



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

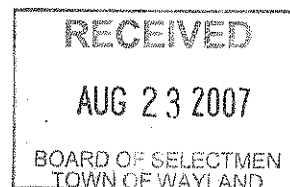
IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

AUG 21 2007

Frederic Turkington, Jr., Town Administrator
Town of Wayland
41 Cochituate Road
Wayland, MA 01778

RE: WAYLAND – Solid Waste/COR
former Nike Missile Site
Beneficial Use Determination
File# W138678
FMF# 433187



Dear Mr. Turkington:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Management Section (MassDEP) has reviewed your application for Beneficial Use Determination for the abandonment in place of bunkers at the former Nike Missile Site at 133 Oxbow Road, Wayland, Massachusetts (BWP SW 41, Beneficial Use Determination – Restricted Applications, Transmittal Number W138678). The application was prepared on your behalf by BETA Group, Inc., Norwood, Massachusetts.

Pursuant to this application, it is proposed to abandon in place two (2) former missile silos and associated control bunkers by filling the silo/bunkers with ABC rubble and/or soil. Limited demolition, as practical of the silo/bunker roof may occur. The silo/bunker floors will be through cored to provide drainage. Exposed metal will be removed.

MassDEP has determined that the application complies with the requirements for a determination of Beneficial Use pursuant to 310 CMR 19.060. MassDEP, therefore, issues the attached Determination of Beneficial Use.

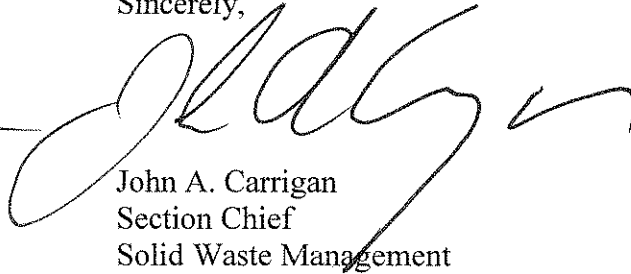
If you have any questions in regards to this matter please contact David Adams at phone 978-694-3295.

Sincerely,

Sincerely,



David C. Adams
Environmental Engineer
Solid Waste Management



John A. Carrigan
Section Chief
Solid Waste Management

JAC/DCA/dea

attachments: Determination of Beneficial Use
Fact Sheet

cc:

Wayland Board of Health

David Billo
BETA Group, Inc.
320 Norwood park South
Norwood, MA 02062



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BENEFICIAL USE DETERMINATION -- BWP SW 13
Former Nike Missile Site
133 Oxbow Road
Wayland, Massachusetts

Date of Issuance:

FMF # 433187

File # W138678

I. IDENTIFICATION:

Applicant Name: Town of Wayland
Mailing Address: 41 Cochituate Road
Wayland, MA 01778

Name of Facility: former Nike Missile Site
Source: Address: 133 Oxbow Road
Wayland, MA

Point of Use: on-site

II. BENEFICIAL USE DETERMINATION and CONDITIONAL APPROVAL

The proponent, the Town of Wayland (the "Town"), has proposed redevelop the former Boston Area Nike Missile Battery 73 at 133 Oxbow Road, Wayland, Massachusetts, to a public park/recreation facility. As part of the redevelopment of the site, the Town proposes to leave two (2) abandoned missile bunkers currently at the site in place. The bunkers are proposed to be filled with soil and or ABC rubble. The floor of each bunker will be through cored to prevent the accumulation of water in the fill in the bunkers.

The floors and walls of the bunkers will be left in place. To the extent practical, the roof of the bunkers will be broken up and placed in the bunker. It is anticipated that most of the roof will

remain in place and not be broken up. Exposed metal standing above the concrete surface in each bunker will be removed prior to filling.

The estimated volume of bunkers is 3,000 cubic yards.

The source of the ABC rubble to be used to fill the bunkers has not been identified.

The bunkers consists of reinforced concrete coated with lead based paint. Asbestos has previously been removed from the bunkers.

The application was reviewed in accordance with section 19.060, "Beneficial Use of Solid Wastes", of 310 CMR 19.000, "Solid Waste Management Facility Regulations." MassDEP has determined this application complies with the requirements for the Beneficial Use of Solid Waste as established therein.

~~MassDEP hereby approves the abandonment of the bunkers as proposed,~~ subject to the conditions listed below.

III. GENERAL PERMIT CONDITIONS

1. A determination of beneficial use means the material is NOT classified as a solid waste **ONLY** when used in accordance with the requirements of this determination. The material shall not be handled or utilized in a manner that will result in the material becoming a solid waste.
2. The beneficial use of this material shall be in compliance with other applicable state and federal laws and regulations.
3. MassDEP reserves the right to rescind, suspend or modify this permit by the imposition of additional conditions based upon a situation of significant odor, nuisance, or a determination of actual, or threat of, adverse impacts from the use of this material, as maybe necessary pursuant to law or regulation, or as is otherwise necessary to protect the public health, safety, and the environment.

IV. SPECIFIC PERMIT CONDITIONS

1. The Town of Wayland, must notify the Department of any changes in the specifications of the material as described in the permit application.
2. This permit is for in place abandonment of the bunkers only.

3. ABC rubble used to fill the bunkers shall be limited to clean (uncoated, uncontaminated), processed ABC rubble complying with 310 CMR 16.05(3)(e).
4. Soil used to fill the bunkers shall be limited to clean, uncontaminated soils only. No contaminated soil ("urban brown" or other soil subject to 310 CMR 40.0000, etc.) shall be used unless approved by MassDEP.
5. Metal exposed by breaking up the roof, or other portions of the bunkers, shall be removed and properly disposed or recycled.
6. Any required crushing of ABC rubble shall be conducted in compliance with the applicable provisions of 310 CMR 7.00 Air Pollution Control Regulations, in particular the requirements of 310 CMR 7.09. Crushing and use of the ABC rubble shall be conducted in a manner so as prevent dust, odors and/or other nuisance conditions or otherwise result in any unpermitted discharge.

V. RIGHT OF APPEAL

The Town of Wayland (the "Town") is hereby notified that it may within twenty-one (21) days file a request that this decision be deemed a provisional decision under 310 CMR 19.037(4)(b), by submitting a written statement of the basis on which the Town, believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the Department's receipt of the request. Such a request shall reopen the administrative record, and the Department may rescind, supplement, modify, or reaffirm its decision. Failure by the Town, to exercise the right provided in this section shall constitute a waiver of the Town's right to appeal.

Appeal - Any person aggrieved by the issuance or denial of the permit, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and c. 30A. not later than 30 days following the receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the 30 day period.

Notice of Appeal - Any aggrieved person intending to appeal a grant or denial of a permit to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the permit application at least five days prior to the filing of an appeal.

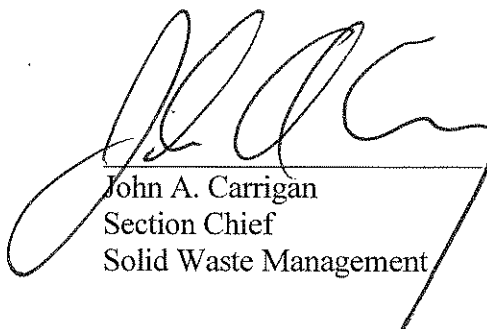
Office of General Council
Massachusetts Department of Environmental Protection
One Winter Street -Third floor
Boston, MA 02108

Regional Director
Massachusetts Department of Environmental Protection
Metropolitan Boston/Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

No allegation shall be made in any judicial appeal of a permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in these regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.



David C. Adams
Environmental Engineer
Solid Waste Management



John A. Carrigan
Section Chief
Solid Waste Management

8/21/07
Date

FACT SHEET
former Nike Missile Site
Beneficial Use Determination

File Number: W138678
page 1

Facility: former Nike Missile Site
Address: 133 Oxbow Road
Wayland, MA

Owner/operator: Town of Wayland
Address: 41 Cochituate Road
Wayland, MA 01778

DSWM ID Number: none
Facility Number: 433187
Regulated Object Number: 440972
Permit Number: none

Location¹: 42° 24' 35" North Latitude 71° 21' 37" West Longitude
UTM: 305742 mE 4697763 mN Zone 19

MEPA: The current application does not trigger MEPA review thresholds.

Current Application:

Type: Beneficial Use Determination, Restricted Application (BWPSW41)
Transmittal Number: W138678
date: June 11, 2007

Engineer of record:
BETA Group, Inc.
320 Norwood Park South
Norwood, MA 02062
David Billo, Senior Project Manager

Type of material processed: painted reinforced concrete

Submittals as part of this application:

report in letter form:

BETA Group, Inc. to MassDEP
June 8, 2007
re: Request for Beneficial Use Determination
Former Nike Missile Site, 133 Oxbow Road, Wayland

¹ For reference only. Estimated from MAssGIS.

Discussion:

The location of the proposed beneficial use of concrete is the former United States Air Force Boston Area Nike Missile Battery 73 at 133 Oxbow Road, Wayland, Massachusetts. The site has been acquired by the Town for, and is being developed for use as, a public park or recreation facility.

The battery was decommissioned circa 1974. Remaining on the site is two (2) underground, reinforced concrete bunkers. Each bunker consists of the former missile storage silo and control room, with a tunnel connecting the silo to the control room. Missile storage and control equipment was removed during decommissioning. Steel access door, the hydraulic lift system, electric power service, and some other incidental metal remain in place. The Town believes the hydraulic fluid has been drained from the lift system. However, it is noted that the lift is stowed in the "up" position (lift platform at ground surface), and some contamination by petroleum product has been detected in water accumulating at the low point of each silo.

The Town proposes to remove any contaminated water and dispose of off-site. All remaining exposed metal shall also be removed.

At the time of transfer from the United States government (U.S. Park Service) the site was identified to have asbestos containing material present. Circa September – October 2005 the Town had the asbestos containing material (vinyl asbestos floor tile) removed.

The Town has not assessed the outside surface of the bunkers for the presence, nor character, of any waterproofing/dampproofing coatings.

Paint in the bunkers was assessed for heavy metals, including Lead (Pb) and Mercury (Hg).

Mercury was not analyzed for total concentration in the paint. For samples collected of floor of the silos, the concentration of Mercury was below reporting limits (BRL) with a reporting limit of 0.017 mg/kg. Mercury was detected in the TCLP² and SPLP³ extracts of the paint from the walls at 0.0007 mg/l or lower, with several samples below reporting limits at a reporting limit of 0.0002 mg/l.

² Toxic Characteristic Leaching Procedure

³ Synthetic Precipitate Leaching Procedure

FACT SHEET
former Nike Missile Site
Beneficial Use Determination

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With the exception of yellow striping, Lead in the paint was reported at between 8,400 mg/kg (0.84%) and 24,400 mg/kg (2.44%). Lead in the yellow striping was reported at 105,400 mg/kg (10.54%). The Lead concentration in the TCLP extract (reporting limit 0.03 mg/l) ranged from BRL to 2.0 mg/l (yellow stripe). The SPLP extract (reporting limit 0.03 mg/l) ranged from BRL to 3.4 mg/l (yellow stripe).

The application proposes to utilize ABC rubble to fill the bunkers. No sources of that ABC rubble are identified. No standards for the selection of that ABC rubble is provided. MassDEP is not able to approve the use of rubble other than as authorized pursuant to 310 CMR 16.05(3)(e) based on the current application.

The application proposes to use soil "in compliance with ... the Massachusetts Contingency Plan (310 CMR 40.0000)". The application does not include standards for selection of such soil. This BUD does not constitute an approval by MassDEP to use soils subject to 310 CMR 40.0000 as fill.