

**Town of Salisbury**  
**29 Elm Street, Salisbury MA**  
**EPA Clean UP Grant**

**THRESHOLD CRITERIA**

**1. Applicant Eligibility**

**a. Eligible Entity**

The Town of Salisbury is a general purpose unit of local government that was incorporated into the Commonwealth of Massachusetts in 1638 and has the authority to enter into a cooperative agreement with US EPA. The Board of Selectmen authorized this application at a public meeting on October 5, 2009.

**b. Site Ownership**

The Town of Salisbury is the sole owner of the parcel relating to this cleanup grant request. The subject deed is recorded at the Essex County Registry of Deeds, Book 20949 Page 123, dated June 3, 2003. (Attachment A)

**2. Letter from the State Environmental Authority**

Please see Attachment B for the letter from the Massachusetts Department of Environmental Protection (MassDEP) acknowledging that the Town plans to conduct cleanup activities at 29 Elm Street and plans to apply for Brownfields Cleanup grant funding.

**3. Site Eligibility and Property Ownership Eligibility**

**a. Basic Site Information**

The Site is located at 29 Elm Street, Salisbury MA 01952 on an approximately 0.77-acre vacant parcel which was formerly the Site of a Shoe Manufacturer and Bus alteration and repair site on the south side of Elm Street, in Salisbury, Massachusetts. The Site is identified as Lot 45 on Map 2 of the Town of Salisbury Assessors records. The Site's coordinates are 42° 50' 22.6" latitude and -70° 51' 50.4" longitude, and the Universal Transverse Mercator (UTM) coordinates are 4,744,473.5 meters N and 347,667.5 meters E. The Town of Salisbury took ownership of the property on June 3, 2003.

**b. Status and History of Contamination at the Site**

Based on historical documentation, the William H. Butler Company, Manufacturer of Women's Shoes operated on Site from at least 1924 (prior documentation not available). Shoe manufacturing continued on Site through at least 1959 in the original two-story building.. The Site was utilized by Greyhound Van Lines from 1975 to 1976 for automobile alterations and repair. This business was housed in an 8,800-square foot shed that was constructed in 1968. In the 1980s the Site was occupied by Chases Pine Village Furniture and a lumber yard and hardware business in the early 1990s. The Site building was razed by the Town of Salisbury in 1994 because the building was dilapidated, and the Site has been a vacant lot since 1997.

Previous environmental studies have indicated the following environmental conditions:

- **Buried materials and contaminated soil in the rear of the property** – Metals, including antimony, arsenic, barium, cadmium, chromium, lead, nickel, and zinc, and PAHs, including benzo(a)pyrene, dibenzo(a,h)anthracene, and phenanthrene, are present in anthropogenic fill materials in the southern portion of the Site at concentrations in excess of regulatory cleanup criteria. This area of the Site is adjacent to wetlands and was likely filled in to increase upland areas or as a means of waste disposal. Debris materials encountered during test pit excavation in this area included stacks of discarded shoe leather and glass bottles. Test pit logs indicate that fill materials extend to approximately 3.5 to 5 feet below grade. Based on observations of the topography in the rear of the Site, earth mounds indicate that historical filling activities may have included areas that are south of the property boundary that were not investigated.
- **Contaminated debris in a concrete-lined pit** – A concrete-lined pit located in the middle of the Site contains soil and debris exhibiting organic vapors in excess of 1,000 parts per million by volume (ppmv), strong odors, black-stained soil and wood waste materials, and a partially crushed 55-gallon drum. Soils excavated at this location exceeded regulatory cleanup criteria for multiple volatile organic compound (VOC), volatile petroleum hydrocarbon (VPH), extractable petroleum hydrocarbon (EPH), and semi-volatile organic compound (SVOC) constituents, as well as cadmium, chromium, and lead.

**c. Sites Ineligible for Funding**

The 29 Elm Street Site is not listed or proposed on the National Priorities List. The Site is not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA. The Site is not subject to the jurisdiction, custody, or control of the United States Government.

**d. Sites Requiring a Property – Specific Determination**

The site does not require a property specific determination because there are no planned or ongoing removal actions under CERCLA; no unilateral administrative order, court order or administrative order on consent has been issued or entered into.

**e. Environmental Assessment Required for Cleanup Proposal**

The applicant has a written American Society of Testing and Materials (ASTM) standard E1527-05 Phase I Environmental Site Assessment (ESA) and ASTM standard E1903-97 equivalent Phase II ESA reports that were prepared on the Town's behalf by the Merrimack Valley Planning Commission as part of their EPA Brownfields Assessment program, as summarized below:

1. Phase I Environmental Site Assessment, 29 Elm Street, Salisbury, Massachusetts. Prepared for: Merrimack Valley Planning Commission, Haverhill, Massachusetts. Prepared by: TRC Environmental Corporation, Lowell, Massachusetts. June 2007.

2. Phase II Site Investigation Summary Report, 29 Elm Street, Salisbury, Massachusetts. Prepared for: Merrimack Valley Planning Commission, Haverhill, Massachusetts. Prepared by: TRC Environmental Corporation, Lowell, Massachusetts. May 2008

An additional environmental Site investigation is on-going. The current project is being funded by MassDEP as part of their EPA Brownfields Assessment program.

### **Property Ownership Eligibility:**

#### **f. CERCLA 107 Liability**

The Town is not potentially liable for contamination at the 29 Elm St Site, under CERCLA 107 because the Town acquired the property involuntarily (CERCLA 101 (20)(D)) through foreclosure action due to tax arrearage and the lack of an extant owner.

#### **g. Enforcement Actions**

The Town knows of no ongoing or anticipated environmental enforcement actions related to the 29 Elm St. property.

#### **h. Information on Liability and Defenses/Protections**

##### **i. Information on Property Acquisition**

The Town acquired the site through foreclosure of real property taxes. The property deed was signed on March 2003 and was recorded at the Registry of Deeds in Salem, MA on June 2003 book 20949 page 123. The Final Judgment in Tax Lien Case and the Tax taking is included in attachment A. The site was previously owned by Robert Germinara who purchased the property in 2003 from Mary Chase who had owned the property since 1994. The Town has no familial, contractual, corporate or financial relationships or affiliations with the prior owners or operators of the property.

##### **ii. Timing and/or Contribution Toward Hazardous Substances Disposal**

All disposal of hazardous substances at the site occurred prior to the Town's acquisition. The Town has not caused or contributed to any releases at the Site. At no time has the Town arranged for the disposal of hazardous substances at or transported hazardous substances to the Site.

##### **iii. Pre-purchase Inquiry**

The Town acquired the site through tax foreclosure in March 2003. The only inquiries performed by the Town prior to acquisition were those involving the identification of property ownership. Phase I and Phase II Environmental Site assessments were conducted in 2007 and 2008, respectively, by TRC Environmental Corporation of Lowell, Massachusetts as part of the Merrimack Valley Planning Commission's EPA Brownfields Assessment program. The 2007 ASTM Phase I Environmental Site Assessment was also signed by a Qualified Environmental Professional, as defined in the ASTM E1527-05 standard.

##### **iv. Post-Acquisition Uses**

The Site has remained vacant and unused since acquisition by the Town. This site is part of the Towns Salisbury Square Target Area, which is the Town Square and properties surrounding the square that the town through its Master

Planning Process designated as a priority to encourage not only development of commercial uses but increased housing density. During the master planning process and more specifically, through the year spent specifically on the Salisbury Square Rezoning and Salisbury Square Residential Overlay district, this site was discussed at length regarding the need to clean it up and redevelop it in conjunction with the goals of the new zoning: encouraging uses compatible with a livable and walkable downtown and with the Railtrail system that is in close proximity to the site.

#### **v. Continuing Obligations**

The Town will provide access to and assist and cooperate with those performing the cleanup of the site; comply with all information requests and administrative subpoenas that have or may be issued in connection with the property; and provide all legally required notices.

#### **4. Clean Up Authority and Oversight Structure**

The Phase II Environmental Site Assessment conducted at the Site in 2008 indicated the presence of contaminants in Site soil at concentrations above MCP Reportable Concentrations. Therefore the Town reported Site contamination to MassDEP in December 2008, in accordance with the MCP. MassDEP assigned Release Tracking Number (RTN) 3-28202 to this Release Site at that time.

The Town will hire an environmental firm that employs an LSP to oversee the Site cleanup. With few exceptions, the LSP is the main cleanup authority for MCP Release Sites in Massachusetts. The Town and its subcontractor will conduct response actions at the Site in accordance with the requirements of the MCP. The firm will be selected through a competitive bid process following the Town's procurement procedures: a Request for Proposals (RFP) will be issued, proposals received in response to the RFP will be reviewed and rated, the three highest rated firms will be interviewed. The firm ranked highest after the interview process will be selected as the consultant. Should the Town be unable to negotiate an acceptable contract with highest ranked applicant, it will negotiate with the second highest ranked to secure a contract. In the event that the Town is unable to secure a consultant based on the first RFP process it will reissue and begin the process again. No clean up activities will occur on the site until a qualified environmental firm employing a Licensed Site Professional is engaged by the Town.

Data provided in the Phase II indicate that Site contamination may extend onto an abutting property. To ensure that we can access the property if needed, the Town has met with the owners of this abutting property. They have agreed to provide the Town access to conduct the cleanup, perform confirmation sampling or monitor off site migration of contamination. The letter confirming their agreement is attached. (attachment C)

## **5. Cost Share**

- a. The Town is seeking a hardship waiver of the cost share. (Attachment D)
- b. If the Hardship Cost share is not granted the town's 20% match will be met through in-kind services, and materials and equipment including providing clean soil for excavation backfill.

## **6. Community Notification**

The Town placed a notice in the Newburyport Daily News on October 1, 2009 announcing that the Town is applying for an EPA Brownfields Cleanup Grant for the 29 Elm St Property, that a draft application will be available for review and comment from October 1- October 9, 2009 and that a public meeting to provide information and to receive public comment on the application will be held on October 5, 2009 at the regularly scheduled Board of Selectmen's meeting at 7 PM in the Town Hall, 5 Beach Road, Salisbury, MA. A link to the draft was placed on the Town's Homepage on October 1, 2009. The draft application was placed in the Salisbury Library and Salisbury Town Hall for review.

Written comments from the public were received at the Office of Planning and Development. The Town's response to both public meeting and written comments were placed on the Town's Website via link on the planning page on Friday October 9, 2009.

Please find in Attachment E copies of the notices and press release, the notes and the sign-in sheet from the public meeting, a summary of the written comments received from the public, and the Town's response to both the public meeting and written comments.

## **RANKING CRITERIA**

### **1. Community Needs**

#### **a. Health, Welfare and Environment**

##### **i. Effects of Brownfields on Community:**

Brownfields have a significant impact on the Town of Salisbury. The most recent open space plan states "According to the MassGIS data, there are 12 brownfield sites located in Salisbury, with most of the sites running along the main roads of the Town. Chapter 21E is Massachusetts' cleanup law, which regulates how the cleanup is conducted, as well as the professionals that are allowed to conduct the cleanup. There are currently 10 sites that are considered to be Chapter 21E, also according to MassGIS" (Salisbury Open Space Plan April 2008). Environmental risk is a function of toxicity (the inherent property of a contaminant to cause harm), exposure (the frequency and magnitude of contact with a contaminant), and modifying factors present within the population of interest that can alter the expected response to a toxic material (cause a response in a population greater than predicted). Toxicity is dependent upon the chemical structure of the material, and though the toxicity of a material is inherent and unalterable, reductions in the quantity of toxic chemicals present at a given site will result in a proportionate reduction in risk. Toxic

chemicals of particular interest for this Site include polycyclic aromatic hydrocarbons (PAHs) and metals (e.g., antimony, arsenic, barium, cadmium, chromium, lead, nickel, and zinc). Of these compounds, some are known or suspected human carcinogens and potent developmental toxicants, produce specific organ system effects, and/or are suspected of causing or exacerbating asthma.

Ultimately, with the remediation and redevelopment of the brownfield site in Salisbury, the community will benefit by having the property returned to the tax rolls, protecting public health through remediation, and creating jobs for the long-term economic security of the Town. Brownfields redevelopment targets the entire Salisbury community, but particularly those people living in the downtown area and those living within close proximity to the brownfield property. Redevelopment of brownfields will also encourage investment by outside developers.

**ii. Health & Welfare of sensitive populations:**

Exposure to contaminants at this abandoned Site is expected to be relatively high due to the Site's proximity to residential properties and the uncontrolled access to children playing in neighboring yards or to trespassers. Observations of mounds in the ground surface extending beyond the Site property boundary indicate that Site contaminants may extend into neighboring residential parcels. While playing on Site, trespassers and neighborhood children could come into direct contact with the chemicals which can then enter the body by hand-to-mouth activity, passage through the skin, or inhaling dusts containing the chemicals.

In addition to toxicity and exposure, risk is also influenced by modifying factors associated with the high-risk populations of interest in Salisbury. Modifying factors that result in high-risk populations include differential sensitivity to chemical exposures based on age, sex, genetic variability, and pre-existing disease states. Exposure to carcinogens and developmental toxicants is particularly problematic for young populations (fetal, neonatal, and juvenile populations) due to the sensitive developmental stage of their organs systems, the build-up of body burdens with repeat exposure, and the length of time for effects to manifest over their remaining lifespan. Pregnant women are at increased risk of adverse effects from environmental chemicals due to the stresses of pregnancy already placed on the female body. Chemical stressors placed on a pregnant female will have obvious deleterious effects on the health of the developing fetus. According to statistics from the 2000 US Census, there are 2,033 (24.6%) people under the age of 20 living in Salisbury and 965 people over the age of 65 (11.7%), 9 babies were born with low birthrate (9.4%) and 10 (10.4%) babies were born to adolescent mothers, (Massachusetts Department of Public Health MassCHIP Health Status Indicators) these populations are also more sensitive to different environmental issues, including the contaminants found at this site.

**b. Financial Need**

**i. Economic Impact of Brownfields:**

Brownfields can have a negative image for a community. If there is a known brownfield, a developer may question whether there are additional "dirty" sites and may be

apprehensive to develop. Also, as this site was taken by the Town in tax-title, the Town has not been receiving tax income from this property since 2003.

## **ii. Limited Ability of Funding Cleanup:**

The Town of Salisbury, MA is currently going through a very difficult time financially. The Town has exhausted its effective taxing and borrowing capacity and is having financial hardships. In Spring 2008 the Town was forced to cut \$244, 000 from its budget due to the depressed economy, credit crunch and embattled real estate market. In Spring 2009, in order to balance the budget the town needed to lay-off three full time positions and reduce the hours of four more. Still the budget dwindles. It was announced on October 2, 2009 that an additional \$300,000 may need to be cut in this year's budget due to revenue shortfalls and new state cuts. With the school budget already set this will mean a direct impact on Police, Fire and the Department of Public Works, drastically decreasing the already understaffed departments.

- In Salisbury the Unemployment Rate in 2008 was 4.9% and most recent unemployment rate for 2009: 8.5% (mass.gov). This is comparative to 2008: 5.8% (US) and 5.3% (Massachusetts). Our Per-capita Income is \$21,608 (2000 Census) and 4.5% of families in Salisbury were below poverty level, with 302 homeless children and adults homeless in Salisbury, MA this year.
- As a coastal community the town has been hit by three local natural or other major disaster or emergencies since 2005. Severe flooding and flood damage was suffered in 2005, 2006 & 2007 and with that came the realization that rising sea levels threaten our low-lying coastal town. In 2005 and 2007, the tide gate at Town Creek washed out, flooding US Route 1 and nearby properties.
- Although, the Town is in a hard economic position, this project is important to us. The health and safety of our residents and natural resources are a priority.

## **2. Project Description and Feasibility of Success**

### **a. Project Description**

The cleanup of the 29 Elm Street Site would involve the removal and off-site disposal of contaminated soil and fill material. Data generated by soil sampling conducted during a 2008 Phase II Environmental Site Assessment on Site indicated two distinct areas of soil contamination:

- Area 1 – Concrete-lined pit: During the Phase II Site Assessment one test pit was completed within a concrete-lined pit in the central portion of the Site property. A soil sample collected from soil within the concrete-lined pit was analyzed for volatile organic compounds (VOCs), volatile petroleum hydrocarbons (VPH), extractable petroleum hydrocarbons (EPH), semi-volatile organic compounds (SVOCs), and Massachusetts Contingency Plan (MCP) metals. The results of laboratory analysis indicated that the soils within the concrete-lined pit are contaminated with petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs), and VOCs. The pit was also found to contain a crushed steel drum and wooden debris. This area is approximately 25'x25'x3' deep.
- Area 2 – Area of contaminated fill: Test pitting conducted during TRC's 2008 Phase II site assessment in the rear of the 29 Elm Street property uncovered areas

of buried waste materials from the site's past as a shoe manufacturing facility. Specifically, the test pits contained mats of shoe leather and fragments of glass bottles. Soil samples collected from this area were analyzed for VPH, EPH, SVOCs, and MCP metals. Laboratory analytical results indicate that soil in this area is contaminated with metals. Visual observations made during soil sampling activities indicated that buried waste materials and, likely, additional metals contamination extend to the south of the area investigated during the Phase II. The area of contaminated soil is estimated to be approximately 80-120 feet by 40-70 feet. Based on test pit logs maintained, the contaminated fill is expected to extend to approximately 3.5' to 5' below grade.

Soil will be excavated from these two areas in order to reduce contaminant concentrations and, thus, contaminant exposure risk. Following soil removal, post-excavation soil samples will be collected to assess post-remedial soil conditions. Excavations will be backfilled with certified clean fill to existing grades.

The Town's consultant and LSP will submit all appropriate plans, reports, and shipping documents to EPA and MassDEP. Such reports are expected to include an Analysis of Brownfields Cleanup Alternatives (ABCA), a Quality Assurance Project Plan (QAPP) Addendum, a Release Abatement Measure (RAM) Plan, and a Response Action Outcome (RAO) statement. The excavation remedy is intended to reduce Site contaminants to a level of "No Significant Risk" with respect to the MCP.

#### **b. Budget**

<b>Budget Categories</b>	<b>Project Tasks</b>					
(programmatic costs only)	Task 1: Cleanup - Soil Excavation, Transport and Disposal	Task 2: Remediation Plans (ABCA/ RAM/ QAPP)	Task 3: Completion/ Closure Reporting	Task 4: Community Involvement	Task 5: Eligible Program- related Activities	Total
Personnel					\$3,000	\$3,000
Fringe Benefits						
Travel						
Equipment						
Supplies						
Contractual	\$175,000	\$11,000	\$9,000	\$2,000		\$197,000
<b>Cleanup Grant Total</b>	<b>\$175,000</b>	<b>\$11,000</b>	<b>\$9,000</b>	<b>\$2,000</b>	<b>\$3,000</b>	<b>\$200,000</b>
Non-Government Match (0%)						0
Town Match (20%)	\$25,000	\$10,000		\$5,000	\$10,000	\$30,000
<b>Project Total</b>	<b>\$200,000</b>	<b>\$21,000</b>	<b>\$9,000</b>	<b>\$7,000</b>	<b>\$13,000</b>	<b>\$240,000</b>

Notes: 1 Travel to brownfields-related training conferences is an acceptable use of these grant funds.

2 EPA defines equipment as items that cost \$5,000 or more with a useful life of more than one year. Items costing less than \$5,000 are considered supplies

3 Applicants must comply with the procurement procedures contained in 40 CFR 31.36, or for non-profits, with 40 CFR 30.40 through 30.48.



### **Task 1: Cleanup – Soil Excavation, Transport, and Disposal**

The costs presented for Site Cleanup are based upon the project understanding presented above. Subtasks and their costs considered as part of site cleanup include:

- ✓ Excavation, transportation, and off-site disposal and/or recycling of approximately 1,250 tons of contaminated soil by the Town's sub-contractor, assuming:
  - Excavation of approximately 1,145 tons of soil and buried waste materials from the rear of the Site property.
  - Excavation of approximately 105 tons of soil and buried waste materials from the concrete-lined pit in the center of the property.
  - Loading and transportation of 1,250 tons of soil for transportation and disposal as remediation waste.
  - Mobilization of subcontractor's equipment to and from project property.
- ✓ Oversight and environmental monitoring of excavation activities by the Town's environmental consultant, assuming eight days of oversight.
- ✓ Preparation of Bills of Lading (BOLs) documents by the Town's LSP.
- ✓ Collection and analysis of post-excavation soil samples by the Town's environmental consultant and the consultant's laboratory.
- ✓ Collection of periodic waste characterization samples to comply with receiving facility requirements.

<b>Activity/Output</b>	<b>Cost</b>	<b>Basis</b>
Soil Excavation, Transportation, and Disposal	\$152,000	Assuming \$55/ton T&D; \$25/ton backfill; \$20,000 labor (\$2,500/day); \$1,500 mobilization; 10% contingency; 10% consultant markup
Confirmatory Soil Samples and Waste Characterization	\$12,600	Assuming 15 post-excavation samples for PAH and metals (\$5,400); 10 waste characterization samples (\$5,000); 10% contingency; 10% consultant markup
Subcontractor Oversight	\$8,000	Assuming \$1,000/day for consultant labor
Shipping Documentation	\$2,400	Assuming \$300/day for LSP to prepare BOLs

### **Task 2: Remediation Plans**

The costs presented for Remediation Plans include the preparation of plans required by EPA and MassDEP. EPA-required documentation will include an Analysis of Brownfields Cleanup Alternatives (ABCA) and a Quality Assurance Project Plan (QAPP).

The Town's environmental consultant will prepare an ABCA analyzing at least three remediation alternatives for the project property that includes potential costs and benefits for each alternative and identifies the selected remedial option.

A QAPP will also be prepared that outlines quality assurance and quality control procedures to be taken during sample collection and analysis.

Additionally the Town's LSP will prepare a Release Abatement Measure (RAM) Plan for submittal to MassDEP prior to the commencement of Site cleanup. The RAM Plan will describe the areas and volumes of soil excavation, soil transportation and disposal procedures, and soil sampling protocol.

Activity/Output	Cost	Basis
ABCA	\$2,200	Labor assumptions from Brownfields Consultant
QAPP	\$3,800	Labor assumptions from Brownfields Consultant
RAM Plan	\$5,000	Labor assumptions from Brownfields Consultant

### **Task 3: Completion/Closure Reporting**

Following the completion of cleanup activities the Town's LSP will prepare a Response Action Outcome (RAO) statement outlining Site cleanup, the results of post-excavation sampling, and post-remediation risk characterization.

The cleanup of the Site may require filing an AUL, as discussed above; however, the cleanup approach is intended to reach Site closure without the need for an AUL. If an AUL will be required to reach regulatory completion, the soil excavation volumes will be altered to accommodate for the additional funds necessary to prepare the AUL.

Activity/Output	Cost	Basis
RAO	\$9,000	Labor assumptions from Brownfields Consultant, including Risk Characterization, data management, and document preparation

### **Task 4: Community Involvement**

The Community involvement portion of the project will include a public kick-off meeting to be held at the Town Hall and another public meeting to be held at the completion of the project. The Town will furnish Spanish translation services, if necessary.

Activity/Output	Cost	Basis
Public Meetings	\$2,000	Attendance of two 4-hour public meetings by consultant's LSP and/or Project Manager

### **Task 5: Eligible Program Related Activities**

Eligible Program Related Activities include quarterly project reports and close out reports to be prepared and submitted to EPA.

*Town 20% Match:* The Town intends to provide the 20% match through supplying materials, equipment, and in-kind services with a value of \$40,000. It is the Town's intention to provide clean backfill following soil excavation activities. Further, the Town intends to provide haybales and silt fencing for erosion control and educational handouts outlining Site cleanup activities. Additionally, the Town will bear the costs of regulatory compliance fees associated with this project.

*Cost/Share and Leveraging*

Additional work may be required to complete Site cleanup if conditions vary greatly from those observed during the 2008 Phase II conducted on Site. The Town has identified that it will need to go to town meeting and ask the residents to obtain additional funds up to \$10,000 to complete regulatory closure, if required.

Prior to the commencement of Site cleanup, if additional Site assessment is warranted to enhance knowledge of the extent of contaminated soils extending off Site, the Town will reach out to the Merrimack Valley Planning Commission for additional funding under their existing hazardous materials assessment grant. MVPC has expressed an interest in assisting the Town, should additional monies be required.

**c. Programmatic Capability**

**i. Former EPA Grants**

The Town has worked closely with the Merrimack Valley Planning Commission (MVPC) over the last two years on Brownfields Site Assessment. MVPC has supported the Town by funding both the ASTM Phase I and Phase II Environmental Site Assessments at 29 Elm Street. An EPA-approved Quality Assurance Project Plan (QAPP) was approved on April 2008. MVPC has successfully managed four EPA Brownfields grants and is currently managing three more. As a member community, MVPC's wealth of experience in EPA Brownfields will be available to the Town.

**ii. No Former EPA Brownfield Grant**

The Town of Salisbury worked with Merrimack Valley Planning Commission on the EPA the ASTM Phase I and Phase II Environmental Site Assessments at 29 Elm Street and successfully completed all of the required reporting requirements including meeting and complying with reporting requirements, submitting final acceptable reports and additional reporting .

This experience coupled with the Town of Salisbury's extensive experience with management and performance of agreement including meeting all technical reporting requirements and achieving the intended goals of several successful projects.

The last five grants that the Town of Salisbury has received and managed by the Department of Planning and Development have included: a \$2.8 million 2008/2009 MORE Grant Construction of Water and Sewer for the Salisbury Industrial Park Sewer Project, FY09 \$724,000 Community Development Block Grant from the Department of Housing and Community Development, FY08 \$679,073 Community Development Block Grant from the Department of Housing and Community Development, \$50,000 2008 Recreational Trails Grant from the Department of Conservation and Recreation, and FY06 \$438,000 Community Development Block Grant from the Department of Housing and Community Development. Each of these grants have extensive reporting requirements and the Department of Planning and Development has met all of these requirements and successfully closed out the

Recreational Trails Grant and FY2006 CDBG grant on time and on budget. The remaining three are still active but on schedule and in compliance. Two of them will be completed by the end of the year.

### **OVERALL MANAGEMENT STRUCTURE**

The Board of Selectmen, through the Town Manager, is responsible for the EPA Grant on behalf of the Town of Salisbury, which will administer this project with local staff. The Director of Planning and Development will be responsible for review and approval on all reporting requirement. She will ensure that the program complies with the implementation schedule through regular monthly meetings with the administrative staff. The Director of Planning and Development has over 10 years of experience managing similar grant programs successfully. Supporting members of the Salisbury Office of Planning and Development are in place and are prepared to immediately implement the proposed project upon award from EPA. If the Director were to leave, the Town has procedures in place to successfully hire her replacement. During that absence the Department has a qualified Project manager in place with over seven years of experience managing CDBG grants.

The Planning Director and the Program Manager are full-time Town employees. They will oversee the proper procurement of a consultant and LSP who will submit all appropriate plans, reports, and shipping documents to EPA and MassDEP. Such reports are expected to include an Analysis of Brownfields Cleanup Alternatives (ABCA), a Quality Assurance Project Plan (QAPP) Addendum, a Release Abatement Measure (RAM) Plan, and a Response Action Outcome (RAO) statement. This will be done through a proper bid process. The Planning Director has conducted over six bid processes in the last twelve months.

#### **Adverse Audit Findings:**

The Town has NOT had any adverse audit findings from an OMB audit, or any other audit.

### **3. Community Engagement and Partnerships**

#### **a. Plan for involving the affected community**

The Residents of the Town of Salisbury are the primary stakeholders in the plan for the cleanup and reuse planning for this site. The Town has and will continue to keep the target community informed of the progress of the project with particular attention given to abutting residents. Additional reuse planning discussions will be part of the Public meetings set to discuss this project. The Town discussed this Site at length during its 1 ½ year master planning process including over twenty one public meetings. It was also a topic of discussion during the six months of research and public meetings that occurred during the rezoning of the area and it continues to be important to the residents of the community. The Chamber of Commerce, the Boys and Girls Club of the Lower Merrimack Valley and the Council on Aging all have been partners with the town on this project. The site has been an eyesore to the community for years. The Chamber has been working with the Department of Planning and Development on the planned reuse of the site. They believe that this site is a prime commercial opportunity for the Town and what to assist the commercial abutters with finding a compatible use. The Boys and Girls Club and the Council of Aging are both located within close proximity to the site and are

concerned with the health and safety of the site. They have expressed an interest in providing whatever support they can over the last several years whether it is public outreach, posting flyers of meetings, informational handouts for the safety of their members or simply providing meeting space. These community connections have been instrumental in making sure the community and neighborhood are aware what the town is doing in regards to this project.

The Town has worked with our regional Planning Commission, Merrimack Valley Planning Commission since the town took the property and it came to our attention that the site may be a Brownfield's site. MVPC successfully received EPA assessment grant funds and was able to work with Salisbury on the assessment of this site. Regionally Brownfields restoration is a priority of the Planning Commission and MVPC continues to actively support the Town of Salisbury's efforts to clean up and reclaim contaminated properties. The town held public meetings as a part of the outreach for the assessment grants including a Public Hearing on April 2, 2008 with the Conservation Commission. On October 5, 2009 the Department of Planning and Development at the Board of Selectmen's meeting held a public meeting to discuss the draft of this project. This meeting was televised and aired live and also rerun by our local cable station, to ensure that as many people as possible had an opportunity to comment on the draft. (attachment E)

The Outreach program throughout the clean up process will be multi-media including holding public meetings, website information updates, informational literature, newspaper articles, and televised meetings. Information will be provided through mail to the neighborhood and our nonprofit partners. The methods used will include basic project information presented in a concise, non technical language understandable by a broad audience. Translators will be present at meetings if necessary. Press releases and public notices will be developed to inform the community about dates, location and agendas of upcoming meetings and will provide project updates. Public informational meetings will be scheduled before during and at the completion of the cleanup project within the neighborhood and will be presented by the Planning Director with help of our environmental consultant.

#### **b. Efforts and/or plans to develop partnerships with other stakeholders**

The Town of Salisbury has developed partnerships with the EPA and MassDEP through the Town's recent assessment process. These partners have been an important addition to the existing partnerships with Merrimack Valley Planning Commission, The Salisbury Chamber of Commerce, the Council of Aging, the Boys and Girls Club of the Lower Merrimack Valley.

Our membership in the Merrimack Valley Planning Commission will prove to be critical during this process. They have had great success with other EPA grants and they are familiar with our project and can offer us additional assistance on assessment of the surrounding property.

The Town of Salisbury Conservation Commission, Board of Health and the Massachusetts Department of Environmental Protection are also going to prove to be key partners in this project. We are currently working with MassDEP on additional assessment work and are committed to this project. The Town of Salisbury Conservation Commission and Board of Health work closely with the Planning Department and are excited that the Town is finally able

to clean up this site. The Conservation Commission and Board of Health are aware of the Phase I and Phase II assessment results and are looking forward to seeing the site restored.

**c. Community based organizations involved in project (attachment F)**

Salisbury Chamber of Commerce- this is a local chamber that works closely with the Department of Planning and Development and supports the business community in the town. The collaboration with the Chamber on this project will help the town with informing the business community of our clean up efforts and greatly assist us with the reuse of the site. The business community has for years looked to see this eyesore cleaned up and put back into active use. They believe that this project will help the entire business community.

The Boys and Girls Club of the Lower Merrimack Valley- is located approximately 1/8 of a mile from the site. It has for years been seen as a danger in the neighborhood, particularly from the club. They have supported the town in its efforts to foreclose on the property from the delinquent prior owner and are excited to see the parcel taken care of. They are happy with a new commercial use and would also like to see a use that would be compatible with a walkable downtown and the newly completed railtrail that is close to the site.

The Council of Aging- is located approximately 1/2 a mile from the site. It has for years been seen as a danger in the neighborhood. The council is active in supporting projects that are seen as a health and safety risk to the seniors. They have supported the town in its efforts to foreclose on the property from the delinquent prior owner and are excited to see the parcel taken care of. The seniors are excited to see Salisbury Square return to a walkable downtown and believe that this parcel is key to the entrance of the square and its redevelopment along with the towns rezoning and master planning efforts will go a long way to accomplishing this.

**4. Project Benefit**

**a. Welfare and Public Health**

Once we have remediated and redeveloped this site, this project will no longer provide environmental and health hazards to the residents of Salisbury or our natural resources. It is our intention to redevelop this site and create a project that is consistent with our master plan and the entrance to our Salisbury Square. The rear of the site is also in close proximity to our railtrail, and we have been in conversations with other abutters about possibly extending the railtrail to connect with the square utilizing this property and the connection.

Throughout the history of this site the Conservation Commission and the Board of Health have been involved with concerns from abutters. This site is in the wetlands protection district. Removing the hazard from that wetland will greatly improve the quality of the wetlands in that area, thus improving the groundwater and surface water on the site.

Visitors to the site will be protected from the harmful health affects of the site contaminants once the soil excavation and removal is completed. Currently, the soil contaminated with petroleum hydrocarbons, PAHs, heavy metals and VOCs. Removing the contaminated soil also mitigates

the potential for leaching into the groundwater and into the nearby surface water and sediment of Town Creek.

The local residents and greater community will be protected during the Site's clean up through many engineering and institutional site controls. During remedial activities on the site, the property will be fenced and signed appropriately to alert people of the hazardous materials present on the property. Additionally, air monitoring for dust and airborne particles will be conducted during soil excavation activities. Erosion Control, such as hay bales and silt fencing, as approved by the Conservation Commission and MassDEP will be installed prior to any remediation work to prevent off-site migration of contaminants and to prevent the migration of contaminated soils into the wetlands that abut the site. Additionally educational materials will be supplied at the site, in the Conservation Department and the health department that explains the site cleanup and the proposed work to be done.

#### **b. Economic Benefit and Greenspaces**

- i. The economic benefit to this site is great. It is currently a site that the Town took in tax title and therefore is no longer on the tax rolls. The redevelopment of this site into a commercial site with connection to our railtrail will bring commercial growth to the Town when we are in desperate need for new growth and add a beneficial safe connection to the railtrail. This Site being developed in to a commercial use will allow for more job creation in the Town as well.
- ii. The rear of this site is contaminated and the contaminants have the potential to leach into the ground water. The cleaning up of this site will benefit the environment by getting rid of this hazard. Another non economic benefit will be education gained by the residents of the town and specifically through the partnerships with the seniors and the boys and girls club. The Town will be having informational meetings with our partners and any other interested residents about the brownfields assessment and clean up. A commercial development in the downtown will allow for more walkability, including to the railtrail.

#### **c. Environmental Benefits from Infrastructure reuse/ Sustainable reuse:**

The project site is located along Elm St (Route 110), an existing road in an area with existing infrastructure, which connects Salisbury's downtown to Interstate 95. This site has been a blighted property for years and has not brought tax revenue to the town since 1997. It is a prime commercial site that would be easily developed even in the existing economy due to its proximity to the Salisbury square and the constant traffic flow in front of the site. The development of this site after the cleanup will allow for infill development in the Town's downtown area, utilizing existing infrastructure, development is encouraged in the downtown area, allowing undeveloped and more rural areas of Town to remain as such.

The project will work closely with the Conservation Commission, MassDEP and the Board of Health. The Project clean up plan will consider all environmental effects of the possible remedies and incorporate the options that most maximize the benefit to the environment.

Significant care will be made in reducing the impacts to the ecosystem and land when choosing the best cleanup strategy. The site will be stabilized by haybales and silt fences to ensure protection of the resource.

**d. Plan for Tracking and Measuring Progress**

The key output of this grant is the cleanup of the former Shoe factory site, making it safe and ready for reuse. Progress will be tracked using a Work Plan that will be developed and submitted to the EPA and via quarterly Reports and updated ACRES property profile forms. The clean up will be documented by a remedial action report, including an Analysis of Brownfields Cleanup alternatives (ABCA), which will describe the remediation in detail. This clean up report will also be made available to the public for review and comments in accordance with the community relations plan and status reports.