contact: Carol Charette, USACE Project Manager			
	Reporting is up-to-date	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Reports are verified by the lead agency	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Specific requirements in deed or decision documents have been met	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
	Violations have been reported	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
	Other problems or suggestions: <input type="checkbox"/> Report attached (see Appendix D Annual LTM Report)		
	None.		
2.	Adequacy	<input checked="" type="checkbox"/> ICs are adequate <input type="checkbox"/> ICs are inadequate	<input type="checkbox"/> N/A
Remarks: LUCs are in place and functioning as intended.			
D. General			
1.	Vandalism/trespassing	<input type="checkbox"/> Location shown on site map	<input checked="" type="checkbox"/> No vandalism evident
Remarks: _____ _____			
2.	Land use changes on site	<input checked="" type="checkbox"/> N/A	
Remarks: _____ _____			

3.	Land use changes off site <input checked="" type="checkbox"/> N/A
Remarks _____	
VI. GENERAL SITE CONDITIONS	
A. Roads	<input type="checkbox"/> Applicable <input type="checkbox"/> N/A
1.	Roads damaged <input type="checkbox"/> Location shown on site map <input checked="" type="checkbox"/> Roads adequate <input type="checkbox"/>
Remarks: _____	
B. Other Site Conditions	
Remarks: Erosion along Western Beach impacted the sign that had previously been there; the sign was not replaced in this location.	
VII. LANDFILL COVERS <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
VIII. VERTICAL BARRIER WALLS <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
IX. GROUNDWATER/SURFACE WATER REMEDIES <input type="checkbox"/> Applicable <input checked="" type="checkbox"/> N/A	
X. OTHER REMEDIES <input checked="" type="checkbox"/> N/A	
If there are remedies applied at the site which are not covered above, attach an inspection sheet describing the physical nature and condition of any facility associated with the remedy. An example would be soil vapor extraction.	
XI. OVERALL OBSERVATIONS	
A.	Implementation of the Remedy
Describe issues and observations relating to whether the remedy is effective and functioning as designed. Begin with a brief statement of what the remedy is to accomplish (i.e., to contain contaminant plume, minimize infiltration and gas emission, etc.).	
The goal of the selected remedy is to protect people from encountering MEC at the Tisbury Great Pond MRS. In accordance with the DD, the LUCs are intended to manage exposure hazards to the public through public awareness. The signs are placed at appropriate locations.	
B.	Adequacy of O&M

<p>Describe issues and observations related to the implementation and scope of O&M procedures. In particular, discuss their relationship to the current and long-term protectiveness of the remedy:</p> <p>The LUCs are intended to manage exposure hazards to the public through public awareness. There have been no reported munition items found here and no injuries have been reported. System operations involves visual inspection and maintenance of the existing signage and an evaluation of current site conditions (as documented in the Appendix D 2020 LTM Report).</p>
<p>C. Early Indicators of Potential Remedy Problems</p>
<p>Describe issues and observations such as unexpected changes in the cost or scope of O&M or a high frequency of unscheduled repairs that suggest that the protectiveness of the remedy may be compromised in the future:</p> <p>There are erosion issues in the dynamic seashore environment of Western Beach and that sign had been impacted previously. However, the remainder of the signs are in good condition from year to year. Currently, annual inspection of the signs is adequate to ensure any impacted sign will be repaired/replaced as soon as practical.</p> <hr/>
<p>D. Opportunities for Optimization</p>
<p>Describe possible opportunities for optimization in monitoring tasks or the operation of the remedy:</p> <p>Annual inspection of the signs is adequate to ensure any impacted sign will be repaired/replaced as soon as practical.</p>

APPENDIX C – EOD REPORTS

Tisbury Great Pond Munitions Response Site
Final Five Year Review

Summary of Emergency Response Calls

Location	Ordnance Description	Date	Response Action - Disposition	COMMENTS
Just west of Tisbury FUDS boundary-no coordinates provided	M 122 Flash Bomb	21-Jun-17	Mass State Bomb Squad requested assistance from EODMU12 Detail Newport. Item was disposed on site.	No EOD report provided. This item was found during the execution of the remedial action work. MassDEP called EOD since the delivery of demolition explosives to the USACE contractor was going to take a few days.

NOTE:

Local Police/Fire Departments as well as the MA State police Bomb Squad and Navy EOD, were contacted regarding munition finds. No reports in addition to the one described below were obtained.

USACE continues to attempt to obtain all EOD reports for all projects currently undergoing land use controls. Unfortunately obtaining complete reports or any report at all has been an ongoing challenge as EOD reports are not produced for all EOD responses. Reports that are provided are usually inadequate as well. Most do not provide specific information such as the site/project name and/or grid coordinate location of the munition response. Many are labeled as “found on Martha’s Vineyard”, which can be anywhere on the island and not particularly related to our project and not within or near our project footprint. USACE requests and the challenge of obtaining all reports with complete information has been elevated up the USACE chain of command; if and when these EOD reports are obtained, they will be provided.