

**Email to NMI Project Manager 12/5/2022 and response received 12/8/2022:**

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minutes ago)

**Nierenberg, Kara**

to Bruce, garry, twatson@hopedale-ma.gov, Sarah, Zanetta, BOH, Hopedale, Glenda, me

Hi Ed,

All actions being undertaken at the Nuclear Metals Site, including the transportation of wastes are regulated under CERCLA and other relevant statutory requirements. Per CERCLA Section 121(e)(1), EPA is not required to obtain federal, state, or local permits for this work. EPA is required to meet the substantive requirements of permit provisions that are identified as applicable or relevant and appropriate in the cleanup plan (the Record of Decision). The NMI Superfund site is being remediated in compliance with CERCLA, by private parties, with oversight from EPA and MassDEP. EPA and MassDEP verify that transporters and final disposal methods are acceptable under applicable State and Federal standards. EPA can continue to provide the Town with publicly available information; however, EPA does not have authority to bring Town officials onto the GURR property for oversight.

The issues with the IP-1 bags are a priority for the site team. de maximis and US Ecology are working with the bag manufacturers to identify why many (approximately 40%) of the bags are tearing during transfer from rail to truck. Only a smaller number (16% of all bags) have resulted in a spill (5% to ground, 10% to poly). While we continue to have bag tearing issues, the poly sheeting is working to limit new releases of soil to the surface that require an emergency response. The poly sheeting is placed each morning before work begins. Spilled soil is cleaned up immediately and placed within the lined rail car and the used poly is disposed of in the lined rail car at the end of each day. More permanent measures are being considered for the transfer of the site soils from the remaining areas of the NMI site.

A US Ecology representative is present at the GURR facility to oversee all material transfers between truck and gonodola. de maximis and EPA's contractor have been to the site intermittently to watch some transfer's to troubleshoot the tearing bag issue and work on identifying solutions. US Ecology is the waste coordinator responsible for the transport of waste from when it leaves the NMI site to its final disposal in Michigan.

Best,

**Kara Kelly Nierenberg, PE**  
Massachusetts Superfund  
617-918-1435

**From:** Ed Burt <[eburt.hd@gmail.com](mailto:eburt.hd@gmail.com)>  
**Sent:** Monday, December 5, 2022 9:16 AM  
**To:** Nierenberg, Kara <[Nierenberg.Kara@epa.gov](mailto:Nierenberg.Kara@epa.gov)>  
**Cc:** Bruce Thompson <[brucet@demaximis.com](mailto:brucet@demaximis.com)>; garry waldeck <[Garry.Waldeck@state.ma.us](mailto:Garry.Waldeck@state.ma.us)>; [twatson@hopedale-ma.gov](mailto:twatson@hopedale-ma.gov); Meeks, Sarah <[Meeks.Sarah@epa.gov](mailto:Meeks.Sarah@epa.gov)>; Purnell, Zanetta <[Purnell.ZaNetta@epa.gov](mailto:Purnell.ZaNetta@epa.gov)>; BOH Members <[bohmembers@hopedale-ma.gov](mailto:bohmembers@hopedale-ma.gov)>; Hopedale Conservation Commission <[Conservation@hopedale-ma.gov](mailto:Conservation@hopedale-ma.gov)>; Glenda Hazard <[ghazard@hopedale-ma.gov](mailto:ghazard@hopedale-ma.gov)>  
**Subject:** Hopedale Railyard - Contaminated Soils status

Hi Kara,

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The Hopedale Water & Sewer Commission will be meeting this coming Thursday evening, Dec 8<sup>th</sup>. Please provide an update so we'll have the most current information to relay and discuss.

I imagine the bag issue is your priority, but our overall questions remain. I apologize for the long list, but am obligated to continue to request this information. The W&S Commission, responsible for the Hopedale public water supply, and the community, remain concerned. Most of these questions should have been answered during the NMI planning phase, which fuels the suspicion that the Hopedale Railyard was never properly vetted in the first place.

Below is the list of questions, adjusted since your last report. In advance, thank you for your prompt and detailed attention to this matter.

Ed

Hopedale Railyard Questions/issues Dec 5, 2022

Regarding the overall Zone II water protected district and oversight:

1. The Hopedale railyard does not have an EPA Multi-sector General permit, EPA exposure certifications, or a local Special Permit for this material. Especially being within a Zone II water protected district, under the approval of what authority is the transloading of contaminated soils within this specific site permitted?
2. Per prior communication - US Ecology (the transportation contractor), de maximis (the lead site contractor) and EPA's oversight contractor are overseeing the loading of materials at the transload facility as necessary.

What does the qualifier "as necessary" mean? The oversight should be for all transports, including oversight of the rail cars while they remain in the railyard, to ensure that nothing (such as a heavy rain or winter elements) has compromised the open rail car while the material remains within the railyard.

Who is the “EPA’s oversight contractor”?

Why are the Town’s normal oversight boards excluded from this oversight process?

Regarding the truck route:

1. What is the actual truck route? Any route probably goes through Milford. Has the Town of Milford been notified, along with an update to the route documentation and Town notifications?

Regarding the soils, packaging and emergency procedures:

Per a prior email -- ...Spilled soil happened on Thursday (11/17/22), the first day of delivery. - Most importantly I (Kara Kelly Nierenberg, Massachusetts Superfund) shared was how the spill was addressed according to the procedures in the T&D Plan. The soil was promptly covered on Thursday (11/17/22) immediately following the spill and the emergency response team remediated the area on Friday (11/18/22). When I receive the draft After Action Spill Report from US Ecology/de maximis I will share it with you. ... In addition, there is now plastic sheeting on the ground opposite the loading ramp to provide a ground surface barrier in the case of future spills during transfer.

1. Have there been any additional malfunctions in the bags, and/or spills since Nov 17th?
2. Is the After Spill Report available yet?
3. The plastic sheeting seems to be a temporary measure. Is a more secure, permanent protective barrier planned?

Regarding the Spill Contingency Plan, Appendix C:

As clearly stated in the plan’s scope, this plan addresses the following Contingency Areas:

1. Railcar or train derailment occurs enroute to designated disposal facility.
2. Spill of truck contents during back-end dray to USEM.

With all due respect, the railyard is NOT properly addressed in this spill contingency plan. Especially being a Zone II water protected district, we believe this plan should reflect the importance of this location. It should include response details addressing a spill that has happened and other situations that could happen within the railyard. Along with a far more timely corrective response and broader notification reporting.

Missing the Zone II railyard from the Contingency plan and the incorrect Truck routes are just two of the indicators leading many to believe that the Hopedale location was never properly vetted in the first place. If you have any information showing the GURR property highlighted this location, please forward that along.

Regarding the process:

1. When the truck was loaded in Concord, how were the materials validated as safe to be transported?
2. Was the same process repeated when arriving in Hopedale to ensure that there were no issues during the truck transport?
3. After transporting the bags from truck to train car, was a similar process repeated to ensure nothing happened in the truck to rail car move? (For both the truck and the railcar)
4. What is the daily oversight and documentation process? Who confirms that what was expected actually happened, including the confirmation that the railcars remain safe while at the railyard?
5. When will Appendix C be updated to reflect the situation that just happened, bag malfunctions during the truck to train gondola loading and that GURR's Hopedale railyard is in fact in Hopedale, MA and is in fact a Zone II Water Protected District?

There are a number of local officials, with various oversight responsibilities that would like to see this operation in person. How can we make that happen?