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Office of Proceedings
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Public Record

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

**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 August 4, 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 suspended proceeding. 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 (groundwater) and final (soils, surface water) remedial plans for the Superfund Site and related activities; some studies and reports have been in process since last spring and remain on-going. These include a “treatability study” to determine means to access and feasible options and standards to treat certain contaminated liquids in the affected aquifer. We understand that EPA has been negotiating with Olin for months and may be nearing agreement on terms for a Consent Agreement, after which remedial design activities may be undertaken.



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As 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 2021, WWI/GFI representatives met with other Town officials to discuss a conceptual project design. Those officials provided feedback concerning various matters including wetlands, fire access, site circulation, and implications of construction on future clean-up activities. The proponents were to develop design responses to some of those concerns including traffic and stormwater management. At a January 2022 meeting, 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.

The deadline for Olin to submit to EPA the finalized treatability study for on-site aquifer - the study referenced in WWI's current status report - is February 17, 2023. Like WWI, we understand that remedial actions will commence once a Consent Decree is approved, executed, and lodged in federal court and in due course with respect to the groundwater operating unit. (Wilmington's environmental consultants also have submitted comments on a protocol proposed by Olin's consultants to access the Maple Meadow Brook wetland to monitor and modify existing sampling gauges located within that resource area.)

There have not been any further discussions with WWI about these matters but, as before, Wilmington is open to reviewing updated design plans and 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 and except insofar as the Board suspends such reports. We support a temporary suspension or reduction in the frequency of status reports given the pace of recent developments. Please let us know if you have any questions concerning this report.

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)

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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



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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 November 2, 2022, was sent via first-class mail to the following parties of record.

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/s/ Daniel R. Deutsch
Daniel R. Deutsch