

Daniel R. Deutsch, Esq.
ddeutsch@bdboston.com

May 6, 2022

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration,
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20024

304507
ENTERED
Office of Proceedings
May 6, 2022
Part of
Public Record

**RE: New England Transrail, LLC, D/B/A Wilmington & Woburn Terminal
Railway-Construction, Acquisition, and Operation Exemption-in
Wilmington and Woburn, Massachusetts
FD 34797 Sub-Docket 1
*Further Status Report of Town of Wilmington***

Dear Ms. Brown:

On behalf of the Town of Wilmington (“Wilmington”), we submit this further status report pursuant to the Board’s Decision dated April 5, 2019 and amended October 24, 2019, requiring the parties to submit status reports by November 8, 2019 and every 90 days thereafter. This report follows our report of February 7, 2022.

The parties’ previous reports summarized initial discussions between Wilmington and WWI/GFI concerning a conceptual alternative to the project that is the subject of the above-noted proceeding which has been suspended. The pace and timing of WWI’s engineering and planning of a potential alternative redevelopment project have depended upon the development and approval of remedial options for clean-up of the Olin Site by USEPA and Olin Corporation and the decision-making of WWI and NET.

As the parties later reported, USEPA released its Record of Decision on April 1, 2021. Counsel for NET/WWI provided your office with access to information concerning the ROD and the timeline for related next steps. EPA issued interim or final remedial plans for various operating units of the Superfund Site and related activities; some studies and reports have been in process since last spring and remain on-going. EPA is negotiating a Consent Agreement, after which remedial design activities may be undertaken.

As also reported, representatives of WWI/GFI met with certain Wilmington officials in July 2021 to address aspects of WWI’s conceptual proposal for developing the Olin Site in light of the ROD. In mid-September, WWI/GFI representatives met with other Town officials to discuss a conceptual project design. Those officials provided feedback concerning various



Ms. Cynthia T. Brown

May 6, 2022

Page 2

matters including wetlands, fire access, site circulation, and implications of construction on future clean-up activities. The proponents continue to develop design responses to some of those concerns including traffic and stormwater management. At the further meeting in January 2022, WWI indicated an intention to incorporate site remediation engineering into a project design so as to obviate or minimize interference with on-going site cleanup processes. However, details for implementing such engineering also have not yet been provided.

There have not been any further discussions with WWI about these matters. Nonetheless, as three months ago, Wilmington remains open to reviewing updated design plans and any other available information concerning a possible development project, for which WWI/GFI ultimately would need to seek permits from relevant Town boards.

We will continue to provide you with status reports while this proceeding remains in abeyance. Please let us know if you require any additional information.

Very truly yours,

/s/ Daniel R. Deutsch

Daniel R. Deutsch

cc: Danielle Gosselin, OEA (by email)
Adam Assenza, OEA (by email)
Eric M. Hocky, Esq. (by email)
Kevin Pechulis, Office of Environmental Review (by email)
Melanie Morash, Superfund Project Manager, EPA Region 1 (by email)
Christopher Kelly, EPA (by email)
Jeffrey M. Hull, Town Manager, Town of Wilmington (by email)
Attached Service List



BROOKS & DERENSIS

Ms. Cynthia T. Brown
May 6, 2022
Page 3

CERTIFICATE OF SERVICE

I, Daniel R. Deutsch, hereby certify that a copy of the foregoing Status Report on behalf of the Town of Wilmington dated May 6, 2022, was sent via first-class mail to the following parties of record.

Steven C. Armbrust
CSX Transportation, Inc.
500 Water Street, J150
Jacksonville, FL 32202

Kathleen M. Barry
Wilmington-Woburn Collaborative
14 Powder House Circle
Wilmington, MA 02210

Linda Raymond
Woburn Neighborhood Association, Inc.
10 North Maple Street
Woburn, MA 01801

James M. Cashwell
David M. Share
Olin Corporation
3855 North Ocoee Street, Suite 200
Cleveland, TN 37312

Martha K. Stevenson
Wilmington Environmental Restoration
Committee
7 Chandler Road
Wilmington, MA 01887

Laura Swain
Commonwealth of Massachusetts Department
of Environmental Protection
One Winter Street
Boston, MA 02108

/s/ Daniel R. Deutsch
Daniel R. Deutsch