

DEP and EPA NMI responses, Oct 5, 2022

**Stone, Marielle (DEP) via mass.gov**

Wed, Oct 5, 12:32 PM  
(8 days ago)

to Robert, Tim, Hopedale, Diana, Diane, me, Garry

Tim,

In speaking with Garry about this matter, he explained to me that the soils being transported to the GURR yard in Hopedale from the NMI site in Concord are not considered hazardous waste, will be in fully sealed containers before they arrive, and will not be stored on site. Pursuant to the Massachusetts Drinking Water regulations at 310 CMR 22.21(2), it is MassDEP's opinion that it is not a prohibited activity in the Zone II.

I hope this helps to clarify MassDEP's position with regards to the planned activities in the Zone II.

While I understand your concern and appreciate the Town's efforts to protect its water supply, it is not a restricted activity under the current regulations.

Please contact me with any questions.

Thank you.

Marielle Stone  
Deputy Regional Director  
Bureau of Water Resources  
MassDEP - Central Regional Office

From Chris Smith - EPA

Oct 5, 2022, 3:38 PM (6 days ago)

to twatson@hopedale-ma.gov, Diana, Kara, garry, me

Hello Ed,

In regards to the Transportation and Disposal Plan, see the revised Plan attached with the Hopedale information included. EPA's approval of the revised Plan is also attached to the document.

In regards to the fly ash issues, we hear your concern but this is outside of the Superfund issue and our authority. I know you have communicated with Mark Vorhees from EPA on water issues, and you are certainly free to continue to do so. But there is no role for our project team to play on this separate issue.

Regarding the Zone II issues, I don't think there's anything else for EPA or DEP to provide here. The T&D Plan, approved by EPA, now notes that the Railyard is in Hopedale's Zone II.

We are unaware of any EPA or DEP regulations that would prohibit the shipment of contaminated soils through such an area. Certainly, the waste will pass through many Zone II (or equivalent) areas on its way to the final disposal facility. It's important to note that while the soils are "contaminated," they do not qualify as Hazardous Waste pursuant to MGL c. 21C and 310 CMR 30.00. In accordance with the Massachusetts Drinking Water regulations at 310 CMR 22.21(2), the proposed activities are not prohibited within the Zone II. See regulatory language below.

Again, there is no hazardous waste being generated, stored, treated or disposed of as part of this project. So beyond our written approval of the T&D Plan, we don't see the need for a separate letter.

In terms of timing, we are still generally planning on next Spring/Summer. We will be in touch with more exact dates as they become available.

Regarding your final question about the railyard selection – the facility was selected through a competitive bid process. This facility provided the best combination of location and pricing for the Responsible Parties conducting the cleanup, who have an interest in reducing project costs to the extent practicable. EPA reviews and approves the proposal, but we do not have authority to mandate the use of any certain transload facility. I will note that CSX, which was specifically asked about previously, does not accept transload directly at their facility.

Lastly, I wanted to pass along the news that my colleague, Kara Nierenberg, is taking over for me as project manager for this Site while I move to work on other projects. I am going to continue to stay engaged on this issue, but moving forward please consider Kara your primary point of contact for EPA. Kara has been working with me for several months and is up to speed on the Site and the railyard issue.

Thanks,  
Chris

Christopher Smith  
EPA New England, Region I  
Superfund and Emergency Management Division  
5 Post Office Square  
Boston, MA 02109-3912  
[smith.christopher@epa.gov](mailto:smith.christopher@epa.gov)  
617-918-1339

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**From:** Ed Burt <[eburt.hd@gmail.com](mailto:eburt.hd@gmail.com)>  
**Sent:** Wednesday, October 5, 2022 9:09 AM  
**To:** Smith, Christopher <[Smith.Christopher@epa.gov](mailto:Smith.Christopher@epa.gov)>  
**Cc:** [twatson@hopedale-ma.gov](mailto:twatson@hopedale-ma.gov); Diana Schindler <[DSchindler@hopedale-ma.gov](mailto:DSchindler@hopedale-ma.gov)>  
**Subject:** Hopedale Railyard

Hi Chris,

The Hopedale Water & Sewer Commission's next meeting is Thursday October 13<sup>th</sup>. Please provide an updated status regarding the contaminated soils transport planned to be done through the Hopedale railyard.

Specifically, to help solidify the prior discussions, please confirm that before any contaminated soils are transported thru GURR's Hopedale Railyard, the following steps will be completed:

(1) An updated transportation plan reflecting the Town of Hopedale and that GURR's Hopedale railyard is within a Zone II water protected area.

(2) Systematic emergency procedures specific to the contaminated soils transport will be established.

(3) Additionally, because none exist today, we are requesting the EPA to help establish systematic emergency procedures for the railyard (especially in relation to the fly ash silos) to ensure that procedures for the soils and associated railyard aspects are in place. (Attached is the last W&S note attempting to establish these procedures.)

Also, because this material is prohibited within a Zone II, please provide a written statement explaining that the EPA/DEP are allowing contaminated soils within Hopedale's Zone II so the

Water & Sewer Commission along with Hopedale's Board of Health and Zoning Board can properly, and consistently, enforce the Zone II requirements.

As stated in the joint meeting, the soils transport is planned to begin next summer. As that timing becomes more specific, or if there are any changes to the schedule, please let us know.

Last one – since this has been made public the common question is - why the Hopedale Railyard when there are so many closer, more highway convenient railyards for this transport? Any insight to that answer that we can relay to the community is greatly appreciated.

Any questions, concerns, please do not hesitate to contact me.

Thank you,

Ed Burt