



## Memorandum

**Date:** June 26, 2019

**To:** Christopher Smith, Remedial Project Manager, EPA Region 1  
Sarah White, Community Involvement Coordinator, EPA Region 1  
Joe LeMay, Reuse Coordinator, EPA Region 1

**From:** Matt Robbie, Skeo  
Haley Gannon, Skeo  
Miranda Maupin, Skeo

**Re:** Nuclear Metals, Inc. Site – June 20, 2019 Reuse Committee Meeting

## Overview

EPA Region 1 and the Superfund Redevelopment Initiative (SRI) are sponsoring a reuse assessment for the Nuclear Metals, Inc. (NMI) site. The purpose of this reuse support is to assist local stakeholders in planning for future land use, redevelopment, property ownership and long-term stewardship at the site. EPA has requested support from consultants Skeo to work with EPA's site team, the potentially responsible party (PRP) group, project coordinator (de maximis, inc. ), town of Concord staff, and the appointed Nuclear Metals/Starmet Reuse Planning Committee to assist stakeholders in developing reuse planning recommendations to inform the remedial design and remedial action stages of cleanup at the NMI site.

On June 20, 2019, EPA, PRP representatives and the NMI reuse committee held a meeting from 6 pm to 8pm at 2229 Main Street, Concord, Massachusetts. The purpose of the meeting was to tour the NMI site property, convene the town of Concord's (the Town's) first reuse committee meeting, and to share site background and site reuse considerations in preparation for future stakeholder engagement and input.

This memorandum summarizes background and remedial status of the NMI site, summarizes key discussion points from the June 20 reuse committee meeting, and outlines local stakeholder coordination and engagement activities that the Town's reuse committee plans to undertake, along with planned SRI reuse planning assistance. A list of meeting participants is included below. Meeting materials are included in Attachments A and B

## Participants

Paul Boehm, Nuclear Metals/Starmet Reuse Planning Committee

Gary Kleiman, Nuclear Metals/Starmet Reuse Planning Committee



Steve Ng, Nuclear Metals/Starmet Reuse Planning Committee (member of committee but unable to attend this first meeting)

Pam Rockwell, Nuclear Metals/Starmet Reuse Planning Committee

Karl Seidman, Nuclear Metals/Starmet Reuse Planning Committee

Andrew Boardman, Nuclear Metals/Starmet Reuse Planning Committee

James Burns, Nuclear Metals/Starmet Reuse Planning Committee

Bruce Thompson, de maximis, inc.

Nathan Hunt, de maximis, inc.

Nicholas Carabillo, de maximis, inc.

Jim Leonord, de maximis, inc.

Sarah White, EPA

Christopher Smith, EPA

Garry Waldeck, Massachusetts Department of Environmental Protection

Andy Schkuta, AECOM

Marcia Rasmussen, Town of Concord

Linda Escobedo, Concord Select Board

Matt Robbie, Skeo

Haley Gannon, Skeo

## Site Background

At the NMI site, several private defense contractors operated a specialty metals research and production facility from 1958 until 2011. Initially, Textron, Inc. and Whittaker produced ordnance for various U.S. Department of Defense agencies from 1958 until 1972. Company employees then assumed ownership of the property and production facility, operating as Nuclear Metals, Inc., and began producing depleted uranium (DU) ordnance products, such as armor penetrators, for the U.S. Army. Facility operations and DU handling and disposal practices resulted in contamination of the facility's production building, equipment and certain site soil, sediment and groundwater resources. DU production at the facility ceased in 1997, and the company re-organized as the Starmet Corporation (Starmet), shifting manufacturing to the production of beryllium alloy components.

Starmet completed interim cleanup actions overseen by the Massachusetts Department of Public Health Radiation Control Program in 1998. EPA listed the site on the National Priorities List (NPL) in 2001. Starmet permanently abandoned the facility in 2011. Since then, EPA has overseen a group of PRPs (PRP group) in performing response actions and remedial activities at the site.



## Superfund Context

Under EPA's oversight, the PRP group has completed investigation and two removal actions:

- Building demolition was completed as part of a non-time critical removal action.
- A groundwater extraction and treatment system was installed as part of a separate non-time critical removal action; ex-situ groundwater treatment is ongoing.

EPA issued a Record of Decision (ROD) in September 2015 and has worked with the PRP group and federal agencies to establish agreements as part of proposed Consent Decree for remedial design and remedial action work at the site. The ROD and anticipated settlement agreements require the following future response actions:

- Site-wide soil and sediment remediation.
- Holding Basin Area soil consolidation and containment.
- Groundwater extraction and treatment system operation for continued ex-situ remediation.
- In-situ remediation of on-property Groundwater

Administrative procedures necessary to finalize the Consent Decree are ongoing. The Consent Decree requires approval by the U.S. Department of Justice. Federal District Court then lodges the Consent Decree, which initiates a minimum 30-day public comment period. After the public comment period, the Federal District Court approves the Consent Decree. EPA and PRP group representatives are confident that the Consent Decree is a strong document, which when finalized, will provide great certainty in guiding the remaining cleanup activities for the agencies, local government and stakeholders.

## Site Tour

Meeting participants met at the NMI site trailer at 6pm for a 30-minute walking tour of the 2229 Main Street property. Chris Smith, EPA's Remedial Project Manager for the NMI site welcomed participants, and Bruce Thompson with de maximis, inc., project coordinator for the PRP group, led participants on a walking tour. Mr. Thompson oriented participants to the following major features at the site.

- Former Building Areas
- Cooling Water Recharge Pond
- Holding Basin
- Former Landfill Area
- Sphagnum Bog
- Forested areas in northeastern corner of property

After the tour, participants reconvened at the site trailer for 90-minute reuse discussion. Matt Robbie with Skeo presented an overview of the NMI site, along with maps of surrounding community context, land uses, and site features. Materials in the presentation help to clarify a series of key land use trends, potential reuse options and reuse suitability zones. These are summarized below followed by participants discussions and agreements.

## Key Reuse Considerations

Skeo’s reuse suitability presentation highlighted the key factors outlined below.

- The NMI Site could potentially provide 15-acres of developable land in three development footprints. Development areas could be suitable for a range of residential, commercial, light-industrial or mixed-use development types.
- An additional 25+ acres of open space at the Site may accommodate limited additional development potential and offers flexibility to accommodate trails or site access, forest, wetland and wildlife habitat. These areas offer potential to provide future stormwater drainage features and to help meet open space and wetland buffer requirements.
- In the near term, stakeholder remedial design input can help EPA and de maximis evaluate options for site backfill, regrading and surface cover for future development areas, drainage features and open space access.
- In the long-term, future use and redevelopment options at the site will be determined based on local planning processes, and likely future property owner priorities. However, the property is tax-delinquent and generally considered to have been abandoned by owner of record Starmet.
- Due to previous response actions, outstanding mortgage debt and unpaid taxes, significant financial encumbrances need to be resolved prior transfer and redevelopment. Federal enforcement liens are to be considered as part of the anticipated Consent Decree. Additional title encumbrances would need to be resolved as part of any future ownership transfer and will likely involve potentially responsible parties, government agencies, Town of Concord and future owners.
- The Town of Concord’s role in the Site property transfer and future ownership may vary depending on the property’s future use scenarios and municipal priorities.

### 2229 Main Street Property Lien Status\*

Property Encumbrances*	Lien Holder	Date Issued	Amount
Mortgage**	Atlantic Savings Bank	10/2/1974	\$1,225,000.00
Mortgage	The Massachusetts Industrial Finance Agency, State Street Bank and Trust Company	11/15/1983	\$4,062,000.00

<b>Mortgage</b>	The Industrial Finance Agency, State Street Bank and Trust Company	6/27/1985	\$1,000,000.00
<b>Mortgage</b>	Citizens Bank of Massachusetts	9/3/2001	\$9,700,000.00
<b>Federal Tax Lien</b>	The United States Department of the Treasurer Internal Revenue Service	5/4/2005	\$8,336.02
<b>USDOJ Lien</b>	United States Department of Justice - Environmental Enforcement Section	9/29/2009	\$23,100,000.00
<b>Tax Liens</b>	The Town of Concord Office of the Collector of Taxes	7/14/2010	\$335,755.23

\* Property encumbrance types, lien holders, dates and amounts sourced from Title Report dated 4/7/2011

\*\*Note: A 2011 title report clarifies that the 1974 mortgage lien is unenforceable, because it is over 35 years old and has not been extended on the record.

## Discussion

Members of the reuse committee discussed several topics related to land use and real estate, property ownership and redevelopment suitability at the site.

- There will be use restrictions on portions of the site (e.g., restricted construction on top of the capped holding basin, preventing use of groundwater on-site), but the whole site will be remediated.
- Participants discussed site and property boundaries related to remediation and reuse. Superfund sites are not defined by real property boundaries (property parcel boundaries). What defines the site is the extent of contamination. If contamination is found off-property, party performing cleanup will ask that property owner for access in order to remediate that portion of the site.
- The town-owned right of way that abuts the southern portion of the site was created during the construction of Forest Ridge Road. The buffer between the NMI site and the existing residences was intentional. Forest Ridge Road is a private road, and there is an express limitation as part of the conditions for building the subdivision that Forest Ridge Road would not connect to the NMI site.
- Committee members noted several map changes that would be helpful. The items below were addressed in an updated reuse suitability zones map. There is a substation that should be noted to the southwest of the Concord municipal boundary. On the reuse zones map, Skeo should label

Cranberry Lane, Thoreau Hills, Minuteman Arc and Valley Sports. Zone C (Open Space – Habitat/Buffer), which is currently one area, should perhaps be subdivided into Zones C1, C2 and C3. There are parts of Zone C that could be feasible for building structures. While Zone C does contain ravines, perhaps developers might still be interested in that land, as it also contains relatively flat areas. Skeo will update the reuse zones map and send the map and the presentation to the Town, ideally within the week of June 24.

- Participants discussed the property’s zoning. There are two types of limited industrial parks in Concord, both of which are located in the area of this property. While both districts allow residential uses by special permit, one allows residential use through the Planned Residential Development bylaw or combined industrial/business/residential use section; the other requires use of the Alternative PRD, which requires approval at Town Meeting in addition to the special permit.
- Participants have considered that eventually the Town may take ownership of the property. Some felt that reuse options may have strong influence over ownership but others noted that regardless of who owns the site, it is possible to look into reuse options without assuming that the Town will own it.
- EPA and de maximis, inc. explained that the excavation depth map shown in the presentation represents an estimate. It is likely that actual excavation will be different from what is shown in the map (likely more than what is shown).
- Participants asked if developers level the steeper portions of the site, if they chose to take on the cost of doing so? Developers may explore those options. Reuse zones generated by Skeo are based on an as-is analysis of the site that assumes certain physical limitations are key feasibility factors. Additional input and discussion may be needed to determine the range of site work and regrading that various land uses and development types require.

#### *Reuse Committee Future Activities*

Following the reuse suitability discussion, participants discussed the committee’s role and future steps the members would recommend.

- The purpose of the 2229 Street reuse committee is to look at potential uses, not decide on ownership.
- The committee could come up with potential categories for use, starting with the 12 to 13 uses outlined in the appendix of the Concord Comprehensive Long Range Plan (2018).
- The committee could send members to interface with other community groups and committees and have them report back. The committee’s goal is to gather stakeholder input. Stakeholders may include committees, boards and commissions, community groups, or other groups with a stake in the site’s use.
- Marcia has a list of community groups (such as Sustainable Business Partnerships, Concord Business Partnership, Concord Can, Minuteman Arc), which she will provide to the committee. Skeo offered to create a handout that the committee could bring before stakeholders for ease of communication. The committee will send the list of potential use categories to Skeo following their first meeting.



- The committee's long-term goal for the site is to ultimately not cost the town a penny and to look for third parties with good leasing terms. The committee agrees however, that it is too early to approach third parties. Skeo and the committee plan to hold a public open house meeting for community input, which will likely take place in late September or early October. Marcia agreed to send a Doodle poll to schedule the first three months of committee meetings.
- De maximis, inc. offered to provide information or site tours to other interested committees who might want to see the site.

## Next Steps

### Town Committee Process

The reuse committee plans to hold several stakeholder meetings during August 2019. The committee suggested there may be some additional information that Skeo could provide to assist with these meetings. Skeo could potentially prepare a short handout with map, key project information and reuse considerations.

### SRI Reuse Support

Based on discussions to date, Skeo is prepared to provide targeted support to the reuse committee, develop and refine meeting materials and provide facilitation for a community meeting. Coordination among Town, EPA and Skeo may be needed in the next few months to ensure that planned activities are in line with reuse needs of the committee and the site team.

### Anticipated Activities

- **Coordination Calls with Town Staff and EPA** – Skeo will coordinate and convene calls at dates to be determined July-August 2019.
- **Handout for committee use** – create a handout that the committee can use to reach out to other potential stakeholders and committees within Concord.
- **Host open house** – facilitate a Friday morning open house for input on possible site uses, likely in September or October 2019.