

Form 1075

Note: Pursuant to 310 CMR 40.1074(5), upon transfer of any interest in or a right to use the property or a portion thereof that is subject to this Notice of Activity and Use Limitation, the Notice of Activity and Use Limitation shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer. Within 30 days of so incorporating the Notice of Activity and Use Limitation in a deed that is recorded or registered, a copy of such deed shall be submitted to the Department of Environmental Protection.

NOTICE OF ACTIVITY AND USE LIMITATION

M.G.L. c. 21E, § 6 and 310 CMR 40.0000

Disposal Site Name: Kiley Barrel FMR; Union Square D2 Block: Lot 5  
DEP Release Tracking No.(s): RTN 3-02849

This Notice of Activity and Use Limitation ("Notice") is made as of this \_\_\_\_ day of \_\_\_\_\_, 2025, by Somerville Redevelopment Authority, 93 Highland Avenue, Somerville, Massachusetts 02143, together with its successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, Somerville Redevelopment Authority, is the owner in fee simple of that certain parcel of vacant land located in Somerville, Middlesex County, Massachusetts, pursuant to an Order of Taking recorded with the Middlesex County South District Registry of Deeds in Book 73820, Page 162;

WHEREAS, said parcel of land, which is more particularly bounded and described in Exhibit A, attached hereto and made a part hereof ("Property") is subject to this Notice of Activity and Use Limitation. The Property is shown on a plan recorded in the Middlesex County South District Registry of Deeds as Plan No. 881 of 2020;

WHEREAS, the Property comprises part of a disposal site as the result of a release of oil and/or hazardous material.

Exhibit B is a sketch plan showing the relationship of the Property subject to this Notice of Activity and Use Limitation to the boundaries of said disposal site existing within the limits of the Property and to the extent such boundaries have been established, and the location of

any Engineered Barriers, permanent caps, Active Exposure Pathway Mitigation Measures or other barriers or systems subject to the provisions of this Notice of Activity and Use Limitation. Exhibit B is attached hereto and made a part hereof;

WHEREAS, one or more response actions have been selected for the Portion of the Disposal Site in accordance with M.G.L. c. 21E ("Chapter 21E") and the Massachusetts Contingency Plan, 310 CMR 40.0000 ("MCP"). Said response actions are based upon (a) the restriction of human access to and contact with oil and/or hazardous material in soil and/or groundwater and/or (b) the restriction of certain activities occurring in, on, through, over or under the Property. A description of the basis for such restrictions, and the oil and/or hazardous material release event or site history that resulted in the contaminated media subject to the Notice of Activity and Use Limitation is attached hereto as Exhibit C and made a part hereof; and

WHEREAS, attached hereto as Exhibit D pursuant to 310 CMR 40.1074(2)(c) is documentation consistent with conveyancing standards and practices verifying that the individual signing this Notice of Activity and Use Limitation has the authority to sign such document;

NOW, THEREFORE, notice is hereby given that the activity and use limitations set forth in this Notice of Activity and Use Limitation are as follows:

1. Activities and Uses Consistent with Maintaining No Significant Risk Conditions. The following Activities and Uses are consistent with maintaining a Permanent Solution and a condition of No Significant Risk and, as such, may occur on the Property pursuant to 310 CMR 40.0000:

- (i) Multi-family residential use limited to managed residential use (e.g., condominiums, apartments) where individual home/unit owners and/or tenants do not perform subsurface gardening/landscaping outside of designated planting areas constructed with clean soil; commercial activities and uses, including without limitation retail, office, laboratory, warehouse, fitness center, hotel and restaurant uses; industrial activities and uses; and other associated and/or accessory activities and uses, including, but not limited to, outdoor seating, vehicular parking and pedestrian and vehicular traffic, provided that all activities and uses in this Paragraph 1(i) are subject to Paragraphs 3(i), 3(ii), and 3(iii) of this Notice;
- (ii) Use as a school, daycare, nursery school, playground, park, or recreational area subject to Paragraphs 3(i), 3(ii), 3(iii) and 3(iv) of this Notice;
- (iii) Maintenance activities, and landscaping utility repair(s) when such activities occur above the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice (e.g., when such activities in landscaped areas do not disturb soils located more than three feet below ground surface);
- (iv) Emergency repair of underground utilities;

(v) Construction activities likely to disturb the soils located below the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice, provided any such activity is conducted in accordance with a Soil Management Plan and a Health and Safety Plan prepared and implemented in accordance with Paragraphs 3(v) and 3(vi) of this Notice prior to the commencement of such activity;

(vi) Such other activities or uses which, in the Opinion of a Licensed Site Professional, shall present no greater risk of harm to health, safety, public welfare or the environment than the activities and uses set forth in this Paragraph; and

(vii) Such other activities and uses not identified in Paragraph 2 as being Activities and Uses Inconsistent with maintaining No Significant Risk Conditions.

2. Activities and Uses Inconsistent with Maintaining No Significant Risk Conditions.  
The following Activities and Uses are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk pursuant to 310 CMR 40.0000, and, as such, may not occur on the Property:

(i) Use as a single-family residence;

(ii) Use of the Property for agricultural purposes, where subsurface soil is used for growing fruits or vegetables for human consumption;

(iii) Any activity, other than emergency utility repairs or activities that do not extend below the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice, including but not limited to excavation, which is likely to disturb soil located below the bottom of the protective barrier without the prior development and implementation of a Soil Management Plan and a Health and Safety Plan in accordance with Paragraphs 3(v) and 3(vi) of this Notice;

(iv) Any activities at the Property that result in the removal of the protective barrier described in Paragraph 3(ii) of this Notice which are not followed by repair of the protective barrier or replacement with another protective barrier that meets the requirements of Paragraph 3(ii);

(v) Relocation of soil located below the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice from within the Property to a location outside the Property unless such activity is first evaluated by an LSP who renders an Opinion which states that such relocation is consistent with the MCP; and

(vi) Any uses/activities that interfere with or compromise a vapor mitigation measure described in Paragraph 3(i) of this Notice without restoration of the vapor

mitigation measure and demonstration, to the satisfaction of an LSP, that the restoration of the vapor mitigation measure was effective.

3. Obligations and Conditions. The following obligations and/or conditions are necessary and shall be undertaken and/or maintained at the Property to maintain a Permanent Solution and a condition of No Significant Risk:

(i) If any portion of a building intended for regular occupancy is constructed at the Property, the party constructing the building must either (a) include in their design measures approved by an LSP to control potential vapor migration (including, without limitation, designs that include an open air ground level garage), or (b) have an evaluation conducted by an LSP who renders an Opinion which concludes that a condition of No Significant Risk, as defined in the MCP, has been achieved for building occupants without including in the design measures to control potential vapor migration;

(ii) All soil subject to permitted uses described in Paragraphs 1(i) and 1(ii) of this Notice must be covered by a protective barrier approved by an LSP and the U.S. Environmental Protection Agency (US EPA). The protective barrier must be one or more of the following: building foundation, pavement, and/or concrete with associated clean base-course and/or clean soil layer (minimum 3-foot thickness) or landscaped area with a clean soil layer (minimum 3 foot thickness). The locations of the protective barriers installed at the Property are shown on Exhibit B-1;

(iii) The protective barrier described in Paragraph 3(ii) of this Notice must be maintained. The protective barrier may be removed for construction or utility activities undertaken in accordance with Paragraph 1(iv) or 1(v) of this Notice. Following the completion of any such construction or utility activity, a protective barrier of similar protective value must be promptly reinstalled and maintained;

(iv) Any portion of a building intended for use as a school, daycare, nursery school, or playground must be located above a lower building level, ground floor, or open air space (e.g., a crawl space, parking garage, or similar open air space);

(v) A Soil Management Plan must be prepared by an LSP and implemented prior to the commencement of any activity, other than emergency utility repair work, which is likely to disturb soil located below the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice. The Soil Management Plan must describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of any engineering controls and air monitoring procedures that may be necessary to ensure that workers and receptors in the vicinity are not negatively affected by fugitive dust or particles. On-site workers involved in an excavation project, other than emergency utility repair work, must be informed of the requirements of the Soil Management Plan, and the plan must be available on-site throughout the



course of the project;

(vi) A Health and Safety Plan must be prepared by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements and implemented prior to the commencement of any activity, other than emergency utility repair work, which is likely to disturb soil located below the bottom of the protective barrier at the subject location as described in Paragraph 3(ii) of this Notice. The Health and Safety Plan should specify the type of personal protection, engineering controls, and environmental monitoring that may be necessary to prevent unacceptable worker exposures to contaminated soil through dermal contact, ingestion, and/or inhalation. Workers involved in an excavation project, other than emergency utility repair work, must be informed of the requirements of the Health and Safety Plan, and the plan must be available on-site throughout the course of the project; and

(vii) A Maintenance and Monitoring Plan must be prepared by an LSP, and approved by the US EPA, such that the land use and condition of protective barriers (i.e., buildings, pavement, clean fill soil areas) are monitored and/or maintained. A copy of the Maintenance and Monitoring Plan that has been approved by the US EPA in conjunction with the preparation of this Notice is included as Attachment 1 to Exhibit C.

(viii) Any vapor mitigation measure described in Paragraph 3(i) of this Notice must be monitored, inspected and maintained in accordance with the Maintenance and Monitoring Plan described in Paragraph 3(vii). If the vapor mitigation measure is compromised or found to be ineffective, the vapor mitigation measure must be restored and it must be demonstrated, to the satisfaction of an LSP, that the restoration of the vapor mitigation measure was effective.

(ix) Future activities at the Property, including property sale, lease or transfer, changes in property use, and modification of the protective barrier at the subject location as described in Paragraph 3(iii) of this Notice, must be conducted in accordance with U. S. Environmental Protection Agency's PCB Risk-Based Disposal Approval for the Property under 40 CFR § 761.61(c), dated October 3, 2014, a copy of which is included as Attachment 2 to Exhibit C.

4. Proposed Changes in Activities and Uses. Any proposed changes in activities and uses at the Property which may result in higher levels of exposure to oil and/or hazardous material than currently exist shall be evaluated by a Licensed Site Professional who shall render an Opinion, in accordance with 310 CMR 40.1080, as to whether the proposed changes are inconsistent with maintaining a Permanent Solution and a condition of No Significant Risk. Any and all requirements set forth in the Opinion to meet the objective of this Notice shall be satisfied before any such activity or use is commenced.

5. Violation of a Permanent or Temporary Solution. The activities, uses and/or exposures upon which this Notice is based shall not change at any time to cause a significant risk of harm to health, safety, public welfare, or the environment or to create substantial hazards due to exposure to oil and/or hazardous material without the prior evaluation by a Licensed Site Professional in accordance with 310 CMR 40.1080, and without additional response actions, if necessary, to maintain a condition of No Significant Risk.

If the activities, uses, and/or exposures upon which this Notice is based change without the prior evaluation and additional response actions determined to be necessary by a Licensed Site Professional in accordance with 310 CMR 40.1080, the owner or operator of the Property subject to this Notice at the time that the activities, uses and/or exposures change, shall comply with the requirements set forth in 310 CMR 40.0020.

6. Incorporation Into Deeds, Mortgages, Leases, and Instruments of Transfer. This Notice shall be incorporated either in full or by reference into all future deeds, easements, mortgages, leases, licenses, occupancy agreements or any other instrument of transfer, whereby an interest in and/or a right to use the Property or a portion thereof is conveyed in accordance with 310 CMR 40.1074(5).

Owner hereby authorizes and consents to the filing and recordation and/or registration of this Notice, said Notice to become effective when executed under seal by the undersigned Licensed Site Professional, and recorded and/or registered with the appropriate Registry of Deeds.

WITNESS the execution hereof under seal this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

SOMERVILLE REDEVELOPMENT AUTHORITY

By:  
Name:  
Title:

COMMONWEALTH OF MASSACHUSETTS

Middlesex County, ss \_\_\_\_\_, 2025

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, the undersigned notary public, personally appeared \_\_\_\_\_ (name of document signer), proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

(as partner for \_\_\_\_\_, a partnership)

(as \_\_\_\_\_ for \_\_\_\_\_, a corporation)

(as attorney in fact for \_\_\_\_\_, the principal)

(as \_\_\_\_\_ for \_\_\_\_\_, (a) (the) \_\_\_\_\_)

\_\_\_\_\_ (official signature and seal of notary)

The undersigned Licensed Site Professional hereby certifies that in her Opinion this Notice of Activity and Use Limitation is consistent with a Permanent Solution and maintaining a condition of No Significant Risk.

Date: \_\_\_\_\_

\_\_\_\_\_  
Patricia M. Pinto, P.E., LSP

[Licensed Site Professional SEAL ]

STATE OF NEW HAMPSHIRE

Hillsborough County, ss

\_\_\_\_\_, 2025

On this \_\_\_\_ day of \_\_\_\_\_, 2025, before me, the undersigned notary public, personally appeared Patricia M. Pinto, proved to me through satisfactory evidence of identification, which were \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose as Licensed Site Professional for RTN 3-02849.

\_\_\_\_\_ (official signature and seal of notary)

Upon recording, return to:

Somerville Redevelopment Authority  
93 Highland Avenue  
Somerville, MA 02143

**EXHIBIT A**  
**Legal Description**

A certain parcel of land located on the easterly side of Milk Alley in Somerville, Middlesex County, Massachusetts, being shown as Lot 5 and as containing 3,670 square feet of land, more or less, on a plan entitled "Subdivision Plan of Land, Prospect Street at Somerville Avenue - Land Located in Somerville, Massachusetts Surveyed For Union Square Station Associates, LLC (US2)" by Design Consultants, Inc. dated November 23, 2020 and recorded with Middlesex South District Registry of Deeds as Plan 881 of 2020 (Sheet 1 of 2), and being more particularly described as follows according to said plan:

Beginning at a drill hole set at the intersection of the easterly line of Milk Alley (Private – Variable Width) and the southerly line of Somerville Avenue (Public – 75' Wide);

Thence running S 25° 43' 47" W along the easterly line of Milk Alley for a distance of one hundred forty-six and 96/100 (146.96) feet to an iron rod set, being the northwesterly corner of the herein described parcel of land and the point and place of beginning;

Thence turning and running S 85° 55' 29" E along land now or formerly of Senne Investments, LLC a distance of sixty-four and 85/100 (64.85) feet to a point;

Thence turning and running S 4° 00' 16" W along land now or formerly now or formerly of Michael A. Lipinski and land now or formerly of Diane M. Loadwick and George J. Loadwick, a distance of fifty-seven and 00/100 (57.00) feet to a point;

Thence turning and running N 85° 55' 29" W along land now or formerly of K&K Development, Inc., a distance of sixty-four and 42/100 (64.42) feet to a point;

Then turning and running N 4° 04' 28" E along the easterly line of Milk Alley, a distance of fifty-six and 00/100 (56.00) feet to a point; and

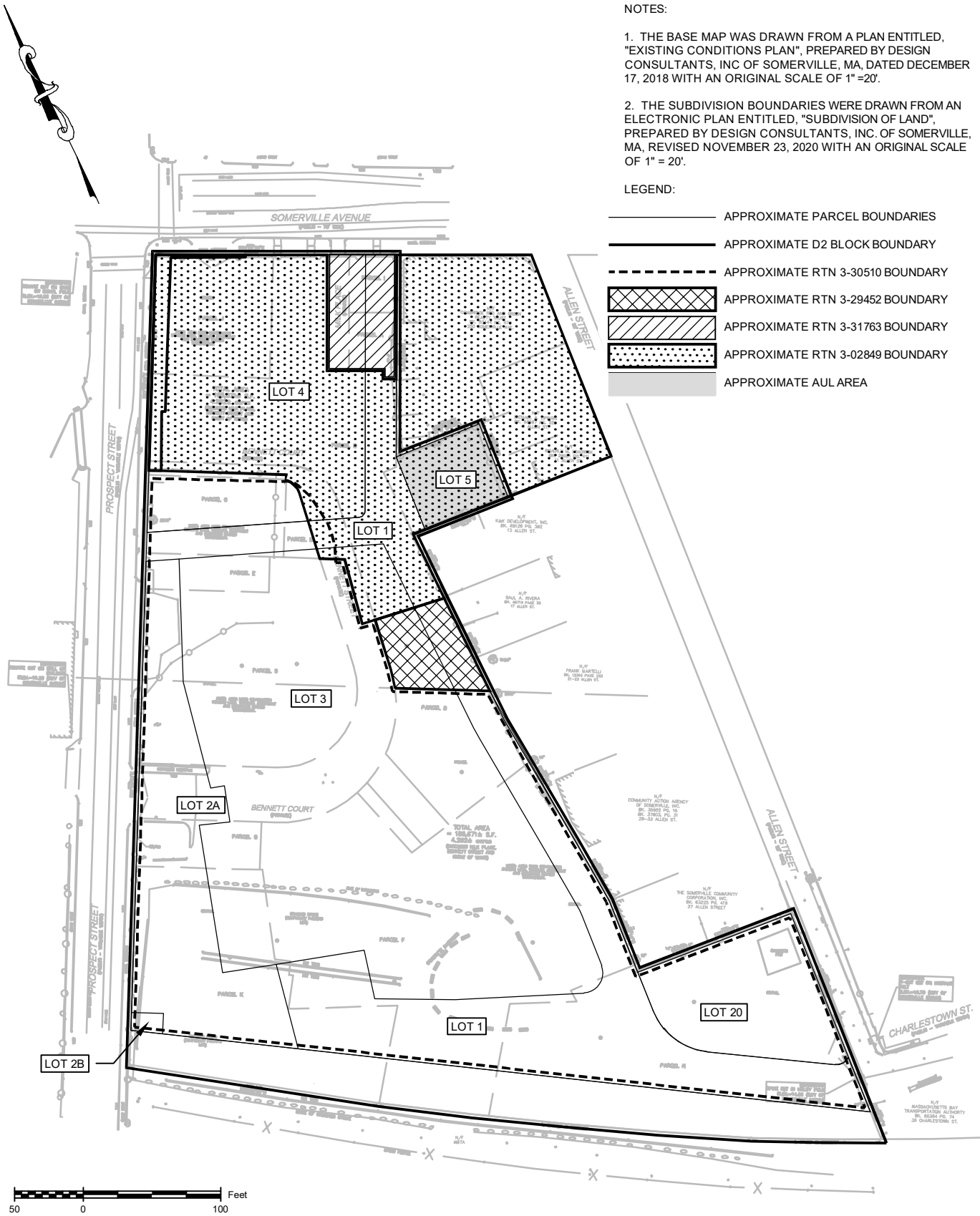
Thence turning and running N 22° 39' 34" W along the easterly line of Milk Alley, a distance of 1 and 12/100 (1.12) feet to the point and place of beginning.

EXHIBIT B

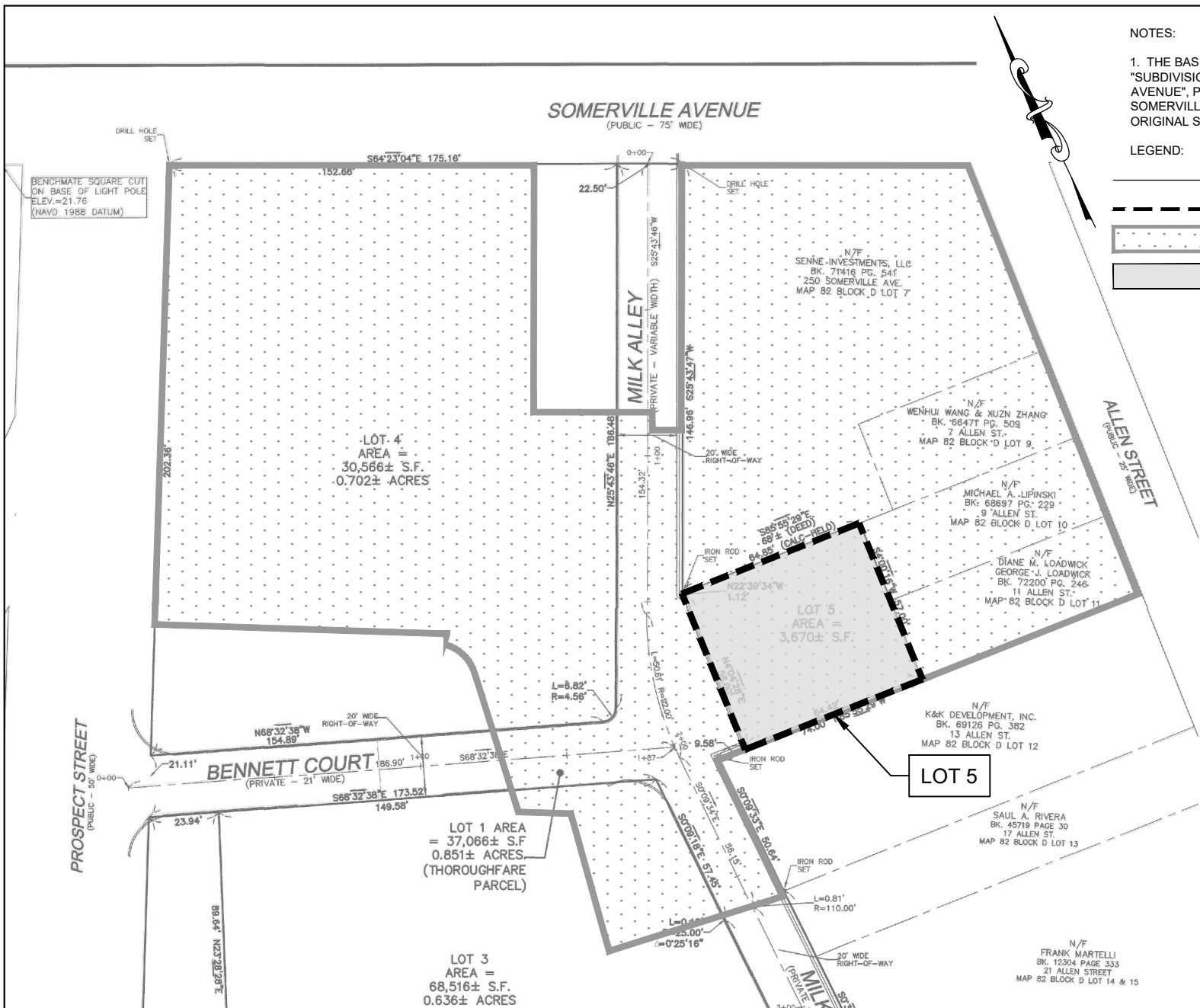
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IMAGES:

FILE: P:\4409s\4493.03\Graphics Files\CAD\AUL-JAN24\LOT5-AUL-SKETCH.dwg  
LAYOUT: AUL  
CTB FILE: SHA Standard.ctb  
PLOT DATE: 1-3-25



NOTES: 1. THE BASE MAP WAS DRAWN FROM A PLAN ENTITLED, "SUBDIVISION OF LAND, PROSPECT STREET AT SOMERVILLE AVENUE", PREPARED BY DESIGN CONSULTANTS, INC OF SOMERVILLE, MA, DATED DECEMBER 23, 2020 WITH AN ORIGINAL SCALE OF 1" = 20'.  
LEGEND:  
APPROXIMATE PARCEL BOUNDARIES  
APPROXIMATE AUL AREA  
APPROXIMATE RTN 3-02849 BOUNDARY  
APPROXIMATE LOCATION OF LANDSCAPE BARRIER COVERING



SANBORN HEAD

DRAWN BY: A. MATTHEWS  
DESIGNED BY: A. CAMPBELL  
REVIEWED BY: P. PINTO  
PROJECT MGR: A. CAMPBELL  
PIC: P. PINTO  
DATE: JANUARY 2025

NOTICE OF AUL  
LOT 5  
SOMERVILLE, MASSACHUSETTS  
EXHIBIT B-1  
PROTECTIVE BARRIERS

PROJECT NUMBER:  
4493.03  
FIGURE NUMBER:  
1

## **EXHIBIT C**

### **AUL Opinion Union Square D2 Block: Lot 5 RTN 3-02849 Somerville, Massachusetts**

In accordance with the requirements of 310 CMR 40.1074(2)(e) through 310 CMR 40.1074(2)(g), this Activity and Use Limitation (AUL) Opinion has been prepared for Lot 5 of the Union Square D2 Block, located at the intersection of Prospect Street and Somerville Avenue in Somerville, Massachusetts ("Property"). The purpose of this AUL Opinion is to provide a narrative description to document the basis for the AUL for the Property. The AUL Opinion includes the relevant Property use and release history, the reason for the AUL, and a description of the contaminated media to which the AUL applies.

The Property is associated with Massachusetts Contingency Plan (MCP) Release Tracking Number (RTN) 3-02849. In addition to being subject to the MCP, the Property is under the jurisdiction of the Toxic Substances Control Act (TSCA) due to the previous identification of polychlorinated biphenyls (PCBs) in soil at the Property related to the former Kiley Barrel facility. A PCB Risk-Based Disposal Approval was issued by the United States Environmental Protection Agency (USEPA) to the Somerville Redevelopment Authority and the City of Somerville to remediate the former Kiley Barrel facility, including the Property, on October 3, 2014. A Maintenance and Monitoring Plan for the D2 Block, which includes the Property, that has been approved by the US EPA, is provided as Attachment 1 to this Exhibit. A copy of the PCB Risk-Based Disposal Approval is provided as Attachment 2 to this Exhibit.

#### **Property Use and Release History**

The Property is located on the Union Square D2 Block in Somerville, Massachusetts and is comprised of one parcel of land, identified as Lot 5, totaling approximately 3,670 square feet. The Property consists of a vacant lot.

Prior to the mid-1800s, the Property was part of the Miller's River and associated basin. Following the filling of the river and basin in the mid- to late-1800s, the Property was developed with stables. The former Kiley Barrel facility operated a drum and barrel storage and refurbishing operation at the Property and within the vicinity of the Property from the late 1920s to the late 1980s. Cleaning and refinishing of barrels reportedly occurred at the Property as part of the Kiley Barrel facility operations. By 2008, the former buildings at the Property were demolished.

The Property is located within the boundaries of MCP site RTN 3-02849 and linked RTNs 3-18513 and 3-28464, which are related to the former Kiley Barrel site and releases of chlorinated volatile organic compounds (CVOCs), semi-volatile organic compounds (SVOCs), PCBs, petroleum hydrocarbons and metals to soil and/or groundwater from former drum refurbishing activities.

Extensive assessment and remediation of the former Kiley Barrel facility was performed in





close coordination with USEPA and Massachusetts Department of Environmental Protection (MassDEP), beginning as early as April 1990. Assessment work included numerous subsurface investigations, collection of soil and groundwater samples, collection of indoor air and soil vapor samples, and risk characterizations.

In 2014 and 2015, a TSCA Risk-Based PCB Cleanup was performed at the former Kiley Barrel facility, including the Property. The remediation included:

- Removal and disposal of the top three feet of soil and backfilling with clean soil topped with a six-inch crushed stone layer;
- Removal and off-site disposal of soil located greater than three feet below the ground surface that was found to contain total PCBs at concentrations equal to or greater than 50 mg/kg;
- Removal and off-site disposal of soil with elevated concentrations of CVOCs down to the water table at the Property; and
- Application of remedial additives (emulsified vegetable oil) to the subsurface at the Property to enhance biodegradation of CVOCs in groundwater.

Remedial actions were documented in an MCP Phase IV Final Inspection Report/Completion Statement, As Built, and Remedy Operation Status (ROS) Submittal, dated May 25, 2016, which was submitted to the MassDEP and the Final Toxic Substances Control Act Completion Report, dated December 6, 2016, which was submitted to the USEPA. As described in those reports, soil affected by PCBs, CVOCs, SVOCs, petroleum hydrocarbons, and/or metals remained at the former Kiley Barrel facility below the clean soil and crushed stone cover.

US Union Square D2.1 Owner LLC (US D2.1) and Union Square RELP D2.2 Owner LLC (US RELP) filed an additional ROS submittal for the RTN 3-02849 MCP site on December 31, 2020, at which time both parties assumed responsibility for conducting MCP response actions for RTN 3-02849. Ownership of the Property (Lot 5) was retained by the Somerville Redevelopment Authority.

Following the ROS submittal in 2020, US D2.1 and US RELP performed bi-annual groundwater sampling at the Property. Based on the response actions performed, a condition of No Significant Risk has been achieved for current Property uses, but certain use restrictions are required to maintain a condition of No Significant Risk in the future.

### **Description of Contaminated Media**

Soil and groundwater have been impacted by former Kiley Barrel facility operations at the Property. The residual contaminants of concern at the Property include petroleum hydrocarbons, PCBs, VOCs, PAHs, and metals in soil and CVOCs in groundwater. The disposal site boundary for RTN 3-02849 is shown on the sketch plan provided in Exhibit B. A three foot thick clean soil protective barrier was placed across the entire Property during prior remediation activities and remains in place.

### **Reason for the AUL**

The Method 3 Risk Characterization evaluated risks for current and unrestricted future uses of the Property. The risk assessment concluded that a condition of No Significant Risk has

been achieved for current use of the Property. Due to the elevated concentrations of contaminants of concern identified in soil and groundwater, certain restrictions are required for future potential uses of the Property.

Specifically, the Method 3 Risk Characterization concluded that a condition of No Significant Risk has been achieved for future use of the Property for multi-family, commercial, or industrial uses provided that protective barriers and vapor mitigation measures are employed. A condition of No Significant Risk has not been achieved for hypothetical future use of the Property for single family residential uses and for use of Property soil for the cultivation of produce for human consumption. In addition, future construction or long-term utility work must be performed using a Soil Management Plan and Health and Safety Plan to prevent unacceptable risk to future construction or long-term utility workers.

Additionally, any future building or portion of a building intended for regular occupancy constructed at the Property must include LSP-approved design measures to control potential vapor migration into the building, or have an evaluation conducted by an LSP who renders an Opinion which concludes that a condition of No Significant Risk has been achieved for building occupants without including measures to control potential vapor migration in the building design.

## **Attachment 1**

### **Maintenance and Monitoring Plan**

## Maintenance and Monitoring Plan

UNION SQUARE D2 BLOCK  
RTNs 3-30510, 3-02849, 3-31763, AND 3-29452

*Somerville, Massachusetts*

Prepared for Union Square RELP D2.2 Owner LLC, US Union Square  
D2.1 Owner LLC, US Union Square D2.4 Owner LLC, and the Somerville  
Redevelopment Authority  
File Nos. 4493.02 and 4493.03  
April 2025

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## FIGURES

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## APPENDICES

Appendix A	Protective Barrier Cross-Sections
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Appendix D	Program Manager Acknowledgment of Responsibilities
Appendix E	Work Permit Form
Appendix F	Licensed Site Professional Acknowledgment of Responsibilities



## 1.0 INTRODUCTION

Sanborn, Head & Associates, Inc. (Sanborn Head) has prepared this Maintenance and Monitoring Plan (MMP) on behalf of Union Square RELP D2.2 Owner LLC, US Union Square D2.1 Owner LLC, and US Union Square D2.4 Owner LLC (collectively referred to herein as US2), as well as the Somerville Redevelopment Authority (the Lot 5 property owner), to maintain the existing protective barriers located at the Union Square D2 Block located at the intersection of Prospect Street and Somerville Avenue in Somerville, Massachusetts (the Site). Figure 1 shows the location of the Site.

The Site is regulated by the Massachusetts Department of Environmental Protection (MassDEP) under the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000) due to historical releases of oil and/or hazardous materials. In addition to being subject to the MCP, portions of the Site are under the jurisdiction of the United States Environmental Protection Agency (US EPA) under the Toxic Substances Control Act (TSCA, 40 CFR 761) due to the previous identification of polychlorinated biphenyls (PCBs) in soil at portions of the Site.

A substantial amount of remediation has been performed at the Site, but as is permitted, residual concentrations of oil and hazardous materials remain in soil pursuant to four Activity and Use Limitations (AULs), which were implemented at the Site in support of Permanent Solution Statements for the MCP sites associated with Release Tracking Numbers (RTNs) 3-02849, 3-31763, 3-29452, and 3-30510. Figure 2 provides a summary of the MCP RTN site boundaries, along with the property lot lines within the D2 Block.

The AULs require the implementation of an MMP to maintain the protective barriers at the Site to continue to control exposure to underlying soil. This MMP will be implemented under the direction of the Program Manager. The term Program Manager herein refers to the property manager's representative who will be responsible for the performance of the required maintenance and monitoring activities.

## 2.0 SCOPE AND APPLICATION

In accordance with the Method 3 Risk Characterizations for the MCP sites at the D2 Block, a condition of No Significant Risk was achieved for the Site through the use of protective barriers to prevent exposure to residual contaminated soils at the D2 Block (the "Residual D2 Block Soil").

Residual D2 Block soil has the potential to contain the following general types of substances:

- Petroleum hydrocarbons;
- Polychlorinated biphenyls (PCBs);
- volatile organic compounds (VOCs);
- polyaromatic hydrocarbons (PAHs); and,
- metals.

A demarcation barrier was placed between the Residual D2 Block Soil and the protective barriers across the Site to physically differentiate between the residual subsurface fill soil and the protective barrier, including in clean utility corridors. The demarcation barrier consists of a



geotextile fabric marker layer. The demarcation barrier is overlain by one of the following protective barriers:

- **Concrete slabs for buildings:** A poured-in-place concrete slab was constructed at the lowest-level floor slab across the building areas. The building footprints consist of a concrete slab underlain by crushed stone totaling at least one-foot-thick combined outside of the RTN 3-02849 boundary and totaling at least 3-feet-thick combined within the RTN 3-02849 boundary.
- **Hardscape areas:** Concrete, asphalt, or other hardscape materials with basecourse was installed in sidewalks, driveways, roads, loading docks, and other hardscape areas outside of the building footprints. The hardscape project design thicknesses are at least one-foot-thick combined outside of the RTN 3-02849 boundary and totaling at least 3-feet-thick combined within the RTN 3-02849 boundary.
- **A minimum three-foot layer of uncontaminated soil or rock materials:** outside of the building footprints and hardscaped areas, a three-foot layer of uncontaminated soil, gravel, and/or crushed stone was installed in landscaped areas.

These barriers meet the criteria set forth in the TSCA Work Plans and RAM Plan for the project and serve to isolate the Residual D2 Block Soil from human contact for the foreseeable future with proper maintenance described herein. Representative cross sections for the protective barriers are provided as Appendix A. The locations of the protective barriers are shown on Figure 3.

This MMP was prepared to inform property management and site workers of the history of the Site and the controls and procedures to implement to prevent exposure to Residual D2 Block Soil.

### 3.0 SITE HISTORY

Prior to the mid-1800s, the Site was part of the Miller's River and associated basin. Following the filling of the river and basin in the mid- to late-1800s, the Site was developed for mixed residential, commercial, and industrial uses, including lumberyards, automotive repair shops, oil storage, use, and filling operations, metal scrap yards, and the former Kiley Barrel drum and barrel storage and refurbishing operation. By 2014, the former operations throughout the Site ceased, and the former buildings were demolished in preparation for redevelopment.

To support off-Site reuse and disposal of excess soil generated during construction based on the proposed redevelopment plans, Sanborn Head conducted a series of subsurface investigations at the Site between February 2019 and August 2020. Between March 2021 and December 2023, response actions were performed under a Release Abatement Measure (RAM) Plan and TSCA Risk-Based Work Plans, including the excavation and off-site removal of approximately 28,700 cubic yards (CY) of soil from the D2 Block. Protective barriers were subsequently installed above the Residual D2 Block soil, as described above.

Through these actions, potential risks of harm to the health of D2 Block residents, employees, visitors, landscapers, and other on-site workers (i.e., construction contractors) was mitigated and a condition of No Significant Risk of harm exists at the Site.

To ensure that residual D2 Block soils remain inaccessible, four Notice of Activity and Use Limitations (AULs), a form of deed restriction, are being recorded for the Site. The AULs require that the protective barriers be maintained and that future activities that may disturb the Residual D2 Block soil must be performed in accordance with a Soil Management Plan, a Health and Safety Plan and the TSCA Risk-Based Work Plan Approvals. We note that utilities have been installed at the Site within clean utility corridors, and therefore emergency utility repair work is not anticipated to disturb Residual D2 Block Soil.

#### **4.0 PROGRAM MANAGER INFORMATION**

Three Program Managers have been assigned for this Site. Andy Bobbitt is assuming the role of Program Manager for the D2.1 Building at 10 Prospect Street and is responsible for implementing the MMP for activities that occur at the D2.1 Building. Jenn Libby is assuming the role of Program Manager for the D2.2 Building at 20-50 Prospect Street and is responsible for implementing the MMP for activities that occur at the D2.2 Building. [INSERT NAME] is assuming the role of Program Manager on behalf of the Somerville Redevelopment Authority for Lot 5 and is responsible for implementing the MMP for activities that occur on Lot 5. Contact information for each Program Manager is provided below:

##### **D2.1 Building Program Manager – 10 Prospect Street**

Name: Andy Bobbitt  
Title: General Manager  
Company: Cushman & Wakefield  
Address: 10 Prospect  
Address: Somerville, MA 02143  
Phone: 617-797-7371  
Email: [andy.bobbitt@cushwake.com](mailto:andy.bobbitt@cushwake.com)

##### **D2.2 Building Program Manager – 20-50 Prospect Street**

Name: Jenn Libby  
Title: General Manager  
Company: Prospect Union Square  
Address: 50 Prospect Street  
Address: Somerville, MA 02143  
Phone: 857-313-3318  
Email: [jenn.libby@bozzuto.com](mailto:jenn.libby@bozzuto.com)



**Lot 5 Program Manager**

Name:

Title:

Company:

Address:

Address:

Phone:

Email:

**5.0 REGULATORY REQUIREMENTS**

The D2 Block is regulated by the MassDEP under the MCP due to historical releases of oil and/or hazardous materials. In addition to being subject to the MCP, portions of the Site are under the jurisdiction of the US EPA under TSCA due to the previous identification of PCBs in soil at some portions of the Site. This MMP requires that a Massachusetts “Licensed Site Professional” (LSP) oversee soil disturbances that may impact residual D2 Block soil beneath the protective barriers.

**5.1 Environmental Requirements**

In the event that Residual D2 Block soil has been, will be, or is being disturbed, the following environmental requirements apply as provided by the Notices of AUL:

1. The protective barriers must be maintained in accordance with this MMP;
2. Maintenance or construction activities likely to disturb the Residual D2 Block Soil located below the bottom of the protective barrier(s) are conducted in accordance with a Soil Management Plan prepared by an LSP and a Health and Safety Plan prepared by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements.
  - a. The Health and Safety Plan should specify the type of personal protection, engineering controls, and environmental monitoring that may be necessary to prevent unacceptable worker exposures to contaminated soil through dermal contact, ingestion, and/or inhalation. Workers involved in an excavation project must be informed of the requirements of the Health and Safety Plan, and the Health and Safety Plan must be available on-site throughout the course of the Work.
3. Following the completion of any construction or utility activity, a protective barrier of similar protective value must be promptly reinstalled and maintained;
4. Residual D2 Block soil removed from below the protective barriers during maintenance, repairs, or construction activities may only be reused on-site as backfill within the excavation where it was generated, if approved by the LSP.
5. Residual D2 Block Soil that cannot be reused as backfill shall be placed in stockpiles within the D2 Block boundary underlain by polyethylene sheeting at least 6 millimeters thick. The stockpiles shall be covered at the end of each work shift with polyethylene sheeting. The LSP will be responsible for characterizing the soil. In no event shall the workers remove soil from the Site without prior approval of the LSP and the US EPA.
6. The Program Manager, working with the LSP, must confirm the following:
  - a) That any testing requirements of the off-site receiving facility have been satisfied;

- b) That the receiving facility has confirmed in writing that they can accept the Residual D2 Block Soil; and
  - c) If the receiving facility requires a signed waste profile, the profile must be signed by the generator.
7. This MMP includes the following operational controls when activities will encounter Residual D2 Block Soil beneath the protective barriers:
- a) A work-permit system from property management to control activities. Work permits are required if soils beneath the Protective Barriers are to be disturbed;
  - b) Health and safety requirements to protect workers and residents from potential exposure to Residual D2 Block Soil;
  - c) Soil management requirements so that Residual D2 Block Soil that is removed from the Site is managed in accordance with Section 6.5 of this MMP or characterized and disposed of off-Site;
  - d) Stormwater and erosion controls for prevention of impacted run-off into city streets and/or storm sewers; and
  - e) Annual inspection of the protective barriers to confirm that they are intact and performing as intended. A copy of the Inspection Form is provided in Appendix B.

Inspection records and reports generated under this MMP will be kept in the Program Manager's office.

## **5.2 Occupational Safety and Health Administration (OSHA) Requirements**

Activities that disturb Residual D2 Block Soil must be conducted in compliance with federal OSHA requirements, including but not limited to:

- 1. 29 CFR 1910, OSHA General Industry Standard;
- 2. 1910.1200, Hazard Communication—Notification of Hazards to Employees;
- 3. 1910 Subpart I, Personal Protective Equipment;
- 4. 1910.134, Respiratory Protection; and
- 5. 1910.1000, Air Contaminants—Permissible Exposure Limits (PELs).

In the event that Residual D2 Block Soil has been or will be disturbed, the Program Manager is responsible to assure compliance with OSHA requirements. A Health and Safety Plan must be prepared by a Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements prior to the start of work that will disturb Residual D2 Block Soil. The Health and Safety Plan must be reviewed with workers and followed during the performance of the work.

## **6.0 RESPONSIBILITIES**

### **6.1 Owner Responsibilities**

US2 and the Somerville Redevelopment Authority are, as applicable, responsible for providing a copy of this MMP to the Program Manager after it is approved by US EPA.

## **6.2 Worker Responsibilities**

All property maintenance workers, landscape contractors, and other contractors engaged in activities that may disturb Residual D2 Block Soil below the protective barriers at the Site must obtain specific authorization from the Program Manager.

All property maintenance workers, landscape contractors, and other contractors engaged in activities that may disturb Residual D2 Block Soil below the protective barriers at the Site must read and sign the Worker Notification Form as Appendix C.

## **6.3 Program Manager Responsibilities**

The Program Manager is responsible for:

1. Conducting training for property maintenance personnel who may disturb Residual D2 Block Soil beneath the protective barriers;
2. Obtaining a signed confirmation from each trainee that their training was completed;
3. Providing a copy of this MMP to all contractors who may disturb Residual D2 Block Soil beneath the protective barriers;
4. Obtaining a signed confirmation from all contractors who may disturb Residual D2 Block Soil beneath the protective barriers that they are aware of their obligations under this MMP;
5. Engaging an LSP in the event that Residual D2 Block Soil will be disturbed;
6. Engaging an LSP in the event that newly identified contamination has been discovered;
7. Engaging an LSP in the event the services of an environmental consultant are required regarding work that is subject to this MMP; and
8. Maintaining the records required by this MMP.

### **6.3.1 Training**

The Program Manager must read this MMP and its attachments and must confirm their review and acceptance of the MMP assigned responsibilities by signing the form presented in Appendix D to this MMP.

### **6.3.2 Notifications**

The Program Manager or their designee is responsible for providing the notifications listed below.

#### **Employee Notification**

Property management/maintenance employees who may disturb Residual D2 Block Soil beneath the protective barriers are not permitted to do so unless approved in advance by the Program Manager. Employees will be notified of this restriction using the form presented in Appendix E.

#### **Contractor Notification**

The Program Manager is responsible for providing this MMP to contractors who may disturb Residual D2 Block Soil beneath the protective barriers.

If Residual D2 Block Soil disturbances require additional backfill, prior to import, the soil must be pre-qualified by the LSP to assure that the imported soil does not contain contaminants at concentrations exceeding the Reportable Concentrations for S-1 soil, as provided in 310 CMR 40.1600. The imported soil also must not contain PCBs at concentrations greater than 1 mg/kg.

Before any Site employee or contractor-initiated work that may disturb Residual D2 Block Soil beneath the protective barriers, the Program Manager must issue a permit for the work. The Permit Form presented in Appendix F must be completed by the Program Manager with the following information:

1. Nature of the work;
2. Location of the work;
3. Engineering controls for the work;
4. Stormwater and erosion controls;
5. Notification to workers;
6. Personal Protective Equipment (PPE) for workers;
7. Need for air or personnel monitoring during the work; and
8. Acknowledgement, by signature, of the work supervisor acknowledging receipt and review of this MMP and restrictions placed on the work by the permit.

### **State and Federal Notifications**

Activities which may disturb Residual D2 Block Soil beneath the protective barriers will require preparation and submittal of a Utility Release Abatement Measure (URAM) Plan or Release Abatement Measure (RAM) Plan to the MassDEP with a courtesy copy to the US EPA. The URAM and/or RAM Plan must be prepared by an LSP and adhere to the content requirements of the MCP. Activities which may disturb the Residual D2 Block Soil beneath the protective barriers must be overseen by an LSP or their designee.

If Residual D2 Block Soil has been unintentionally disturbed, the Program Manager or contractor must immediately stop work. The Program Manager must engage the support of an LSP to plan an appropriate response and oversee the work.

#### **6.3.3 Selection of an LSP**

The services of an LSP are required prior to Residual D2 Block Soil disturbance beneath the protective barriers at the Site. The Program Manager is responsible for obtaining support from a qualified LSP if work which may disturb Residual D2 Block Soil beneath the protective barriers is planned for the Site. An LSP must be contacted prior to the start of any such work.

#### **6.3.4 Inspections**

The Program Manager must perform an annual visual inspection of the Site. The inspection must also include a summary of all activities that disturbed Residual D2 Block Soil beneath the protective barriers since the date of the last inspection and confirm that a protective barrier of similar protective value was promptly reinstalled and maintained pursuant to the requirements

of the Notices of AUL and this MMP. A copy of the annual inspection report shall be sent to the US EPA electronically via email.

If either the visual inspection or the interviews establish that Residual D2 Block Soil beneath the protective barriers has been disturbed and has not been properly reported, the Program Manager must promptly engage the services of an LSP to evaluate the situation.

#### **6.4 Licensed Site Professional Responsibilities**

##### **6.4.1 Training**

The LSP must read this MMP and must confirm their review and acceptance of the MMP assigned responsibilities by signing the form presented in Appendix F to this MMP.

##### **6.4.2 Responsibilities**

The LSP is responsible for:

1. Confirming that applicable federal, state, and MMP requirements are being followed by contractor(s) in the event that the Residual D2 Block Soil located beneath the protective barriers is or may be disturbed; and
2. Preparing the requisite URAM or RAM Plan(s), Status Report(s) and Completion Report(s), as required, should Residual D2 Block Soil be disturbed.

#### **6.5 Waste Management**

The on-site reuse of Residual D2 Block Soil removed from below the protective barriers at location(s) other than that from which it originated is prohibited. Soil that cannot be reused as backfill in the areas from which it was removed and covered by an appropriate protective barrier must be characterized by an LSP to meet regulatory and receiving facility requirements prior to shipment for off-Site disposal.

#### **6.6 Record Keeping**

Copies of the records required by this MMP, as well as any records required by an LSP or environmental contractor, must be maintained by US2 or the Somerville Redevelopment Authority, as applicable. Records must be made available to the MassDEP or the US EPA upon their request.

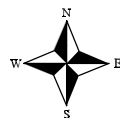
P:\4400s\4493.03\Source Files\Off-Site AULs\Lot 5 AUL\Exhibit C\Exhibit C-1 MMP\20250403 Lot 5 D2 Block MMP.docx

## Figures





NOTES:  
Base map was taken from the "Office of Geographic and Environmental Information (MassGIS), Commonwealth of Massachusetts Information Technology Division" 7.5 minute USGS Quadrangle Maps: Somerville, Massachusetts, REV: 1985



Drawn By: E. Wright  
Designed By: H. Child  
Reviewed By: P. Pinto  
Project No: 4493.03  
Date: November 2023

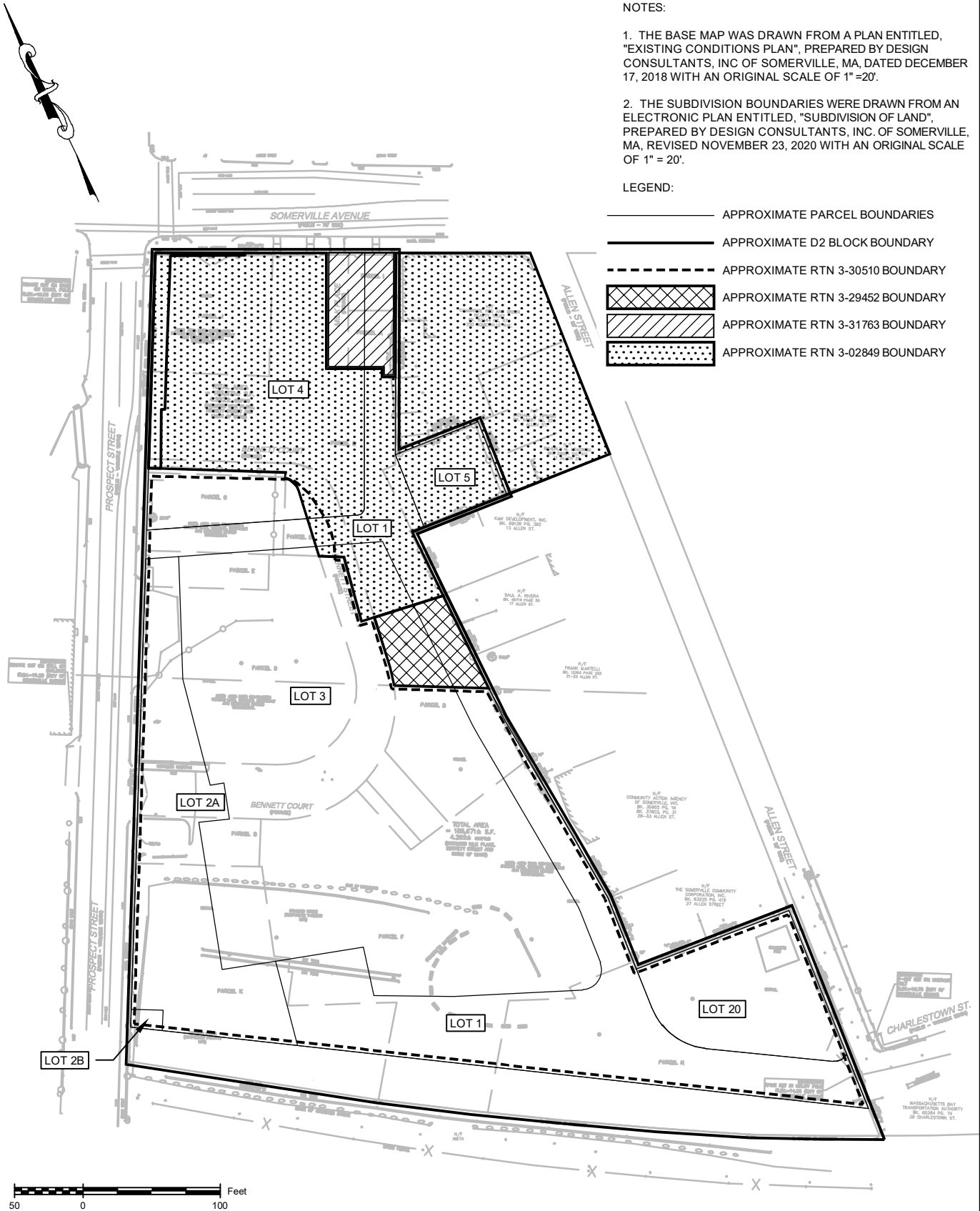
SCALE: 1:25,000

**SANBORN**  **HEAD**

Figure 1  
**Locus Plan**  
**Maintenance & Monitoring Plan**

D2 Block - Union Square  
Somerville, Massachusetts





NOTES:

1. THE BASE MAP WAS DRAWN FROM A PLAN ENTITLED, "EXISTING CONDITIONS PLAN", PREPARED BY DESIGN CONSULTANTS, INC. OF SOMERVILLE, MA, DATED DECEMBER 17, 2018 WITH AN ORIGINAL SCALE OF 1" = 20'.
2. THE SUBDIVISION BOUNDARIES WERE DRAWN FROM AN ELECTRONIC PLAN ENTITLED, "SUBDIVISION OF LAND", PREPARED BY DESIGN CONSULTANTS, INC. OF SOMERVILLE, MA, REVISED NOVEMBER 23, 2020 WITH AN ORIGINAL SCALE OF 1" = 20'.

LEGEND:

- APPROXIMATE PARCEL BOUNDARIES
- APPROXIMATE D2 BLOCK BOUNDARY
- APPROXIMATE RTN 3-30510 BOUNDARY
- APPROXIMATE RTN 3-29452 BOUNDARY
- APPROXIMATE RTN 3-31763 BOUNDARY
- APPROXIMATE RTN 3-02849 BOUNDARY

UNION SQUARE D2 BLOCK  
SOMERVILLE, MASSACHUSETTS

MAINTENANCE AND MONITORING PLAN  
SITE PLAN

SANBORN |||| HEAD

SCALE: 1"=100'

DRAWN BY:DJD

FILE NO. 4493.02

DATE:NOV 2023

CHECKED BY:PMP

FIGURE NO. 2

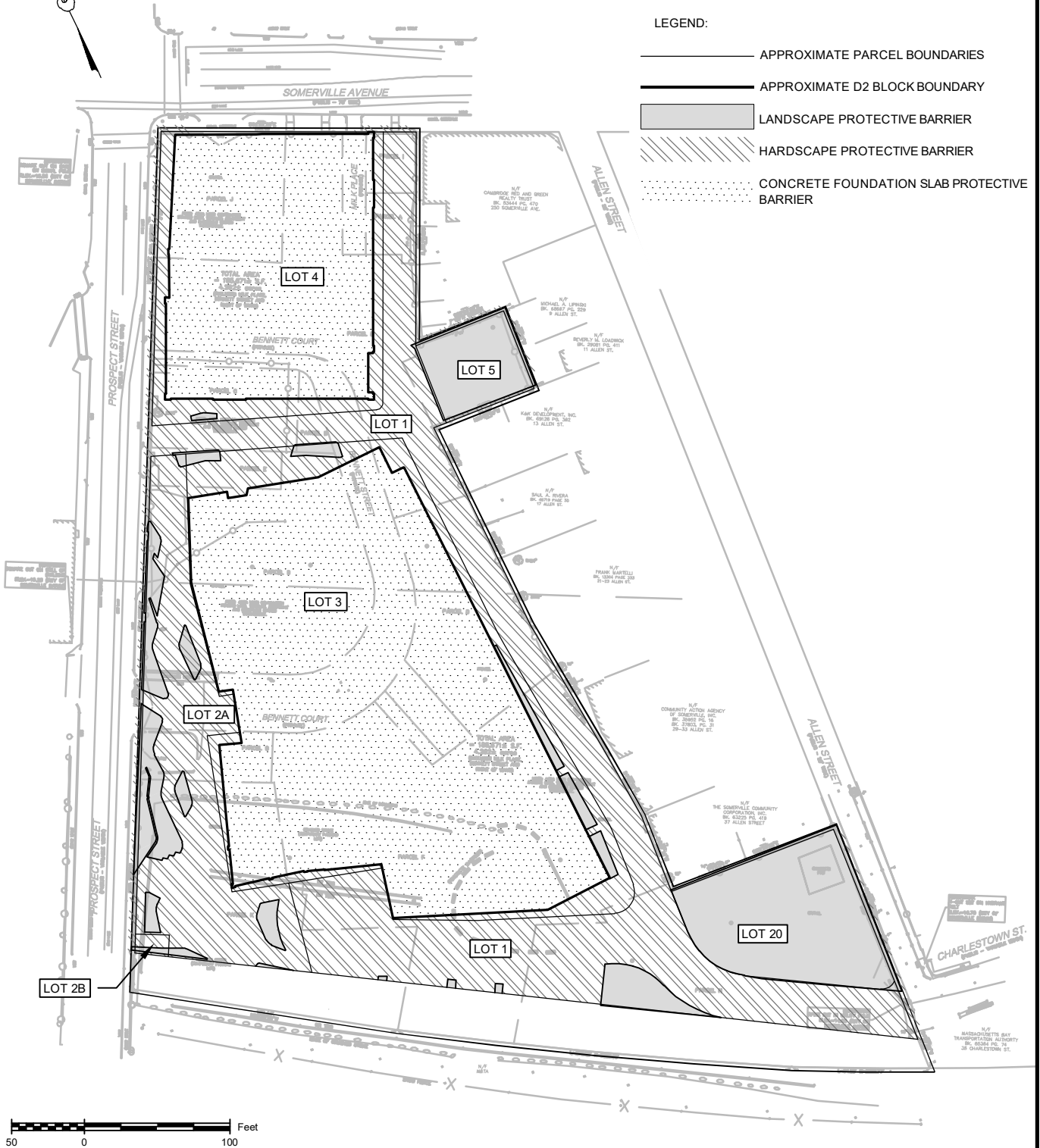


NOTES:

1. THE BASE MAP WAS DRAWN FROM A PLAN ENTITLED, "EXISTING CONDITIONS PLAN", PREPARED BY DESIGN CONSULTANTS, INC OF SOMERVILLE, MA, DATED DECEMBER 17, 2018 WITH AN ORIGINAL SCALE OF 1" = 20'.
2. THE SUBDIVISION BOUNDARIES WERE DRAWN FROM AN ELECTRONIC PLAN ENTITLED, "SUBDIVISION OF LAND", PREPARED BY DESIGN CONSULTANTS, INC. OF SOMERVILLE, MA, REVISED NOVEMBER 23, 2020 WITH AN ORIGINAL SCALE OF 1" = 20'.

LEGEND:

- APPROXIMATE PARCEL BOUNDARIES
- APPROXIMATE D2 BLOCK BOUNDARY
- LANDSCAPE PROTECTIVE BARRIER
- HARDSCAPE PROTECTIVE BARRIER
- CONCRETE FOUNDATION SLAB PROTECTIVE BARRIER



UNION SQUARE D2 BLOCK  
SOMERVILLE, MASSACHUSETTS

MAINTENANCE AND MONITORING PLAN  
PROTECTIVE BARRIERS PLAN

SANBORN ||| HEAD

SCALE: 1"=100'

DRAWN BY: DJD

FILE NO. 4493.02

DATE: NOV 2023

CHECKED BY: PMP

FIGURE NO. 3

## **Appendix A**

### **Protective Barrier Cross-Sections**



## **Appendix B**

### **Protective Barrier Inspection Form**

## Protective Barrier Inspection Form

General Information		
<b>Project Name</b>	Union Square D2 Block	
<b>Property Location</b>		
<b>Date of Inspection</b>		
<b>Inspector's Name</b>		
<b>Inspector's Title</b>		
<b>Inspector's Contact Information</b>		
<b>Owner's Representative</b>		
<b>Owner's Title</b>		
<b>General Comments:</b>		
<b>Attachments:</b>		
Weather Information		
<b>Weather at time of this inspection:</b> <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Rain <input type="checkbox"/> Sleet <input type="checkbox"/> Fog <input type="checkbox"/> Snowing <input type="checkbox"/> High Winds <input type="checkbox"/> Other: _____    Temperature: _____		
Barrier Usage		
<b>Describe Current Use of Barrier:</b>		
Observations	Notes	
New Cracks Observed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Evidence of Concrete Heaving?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Evidence of differential settlement?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Erosion on Adjacent Sideslopes?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other Observations?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

**Print name:** \_\_\_\_\_

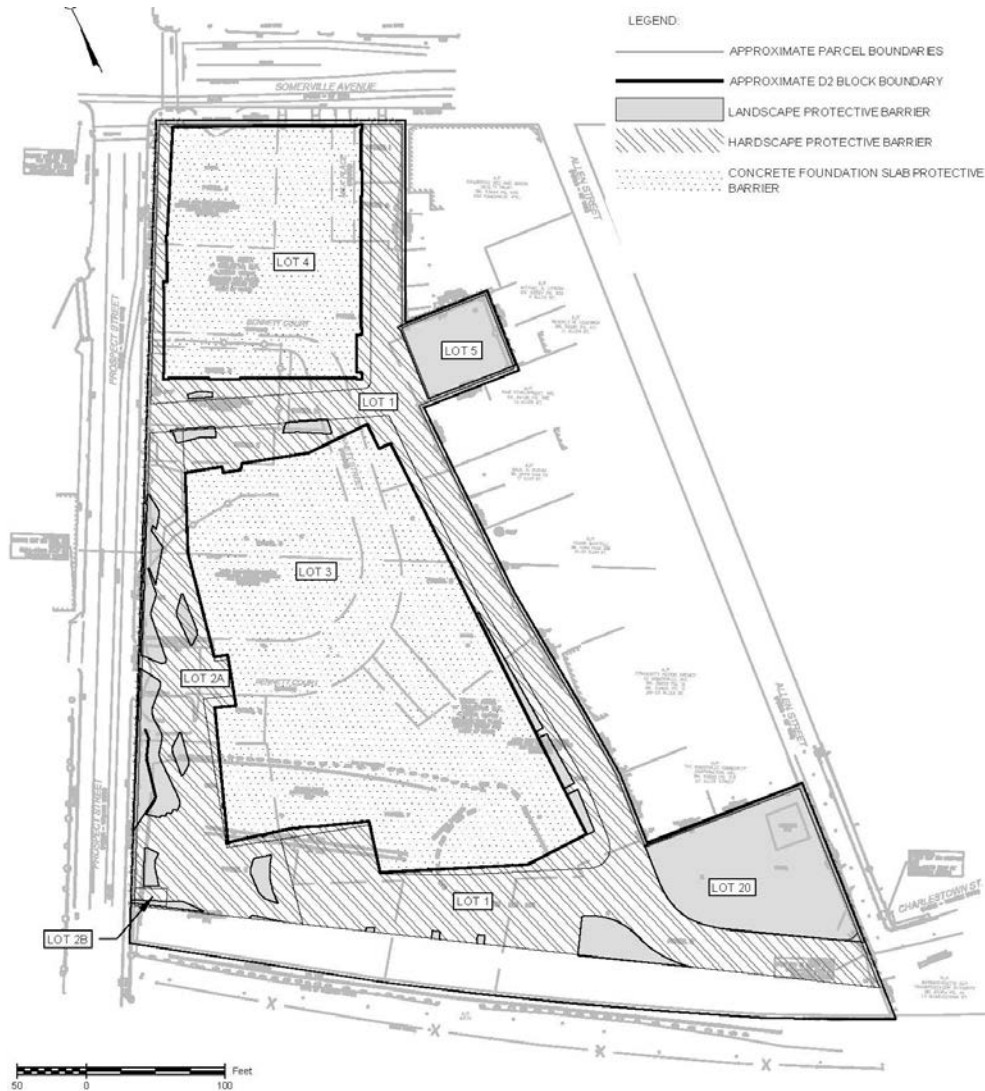
**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## **Appendix C**

### **Worker Notification**

## Worker Notification

I, \_\_\_\_\_, am aware that the Residual D2 Block Soil located below the protective barriers at the D2 Block, as shown in the sketch plan below, is contaminated with petroleum hydrocarbons, polychlorinated biphenyls (PCBs) volatile organic compounds (VOCs), polyaromatic hydrocarbons (PAHs), and metals.



I acknowledge that I may not disturb the soil below the protective barriers at the Site without specific authorization from the Program Manager.

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

## **Appendix D**

### **Program Manager Acknowledgment of Responsibilities**



## **Program Manager Acknowledgment of Responsibilities**

Maintenance and Monitoring Plan  
Union Square D2 Block – D2.1  
Somerville, Massachusetts  
RTNS 3-30510, 3-02849, 3-31763, AND 3-29452

I, Andy Bobbitt, am assuming the role of the Program Manager for the D2.1 Building at 10 Prospect Street and am responsible for implementing the Maintenance and Monitoring Plan at 10 Prospect Street in Somerville, Massachusetts. I affirm that I have read the Maintenance and Monitoring Plan, and I am aware of my obligations to comply with this Maintenance and Monitoring Plan.

Andy Bobbitt

\_\_\_\_\_  
(Printed Name)



\_\_\_\_\_  
(Signature)

7/29/24

\_\_\_\_\_  
(Date)

## Program Manager Acknowledgment of Responsibilities

Maintenance and Monitoring Plan  
Union Square D2 Block – D2.2  
Somerville, Massachusetts  
RTNS 3-30510, 3-02849, 3-31763, AND 3-29452

I, Jenn Libby, am assuming the role of the Program Manager for the D2.2 Building at 20-50 Prospect Street, in the scope of my employment with Bozzuto Management Company ("BMC") and pursuant to BMC's Management and Leasing Agreement ("Agreement") with Union Square RELP D2.2 Owner LLC ("Owner"). I understand that BMC is responsible for implementing and following certain Legal Requirements pursuant to the Agreement, and that Owner has provided BMC with the Maintenance and Monitoring Plan at 20-50 Prospect Street in Somerville, Massachusetts. I affirm that I have read the Maintenance and Monitoring Plan, and that I am aware of BMC's obligation under the Agreement to comply with the Maintenance and Monitoring Plan. This acknowledgement is not intended to alter or amend any right or obligation of BMC or Owner under the Agreement.

Jennifer Libby  
(Printed Name)

  
(Signature)

7/30/24  
(Date)

## **Program Manager Acknowledgment of Responsibilities**

Maintenance and Monitoring Plan  
Union Square D2 Block  
Somerville, Massachusetts  
RTNS 3-30510, 3-02849, 3-31763, AND 3-29452

I, \_\_\_\_\_, am assuming the role of the Program Manager and am responsible for implementing the Maintenance and Monitoring Plan at the Union Square D2 Block. I affirm that I have read the Maintenance and Monitoring Plan, and I am aware of my obligations to comply with this Maintenance and Monitoring Plan.

\_\_\_\_\_

(Printed Name)

\_\_\_\_\_

(Signature)

\_\_\_\_\_

(Date)

## **Appendix E**

### **Work Permit Form**

**WORK PERMIT**

Nature of Work:	
Location of Work:	
Engineering Controls for the Work:	
Storm Water/Erosion Controls	
Health and Safety Plan Distributed to Workers and Requirements for PPE	
Air Monitoring Requirements	
Signature of Program Manager	Date

## **Appendix F**

### **Licensed Site Professional Acknowledgment of Responsibilities**

## **Licensed Site Professional Acknowledgment of Responsibilities**

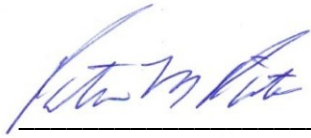
Maintenance and Monitoring Plan  
Union Square D2 Block  
Somerville, Massachusetts  
RTNS 3-30510, 3-02849, 3-31763, AND 3-29452

I, Patricia M. Pinto, as a Licensed Site Professional, per Section 6.4.2 of this Maintenance and Monitoring Plan, affirm that I have read the Maintenance and Monitoring Plan, and I am aware of my obligations to comply with this Maintenance and Monitoring Plan.

Patricia M. Pinto, P.E., LSP

---

(Printed Name)



---

(Signature)

July 17, 2024

(Date)



## **Attachment 2**

### **Former Kiley Barrel PCB-Risk Based Disposal Approval**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**OCT 03 2014**

Somerville Redevelopment Authority and  
The City of Somerville  
Attn: Amanda Maher, Economic Development Specialist  
Somerville City Hall  
93 Highland Avenue  
Somerville, Massachusetts 02143

Re: PCB Risk-Based Disposal Approval under 40 CFR § 761.61(c)  
Former Kiley Barrel Facility  
Somerville, Massachusetts  
RTN: 3-2849

Dear Ms. Maher:

This is in response to the City of Somerville and the Somerville Redevelopment Authority (together, "the City") Notification<sup>1</sup> to address PCB-contaminated materials on the property identified as the former Kiley Barrel facility located in Somerville, Massachusetts. PCB concentrations at greater than (">") one (1) part per million ("ppm") have been identified on 20-22 Prospect Street; 9 and 10 Milk Place; 8 Bennett Street; 14 Bennett Street; 16-20 Bennett Street; and portions of Bennett Street (together and hereinafter "the Site"). The City has submitted a plan to clean up and dispose of the PCB-contaminated materials under the provisions of 40 CFR § 761.61(c).

In the Notification, the City has proposed the following activities:

- Remove PCB-contaminated wastes (e.g., soils and debris) with greater than or equal to ("≥") 50 ppm and dispose at a TSCA-permitted disposal facility or RCRA hazardous waste landfill in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii);

---

<sup>1</sup> Information was submitted on behalf of the City by TRC Environmental Corporation to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 18, 2014 (TSCA Work Plan dated July 2014); September 9, 2014 (email Response to EPA comments dated September 4, 2014; September 15, 2014 (email Soil PCB Concentrations map); September 17, 2014 (TSCA Risk-Based Work Plan September 2014); and, September 23, 2014 (email Response to EPA comments dated September 23, 2014). These submittals will be referred to as the "Notification."

- Conduct verification sampling in the excavated areas in accordance with 40 CFR Part 761 Subpart O to confirm that PCB concentrations are less than (“<”) 50 ppm;
- Remove PCB-contaminated wastes with > 1 ppm but < 50 ppm as necessary to achieve a minimum three feet below ground surface finish grade and dispose in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii);
- Install a minimum three (3) feet clean soil or soil/crushed stone cap with an underlying demarcation barrier and with finish treatments, as needed; and,
- Record a deed restriction in the form of an activity and use limitation (“AUL”) to document use restrictions and the fact that PCBs at > 1 ppm but < 50 ppm remain at the Site.

The information provided meets the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Given the Site history, the results of the characterization sampling and the proposed removal and disposal plan, EPA has determined that the characterization data are adequate for disposal of the PCB-contaminated wastes. In-place disposal of the PCB-contaminated soils beneath a clean three feet cap will prevent direct exposure of the PCB-contaminated soils to any Site user and will not pose an unreasonable risk of injury to health or the environment. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

The City may proceed with its project in accordance with 40 CFR § 761.61(c); its Notification; and, this Approval, subject to the conditions of Attachment 1. In this Approval EPA has not considered a future use of the Site as the redevelopment plans have not been provided to EPA. Accordingly, under this Approval, EPA is reserving its rights to require additional investigation or mitigation measures should it find that the implemented plan is not protective of health and/or the environment.

Please be aware that this Approval does not release the City from any applicable requirements of federal, state or local law, including those requirements related to other [non-PCB] contaminants under the Massachusetts Department of Environmental Protection (“MassDEP”) and the Massachusetts Contingency Plan. The City must ensure it has all approvals necessary from MassDEP pertaining to this project.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall consider this project complete when it has received all submittals required under this Approval, including documents evidencing construction of the physical control (i.e., 3 feet clean cap with demarcation barrier) and adoption of the deed restriction. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely;

A handwritten signature in black ink, appearing to read "James T. Owens, III", followed by a stylized flourish.

James T. Owens, III  
Director, Office of Site Remediation & Restoration

Attachment 1

cc: Scott Buchanan, TRC  
Alan Peterson, EPA BF Program  
Joanne Fagan, MassDEP NERO  
File

## ATTACHMENT 1

**PCB RISK-BASED DISPOSAL APPROVAL CONDITIONS  
FORMER KILEY BARREL SITE  
SOMERVILLE, MASSACHUSETTS  
RTN: 3-2849**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification.<sup>2</sup> Specifically, this Approval applies to the parcels identified as 20-22 Prospect Street; 9 and 10 Milk Place; 8 Bennett Street; 14 Bennett Street; 16-20 Bennett Street; and portions of Bennett Street as shown on Figure 3 of the September 17, 2014 submittal and hereinafter “the Site”.
  - a. In the event that the City of Somerville and/or the Somerville Redevelopment Authority (“SRA” and together, “the City”) identify other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the City of Somerville and/or SRA will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
  - b. The City may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 20.
2. The City shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The City shall comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill of PCBs during response actions, the City shall contact EPA within 24 hours for direction on sampling and cleanup requirements.

<sup>2</sup> Information was submitted on behalf of the City by TRC Environmental Corporation to satisfy the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Information was provided dated July 18, 2014 (TSCA Work Plan dated July 2014); September 9, 2014 (email Response to EPA comments dated September 4, 2014; September 15, 2014 (email Soil PCB Concentrations map); September 17, 2014 (TSCA Risk-Based Work Plan September 2014); and, September 23, 2014 (email Response to EPA comments dated September 23, 2014). These submittals will be referred to as the “Notification.”



6. The City is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the City has or receives information indicating that the City or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the City are authorized to conduct the activities set forth in the Notification. The City is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the City from compliance with any applicable requirements of federal, state or local law; or 3) release the City from liability for, or otherwise resolve, any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from the City of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. The City shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, the City shall submit the following information:
  - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
  - b. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - c. a contractor work plan, prepared and submitted by the selected contractor(s), detailing the waste handling and air monitoring procedures that will be employed during removal and storage of PCB-contaminated wastes. This work plan should also include information on equipment decontamination and disposal of all PCB wastes.

## **CLEANUP AND DISPOSAL CONDITIONS**

12. *PCB remediation waste* (e.g., soil and debris) with greater than or equal to (" $\geq$ ") 50 parts per million ("ppm") shall be removed and disposed off-site in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii).
  - a. Following the removal of the  $\geq$  50 ppm *PCB remediation waste*, sampling shall be conducted in accordance with Subpart O to confirm that the remaining PCB concentrations are less than (" $<$ ") 50 ppm.
    - i) *PCB remediation waste* with greater than (" $>$ ") 1 ppm but  $<$  50 ppm which is excavated to achieve the required Site grade shall be disposed of in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii) and/or § 761.61(a)(5)(i)(B)(2)(iii).
  - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
13. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during the cleanup. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, with exception of decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner prescribed in 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified as follows:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.



### **DEED RESTRICTION AND USE CONDITIONS**

15. Within thirty (30) days of completing the activities described in the Notification and authorized under the Approval, the City shall submit for EPA review and approval, a draft deed restriction for the Site. The deed restriction shall include: a description of the extent and levels of contamination at the Site following remediation; a description of the actions taken at the Site; a description of the use restrictions for the Site; and the long-term cap maintenance requirements on the Site. The City shall record the deed restriction within seven (7) days of EPA's approval of the draft deed restriction language. A copy of this Approval shall be attached to the recorded deed restriction.

### **SALE, LEASE OR TRANSFER CONDITIONS**

16. The Site owner shall notify the EPA of the sale, lease or grant of any real estate interest in the Site, in writing, no later than sixty (60) days prior to such action. This notification shall include the name, address, and telephone number of the new owner(s). In the event that the Site owner sells, leases, or grants any real estate interest affecting a portion of the Site, the Site Owner shall continue to be bound by all the terms and conditions of this Approval, unless EPA allocates some or all of this Approval's responsibilities to the new owner(s), lessee or grantee. The notification procedures are as follows:
  - a. The new owner(s), lessee or grantee must request, in writing, that the EPA transfer some or all obligations and responsibilities under the Approval to the new owner(s), lessee or grantee;
  - b. The EPA reviews the request, and determines whether to allocate some or all of the obligations and responsibilities under the Approval to the new owner(s), lessee, or grantee; and,
  - c. The new owner(s), lessee or grantee provides written notification to the EPA of its acceptance of and intention to comply with the terms and conditions of the Approval or new approval, should EPA deem a new approval is necessary. The Approval or new approval may be withdrawn if the EPA does not receive written notification from the new owner(s), lessee or grantee of its acceptance of, and intention to comply with, the terms and conditions of the Approval or new approval within thirty (30) days of its receipt of the Approval or the new approval. Under such circumstances, all terms and conditions of this Approval will continue to be binding on the Site owner.

17. In the event that the sale, lease or grant of a real estate interest in the Site will involve or result in a change in the use of the Site, EPA may revoke, suspend, and/or modify this Approval or the new approval if it finds, due to the change in use, that this risk-based cleanup and disposal action will not be protective of health or the environment. The new owner or grantee shall record any amendment to the deed restriction, resulting from any approved modification(s), within sixty (60) days of such change(s).
18. In any sale, lease or grant of a real estate interest in the Site, the Site owner shall retain sufficient access rights to enable it to continue to meet its obligations under this Approval, except as provided above.

#### **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

19. The City shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the City to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
20. Any modification(s) in the plan, specifications, or information submitted by the City, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. The City shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification.
21. If such modification involves a change in the use of the Site which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based disposal action may pose an unreasonable risk of injury to health or the environment due to the change in use. EPA may take similar action if the EPA does not receive requested information needed from the City to make a determination regarding potential risk.
22. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
23. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.



24. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities pose an unreasonable risk of injury to health or the environment; if EPA finds that there is migration of PCBs from the Site; or, if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

25. The City shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. The City shall maintain a written record of the cleanup activities and the analytical sampling in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
26. The City shall submit a Final Completion Report (Report) in both hard copy and electronic format (CD-ROM) to the EPA within 120 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a discussion of the project activities with photo-documentation; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests; and, copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also include a copy of the recorded deed restriction and a certification signed by a City official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
27. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527 / Facsimile: (617) 918-0527
28. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.
29. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

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**END OF ATTACHMENT 1**