



**Woburn Neighborhood Association, Inc**

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November 21, 2016

Danielle Gosselin  
Office of Environmental Analysis  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423-0001

Docket No. 34797 (Sub-No.1)

Dear Ms Gosselin:

This correspondence is a letter of opposition to the intended above referenced submittal titled Construction, Acquisition, and Operation Exemption in Wilmington and Woburn, MA dated June 24, 2016 by the New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway. As requested the comments are directed toward the Draft Scope of Study for the Environmental Impact Study (EIS) ordered by the Office of Environmental Analysis of the Surface Transportation Board.

The Woburn Neighborhood Association, Inc. (WNA) was founded in August of 2002 by a network of many citizens of Woburn who were concerned with the environmental injustice involved in the North Woburn and South Wilmington area. In 2003, founding members and Woburn residents Michael Raymond, Linda Raymond and John Ciriello were appointed as voting members to a town of Wilmington Citizens Advisory Panel. At the time were charged with researching the drinking water quality problems in South Wilmington, and over the years have stayed involved in environmental issues that involve the residents of North Woburn and South Wilmington. The WNA has opposed the Transrail facility since its introduction in 2003, and on several occasions commented on the ongoing process to the Surface Transportation Board.

On October 25, 2016, there was a EIS Scoping meeting held at the Wilmington, MA Middle School. I stated the following outline of concerns by the WNA:

- (a) Transportation of liquefied natural gas (2 Safety)
- (b) Type of commodities to be trans-loaded (2 Safety)
- (c) Proposed project start date (3 Land Use)
- (d) Side by side Superfund sites (13 Aesthetics)
- (e) Environmental Justice (14 Environmental Justice)

The WNA is requesting the OEA to consider these concerns as they relate to impact categories listed in the scoping request:

## **2. Safety**

One of the commodities listed in the NET proposal is Liquefied Natural Gas (LNG). The container size as used in Alaska is 40 feet and the capacity is 12 tons or 30,000 lbs. of LNG. This is the only area of the country that allows the rail/truck LNG process. Our concerns are based on the following facts from the United States Department of Transportation:

- (1) About every hour and a half, a train collides with another object or is derailed. For example; in Westford, MA in February of 2014 a five-car freight train derailed on a train trestle on main street. Two of the derailed train cars were carrying liquefied petroleum gas. Local Government officials were not notified of the derailment. November 2, 2016 close to the same location and adjacent to the town of Westford's drinking water aquifer there was a second derailment, included in the derailed cars were two cars containing toxic cleaning material.
- (2) Every two weeks a train that is carrying hazardous materials derails in the United States.
- (3) Today rail companies rely on technology that was developed more than 70 years ago, and very little research and improvement has been made to update these dated safety measures.
- (4) Local governments often have no voice over the train traffic in their area, which can result in delays for local emergency responders.
- (5) According to the DOT's Federal Railroad Administration, about 80% of railroad crossings do not have adequate warning devices.
- (6) While vehicle on train collisions have decreased in the past few years, pedestrians involved in train collisions have increased.

Although we do not have a current traffic study to review and comment, we offer our concerns based upon our review of the site:

- (a) If the proposed route is through Woburn via Eames Street to Main Street (Rt. 38) to Rt. 95, this route is a highly populated residential area that contains two Elementary Schools, Day Care Center and an outdoor sports facility. Rt 95 for most of the day is bumper to bumper traffic due to the Rt. 95 and Rt. 93 interchange. If the proposed route is through Wilmington to Woburn via Eames Street to Woburn Street to Presidential Way to the Commerce Way Rt. 93 interchange, we believe this would be highly dangerous. The heavy truck loads during adverse weather conditions both on the roads in Wilmington and onto the single lane "fly-over" at the interchange of Commerce Way and Rt 93. Residents along Eames Street and off Woburn Street would be adversely affected with this fleet of trucks. The draft scope does not have a specific plan on how they will remedy the present road conditions to properly transport these materials.
- (b) Noise associated with trains and heavy axle truck traffic.
- (c) Truck traffic during nighttime hours will raise havoc at such hours.
- (d) Potential industrial accidents within the facility and potential accidents with the 800 trucks entering and leaving the facility and local traffic. There is no Community Emergency Response team in either Woburn or Wilmington. If an incident were to occur on Rt. 95 (128) during rush hour, it could be hours before a CERT would arrive.
- (e) Exposures to hazardous materials with any mishap at the facility not only to the employees at the site but also to the many residents along the transportation routes.
- (f) Environmental impact of potential spillage and releases of said material and further contamination of the already compromised property, with wetland considerations and surface water contamination.

NET anticipates moving goods and materials (e.g. bricks, newspaper, steel glycols, biofuels, liquid natural gas, vegetable oils, wood chips, sand and gravel).

- (a) Due to this sensitive material, which will be transferred on the property and transported from the property, there exist possible accidental spills and release. Over the past 30 years it has been determined that the North Woburn-South Wilmington area is overburdened by both ground water and air pollution. The two communities are quite nervous and concerned. Evacuations of the area community have taken place from releases at the Olin facility and the residents are not comfortable with the added threat.
- (b) Of equal concern to the residents is that NET continues to purport that their operation is consistent within a defined industrial area without giving attention to the residents and abutting neighborhoods of Wilmington and Woburn. One lingering question is noise? Does NET plan to use sound baffles during the loading and unloading times?

- (c) The updated petition does not disclose the proportions of commodities it would handle, the types of trucks contemplated, its proposed days and hours of operation, the number of rail runs (e.g., day or night) the design of the proposed cross-docking warehouse, the scale of the proposed railroad equipment maintenance operations, or other information essential to identify the types and magnitude of nuisance, noise and air quality impacts likely to result from a facility that would affect the health, safety and welfare of the North Woburn and South Wilmington residents. Those impacts nonetheless are likely to be considerable and cumulatively, could prove intolerable. Contrary to NET's statements, the site is abutted by and near residential neighborhoods and other uses vulnerable to such impacts. Moreover, as noted, facility-related trucks would traverse other areas of homes and light businesses. Because the few existing railroad tracks at the site are not in use, there are no railroad-related background impacts to compare to those anticipated from the daily movement, unloading, loading, coupling and decoupling of 60 rail cars and locomotives. Additional noise and litter will result from 800 daily truck trips, rail equipment maintenance activities, dumping and loading a wide range of commodities and the operation of the cross-docking warehouse. Diesel fumes from innumerable trucks and locomotives also would have a substantial adverse impact on local air quality and the health, safety and welfare of the North Woburn and South Wilmington residents.
- (d) The list of materials that the proposed facility would trans-load is open-ended and subject to change. This calculated vagueness raises several concerns. While the updated petition states that NET would not handle "hazardous waste" hazardous material are another matter. NET's previous STB filings equivocated but the current petition states that NET would include hazardous materials, including specifically "natural gas liquids." NET offers no plan to address the risks inherent in handling such materials. It merely proposes to temporarily store all bulk liquids in holding tanks within a bermed area. Because any risk of spillage through derailment or other accident is unacceptable at this site. NET has the burden to address this matter in meaningful detail. As noted above if hazardous liquids are to be stored in the three barely distinguishable, lozenge-shaped tanks on the plan, those tanks location adjacent to the 20-acre conservation-restricted land is problematic. The updated petition also states that NET would not unload bulk liquids within the Groundwater Protection District. However, it does not identify where on the site such unloading would occur. This is no trivial matter at a Superfund Site whose groundwater is known to be contaminated but has not been fully characterized. NRT's proposed trans-loading of natural gas liquids and other hazardous materials also puts at risk the health, safety and welfare of Woburn and Wilmington residents near the site and along the roads to be traveled by trucks (and rail cars) that would transport it through this populous suburb. The separation of the project site from major truck route and highways compounds that risk.

### **3. Land Use**

After a site is listed on the National Priorities List (NPL), a remedial investigation/feasibility study (RI/FS) is performed at the site. The remedial investigation (RI) serves as the mechanism for collecting data to characterize site conditions, determine the nature of the waste, assess risk to human health and the environment, and conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered. The feasibility study (FS) is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions. The RI and FS are conducted concurrently - data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations. This phased approach encourages the continual scoping of the site characterization effort, which minimizes the collection of unnecessary data and maximizes data quality.

NET submits in their filing with you a list of commodities which they plan to transport to the site for transfer from train to trucks. They hint that the list is not limited to what they have included. In fact, in the original proposal they state that the list will include "any other products which can be transported in intermodal containers". The examples they did list are; bricks, newspaper, steel, glycols, biofuels liquid natural gas, vegetable oils, wood chips, sand and gravel... etc. all would pose additional risk if an accident occurred on this property. Any importation of chemicals and debris as stated above before there is a complete revelation of the chemicals of concern and before an appropriate remedial plan is implemented would be negligent. It would be contrary and indeed counter-productive to introduce this property and land to such a project of this magnitude. The latest information that we have is that the EPA is analyzing the chemicals of concern listing to determine which chemicals need to be included and addressed in their remediation.

STB's May 12, 2016 decision emphasized that granting NET permission to file an updated petition was no assurance that a project would be deemed exempt or environmentally appropriate the burden lay squarely on NET to supply STB – and the interested parties – with a "complete" petition that included data concerning the proposed facility and operations and expense of a high level environmental impact review. This proceeding already has lasted too long and drained too many public and private resources to tolerate a petition that falls short of that. Likewise, the Superfund Site on which NET wants to build and operate a facility has sustained too much damage and been too incompletely addressed to forego a diligent review for redevelopment.

### **13. Aesthetics**

**The Industri-Plex Superfund site** (North Woburn) was listed as a superfund site in 1983 demonstrates proper Land use of a highly contaminated area. Over the years from 1983 constructed on the site are the Anderson Regional Transportation center, Presidential Way Industrial development, Commerce Way Rt. 93 entrance, and retail plazas. These projects have

and will generate hundreds of new jobs for the area and millions in new tax revenue. The WNA has worked closely with the EPA and developers to ensure that the Superfund construction projects would not add to the already highly contaminated area. Adjacent to Olin property is the closed and unlined Woburn Landfill. One of our proudest accomplishments as Environmental Activist was to ensure that the Landfill was properly closed. The North Woburn landfill, used as a dump from 1966 to 1985, was cleaned and capped between 1999 and 2006. Now, 40 acres of land is just waiting to be used. On September 8, 2011 as an Alderman for the City of Woburn, and one of the founding members of the WNA wrote the legislation to zone the 40 acres acceptable for Solar Photovoltaic Installations. The City of Woburn has leased the property to a Company that is in the process of installing 11,000 solar panels on the site. The site will generate income to the City in excess of \$400,000.00 per year over the next 18 years. The partnership of the City of Woburn, the Environmental Protection Agency and the developers have become a win-win situation for the residents of North Woburn and South Wilmington. It is important to note that before any construction commenced on the five major projects within the Industry-Plex site that a Record of Decision was in place. In 1979, in response to illegal filling of wetlands, the EPA obtained a court order to stop further development activities. The EPA and the State entered into a Consent Order with Stauffer Chemical in 1982, whereby Stauffer was to conduct an investigation and recommend cleanup actions. In 1989, the EPA and the potentially responsible parties signed a Consent Decree in which the parties agreed to implement the remedy (Industry-plex OU-1 under the 1986 ROD) for stabilizing the site and to reimburse the EPA for past and future oversight costs. In 1998, EPA successfully negotiated with the PRPs to comply with the Consent Decree and implement the Final GSIP.

**The Olin property Superfund site** (South Wilmington) was listed as a Superfund Site in April of 2006. According to EPA, Region 1 "historical wastewater disposal and general handling of chemicals and waste products at the plant led to significant environmental contamination". The feasibility study or remedial investigation was completed in 2009. After a site is listed on the National Priorities List (NPL), a remedial investigation/feasibility study (RI/FS) is performed at the site. The remedial investigation (RI) serves as the mechanism for collecting data to characterize site conditions, determine the nature of the waste, assess risk to human health and the environment, and conduct treatability testing to evaluate the potential performance and cost of the treatment technologies that are being considered. The feasibility study (FS) is the mechanism for the development, screening, and detailed evaluation of alternative remedial actions. The RI and FS are conducted concurrently - data collected in the RI influence the development of remedial alternatives in the FS, which in turn affect the data needs and scope of treatability studies and additional field investigations. This phased approach encourages the continual scoping of the site characterization effort, which minimizes the collection of unnecessary data and maximizes data quality. Once completed, a Record of Decision is negotiated. To date there is no record of decision (ROD) in place. In the United States Environmental Protection Agency, the **Record of Decision** (ROD) is a public document that

explains the remediation plan for the clean-up a **Superfund site**. The (ROD) is a signed contract between the EPA and the Primary Responsible Party (Olin Chemical). It has been proven that chemicals of concern are present in the East Ditch of the Olin Property. The East Ditch of the Olin property empties into a drain on New Boston Street in North Woburn and from there migrates into the Aberjona River. The Aberjona River is the main tributary within the Industrial Plex Superfund site. Environmental impact of potential spillage and releases of said material and further contamination of the already compromised property, with wetland considerations and surface water contamination to two communities. NET intends to pave 23 acres of the 32-acre site (and cover the balance with buildings and structures) in order to minimize infiltration into already contaminated soil and groundwater. Yet NET does not explain how it would treat and manage the enormous burden of storm water and contaminated runoff from more than one million square feet of impervious surfaces, trucking and trans-loading operations, and railroad equipment maintenance activities. In a point of fact, the site cannot physically accommodate all of the paving and structures for NET purposes, much less adequate storm water treatment and controls. Many of the available types of subsurface storm water structures are not feasible for this site because of the severe constraints on excavation and disturbance of existing contaminated soils and shallow ground water table. While dedicated land is needed for storm water controls, NET has not allotted that in the site plan. According to NET's own data the total area in square feet of just the proposed access roads and buildings (1,440,000 – not including 16,000 liner feet of track, or railroad mechanical infrastructure, storage tanks, water tanks and the other features that NET list separately) exceeds the square footage of the entire 32-acre site (1,393,920).

#### **14. Environmental Justice**

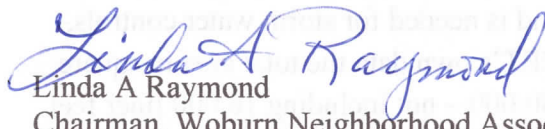
The Environmental Protection Agency has defined Environmental Justice as: "Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work". The WNA believes that the quality of life for the residents of Woburn and Wilmington is already negatively impacted as the Olin property is within a half mile distance to the Woburn Landfill, Maple Meadow Landfill, the Industrial Plex Superfund Site and 6 major 21 E contaminated industrial sites. (See Attachment 1) The area in question is an area already impacted by serious industrial pollution, which may have serious consequences to the health, safety and welfare of the surrounding residents. The proposed trans-rail center brings with it odors, noise, unwanted and certainly added truck and train traffic to an already overburdened area and most importantly an additional worry to further exposure to hazardous and contaminated material from accidents and mishaps with a potential of further contamination of an already compromised property. The North Woburn – South Wilmington area have more than its share of environmental injustices. Enough is enough! The

WNA will forward their comments to the State of Massachusetts Environmental Justice Director & Program Manager for review, comment and action.

In conclusion; the nightmare on Eames Street is an unusual one. It is one the residents of North Woburn and South Wilmington have lived with and struggled with for decades. The fact that it is undergoing change from the Superfund clean-up process, including changes that we don't even know about yet, underscores the need for OEA to take special care in preparing a Draft Environmental Impact Statement. For all the North Woburn and South Wilmington concerns listed above, the Woburn Neighborhood Association, Inc. will continue to respectfully request the Surface Transportation Board to deny New England Transrail, LLC, d/b/a/ Wilmington & Woburn Terminal Railway - Updated Petition as non-compliant and dismiss this proceeding.

We, the Woburn Neighborhood Association, Inc. believe that contamination knows no boundaries and will continue this fight until all issues are resolved.

Sincerely,

  
Linda A Raymond

Chairman, Woburn Neighborhood Association, Inc.

  
Michael L Raymond

Chairman, Woburn Neighborhood Association, Inc.

Attach/ Current Site Features off Property Areas

Cc:

US Senator Edward Markey

US Senator Elizabeth Warren

US Representative Katherine Clark

State Senator Kenneth Donnelly

State Representative James Miceli

State Representative James Dwyer

State Representative Jay Kaufman

US EPA James DeLorenzo

US EPA Joseph Lemay

Wilmington Town Manager Jeffrey Hull

Wilmington Woburn Collaborative Kathleen M Barry

Wilmington Environmental Restoration Committee Martha Stevenson

Woburn Mayor Scott Galvin

Woburn Planning Board Director Tina Cassidy

Woburn City Council President Richard Haggerty

