RE: former USM site
Carolyn Casey to: Craig Ziady 11/02/2010 11:44 AM
Cc: Dave Mcdonald, Marilyn StFleur

Thank you for the response to comments. We will continue to review the information.

Just wanted to give you a heads up that Marilyn, an ecological risk assessor from our Chelmsford Lab, and I are planning a site visit next Tuesday, although not confirmed yet. We are planning to meet with a representative from Stop & Shop and also the city attorney and/or Beverly public service director regarding the parcels that were previously part of the USM site. Our contract with Mabbett recently ended and we'll finish the review of ecologic risk with our in house risk assessor. We'd like him to take a quick look at the pond and wooded areas on the Cummings property while we are there. I'd expect it to take about half an hour. Do you need to or want to join us?

Also, attached is a version of a letter we sent to the Mayor, Stop & Shop, the Yacht Club etc. FYI.

DRAFT USM - schools and townl.doc

Thanks
Carolyn

Carolyn J. Casey
RCRA Facility Manager
United States Environmental Protection Agency
5 Post Office Square, Suite 100
OSRR 07-3
Boston, MA 02109-3912
phone 617-918-1368
fax 617-918-0368
casey.carolyn@epa.gov

"Craig Ziady" Carolyn - Thank you for your email. We enclos... 10/14/2010 12:41:52 PM

From: "Craig Ziady" <craig@cummings.com>
To: Carolyn Casey/R1/USEPA/US@EPA
Date: 10/14/2010 12:41 PM
Subject: RE: former USM site

Carolyn - Thank you for your email.

We enclose below preliminary responses to the questions you raised, with paragraph numbers mirroring those from your questions:

1. We too have been unsuccessful thus far in locating the historical reports you reference. I believe that we may have photocopies of selected pages from the Phase IV Remedy Implementation Plan dated October 1997, but we have not found any of the complete reports in our files.

2. There have been five (5) AUL amendments. They are recorded in the Essex (South) Registry of Deeds at Book 14299, Page 257; Book 21871, Page 314; Book 24047, Page 1; Book 25994, Page 425; and Book 28043, Page 576. The reference in your notes to "8 amendments" appears to have been a mistake, as I believe that our documents have consistently identified five amendments.

3. We are not certain where you obtained the 1,1,1-TCA data to which you

make reference. The area of concern you reference was known as the Chip Grind Shed/Chip Storage Shed, which constitutes a portion of the area identified as Sector 5 in the Phase II report. As far as I know, in Sector 5 there was never any significant concentrations of 1,1,1-TCA detected in soil. Only one soil sample was identified in that area in the Phase II report , and it had a 1,1,1-TCA concentration of 330 parts per billion [ppb](the equivalent to .33 parts per million [ppm]), which is well below the Massachusetts Contingency Plan [MCP] S-1 standard of 30 ppm. For groundwater in Sector 5, a total of four groundwater wells had detectable concentrations of 1,1,1-TCA. Three of these wells had minimal concentrations detected -ranging from 10 ppb (.01 ppm) to 47 ppb (.047 ppm) - as compared to the most stringent applicable MCP groundwater standard of 4 ppm. The fourth well, identified as well BC1-OW in the Chip Grind Shed area, had a 1,1,1-TCA concentration of 300 ppm. A concentration of this magnitude in water would typically suggest the presence of free-phase solvent. In this case, however, this single data point appears clearly to have been a laboratory or sampling error based upon the lack of corroboration from any source, the lack of any detection of free-phase solvent, and the series of non-detect samples in both soil and groundwater obtained in close proximity to the single outlier sample, including downgradient thereof. Based on the unreliability of this single sample, I understand that no 1,1,1 TCA remediation was conducted.

4. Given the time period within which the Haley & Aldrich reports were produced, I do not believe that 1,4-dioxane was included in H&A's groundwater analyses at that time. 1,4-dioxane was not included in the list of analytes in the Phase II report.

5. Although we are not aware of any ecological risk characterization having been conducted on the site, it is unlikely - based on the few exceedances of metals in surface water and sediment when compared to current regulatory criteria, and given that the average values are an order of magnitude less than such regulatory criteria - that a significant ecological risk exists. Since USM has not been in operation for approximately 30 years, and only operated at a reduced capacity for a number of years before it shut down, current sediment or surface water sampling in the ponds that would be applicable to current ecological exposure pathways is unlikely to detect residuals of contaminants affecting current ecological conditions that were introduced during USM's operation. In addition, as a result of the flow of surface water in the ponds and the frequent tidal flushing of the lower pond, multiple total pond volumes have been discharged since the closure of USM, and none of the current surface water in the ponds would also have been present during USM's operation.

Please let me know if you have any further questions.
Thank you,
Craig

Craig J. Ziady
General Counsel
Cummings Properties, LLC
Direct dial: 781-932-7034
Main No.: 781-935-8000
www.cummings.com

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prohibited. If you have received this communication in error, please notify us immediately by replying to the message and deleting it from your computer. Thank you. Cummings Properties.

-----Original Message-----
From: Casey.Carolyn@epamail.epa.gov [mailto:Casey.Carolyn@epamail.epa.gov]
Sent: Tuesday, October 05, 2010 4:12 PM
To: craig@cummings.com
Cc: StFleur.Marilyn@epamail.epa.gov
Subject: Fw: former USM site

Please see the attached

(See attached file: Draft EI Review and Eco Scoping checklist questions-issues.doc)

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----- Forwarded by Carolyn Casey/R1/USEPA/US on 10/05/2010 03:49 PM -----

From: Carolyn Casey/R1/USEPA/US

To: "craig@cummings.com" <craig@cummings.com>, beverly@cummings.com

Date: 09/15/2010 11:25 AM

Subject: former USM site

Seems some of the important documents for the site are missing from the CTDEP files. The Haley & Aldrich Reports Phase III Final Remedial Response Plan August 1992, revised Aug 1997 and the Phase IV Remedy Implementation Plan dated Oct 1997.

They are not available online with all of the other documents that were scanned in. Our contractor went back to the DEP and could not find them in the paper files. Bruce Hoskins was also aware that the Phase IV went

missing from the files. Holly, in their file room told Bruce that maybe someone had it at their desk. I just left a message asking Holly if they could take a second look for the documents and send an email out to everyone there to see if they can be located. I doubt we'll have much luck so thought I'd ask if you have retained any of these documents and if so, can we borrow them to make copies.
Thanks
Carolyn

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USM HEC and GWRC EI Review and Eco Scoping checklist

Based on an initial review of the available documentation for the site and the EIs and Eco Scoping check lists submitted by Kleinfelder on behalf of the Cummings Center the following questions and concerns have been identified.

1. The following documents cannot be located in the Mass DEP files -- The Haley & Aldrich Reports Phase III Final Remedial Response Plan August 1992, revised Aug 1997 and the Phase IV Remedy Implementation Plan dated Oct 1997. Please make every effort to locate copies of these documents and provide them to EPA New-England.

2. Please clarify the number of AULs amendments that were submitted. We have records for 5 but documented in the 2009 meeting notes that the 8th and final amendment was being prepared at that time. If there are 8, please submit electronic copies of the final three AUL amendments (note that there are no electronic documents on the MADEP web site for this site, only scanned documents).

3. Please verify the proximity of the special education facility (grades 6-9) to the chip grind shed where there where significant levels 1,1,1-TCA were detected in soil and groundwater (33 ppm in groundwater). We were not able to locate any information regarding 1,1,1-TCA remediation. It does not appear as though a second round of groundwater sampling (1995) was conducted in this area.

4. Was 1,4-dioxane included in any groundwater analyses in the former chip grind shed area?

5. Sediment concentrations in the Pond would indicate the need for a Screening Level Ecological Risk Assessment. Please clarify if an ecological risk assessment was conducted.

USM HEC and GWRC EI Review and Eco Scoping checklist

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2. Please clarify the number of AULs amendments that were submitted. We have records for 5 but documented in the 2009 meeting notes that the 8th and final amendment was being prepared at that time. If there are 8, please submit electronic copies of the final three AUL amendments, note that there are no electronic documents on the MADEP web site for this site, only scanned documents.

3. Please verify the proximity of the special education facility (grades 6-9) to the chip grind shed where there where significant levels of LTCA were detected in soil and groundwater (25 ppm in groundwater). We were not able to locate any information regarding LTCA remediation. It does not appear as though a second round of groundwater sampling (1993) was conducted in this area.

4. Was 1,4-dioxane included in any groundwater analyses in the former chip grind shed area?

5. Sediment concentrations in the Pond would indicate the need for a Screening Level Ecological Risk Assessment. Please clarify if an ecological risk assessment was conducted.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

September 24, 2010

Mayor William F. Scanlon
Beverly City Hall
191 Cabot Street
Beverly, MA 01915

Re: Corrective Action Requirements and Achievement of Interim Goals
Former United Shoe Machinery Division, EPA ID No. MAD043415991
McKeown Elementary School, Balch Street Ball Field, Dock Lane and
Drapers Point Landing, Beverly, MA

Dear Mayor Scanlon:

This letter is to inform you that the former United Shoe Machinery (USM) Site, which includes the McKeown Elementary School, Balch Street Ball Field, Dock's Lane and Drapers Point Landing parcels, is listed as a priority for cleanup under the U.S. Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA) Corrective Action Program.

We are currently reaching out to you and the other property owners of parcels that comprise the former USM site to determine the environmental status of the overall site. The former USM Site (including the McKeown Elementary School, Balch Street Ball Field, Dock Lane and Drapers Point Landing) is expected to meet RCRA Corrective Action cleanup milestones in the near future. These milestones which are tracked by the EPA for sites that are subject to RCRA Corrective Action are as follows:

Current Human Exposures Under Control – *Yes Determination*
This designation documents that there are no unacceptable human exposures to contaminants, above applicable health based standards, that can be reasonably expected under current land and groundwater use conditions. This designation is documented with the completion and EPA approval of the Current Human Exposures Under Control Environmental Indicator form[1].

Migration of Contaminated Groundwater Under Control – *Yes Determination*
This designation documents that the migration of groundwater has stabilized and that monitoring will be conducted to confirm that contaminated groundwater remains within the original area of contamination. This designation is documented with the completion and EPA approval of the Migration of Contaminated Groundwater Under Control Environmental Indicator form[2].

Final Remedy Decision
This milestone documents that a comprehensive plan for site-wide cleanup is finalized. If a site cleanup is addressed through a series of interim cleanup actions, this milestone is achieved when the final remedial action plan (or equivalent document) for the site has been public noticed and after all

[1, 2] Guidance on EPA's Environmental Indicators (EIs) is available at:
http://www.epa.gov/epawaste/hazard/correctiveaction/eis/index.htm

substantive comments from the public have been addressed. In addition, a "Final Remedy Decision" can be achieved when the final remedy is determined to be "no further action." The final remedy for the site must be protective of human health and the environment[3].

Construction Complete

This milestone documents that physical construction of the last corrective measure has been completed and all remedial systems are fully functional as designed, whether or not final clean-up levels have been achieved. When physical construction of a remedy is not needed, such as when the final remedy is monitoring for natural attenuation or no further action, the "construction complete" milestone is achieved at the time of remedy decision.

The EPA intends to complete the Current Human Exposures Under Control and Migration of Contaminated Groundwater Under Control indicator checklists for the property in conjunction with the other properties in the area that were once part of the USM Site. Once completed, we will afford you the opportunity to review the draft versions prior to our finalizing the checklists. We will utilize the available information from EPA files in Boston and the Massachusetts Department of Environmental Protection (Mass DEP) files in Burlington, MA. If you can provide references to documentation applicable to any of these milestone or are aware that such information may be found at a location other than the Mass DEP, please notify us.

Receipt of this letter does not imply failure on your part to meet any legal obligation, nor should it be construed as an adverse action against you. It only means that the State and EPA have identified the former USM facility, and every other facility on the 2020 RCRA Corrective Action universe, as needing to fulfill RCRA Corrective Action obligations. For more information, visit EPA's RCRA Corrective Action web site at www.epa.gov/epaoswer/hazwaste/ca/index.htm.

We are available if you would like to set up a meeting to discuss any of the information provided here. If you have any questions, please contact Marilyn St. Fleur at (617) 918-1617 or by email at (stfleur.marilyn@epa.gov) or Carolyn Casey at 617-918-1368 or (casey.carolyn@epa.gov).

Sincerely,

James S. Chow, Chief
RCRA Corrective Action Section

Attachments

cc: Frank Battaglia, EPA
Jeff Chorman, Mass DEP
Dr. Marie Galinski, Superintendant Beverly Public Schools
Dr. Frank Carbone Jr., Chairman Board of Health
Mr. Bruce Doig, Director of Park & Recreation

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[3] Ecological Considerations of RCRA Corrective Action Remedies memo: http://www.epa.gov/epawaste/hazard/correctiveaction/index.htm