

SULLIVAN, WILLIAMS & QUINTIN

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SARA B. O'LEARY
EILEEN K. WARDWELL

February 23, 2018

Ms. Linda Morad, President
New Bedford City Council
133 William Street
New Bedford, MA 02740

RE: RFP, Public Safety Building/Goodyear Property

Dear Linda,

Clark's Cove Development, LLC, owners of the Goodyear site have answered the City of New Bedford's Request for Proposal (RFP) regarding the proposed New Public Safety Building. The Goodyear site has 9.5 available acres of property which has frontage on three streets, Bolton, Orchard and Swift. There are no wetlands on site and the parcel is zoned mixed use business. The RFP required the parcel be at least 45,000 sq ft which does not seem to be adequate for construction of a Police, Fire and EMS facility on site. That coupled with the turning radius of equipment, parking requirements and construction of a building necessary for the three facilities indicates that the site needed to construct a combined Safety Building that would allow for safety equipment to turn around on site instead of having to back out onto a city street, would require a larger parcel. The Goodyear site is large enough to accommodate those needs.

There are no buildings that need to be demolished or removed and the site is 500 feet from Rockdale Avenue, one of the city's main arteries and seconds away from Route 18.

When the property was first purchased, the owners met with City Officials to see if the site could meet any of the city's present or future needs. It was felt that this was a great site for a consolidated school as the Dunbar, Congdon and DeValles schools were each over 100 years old. The owners, one who actually taught at the DeValles School, have been willing to work with the City if there is an interest in the site. If not the owners will continue with their development plans for mixed use and /or residential uses. It was felt that when this property was purchased that the value was because it was the largest undeveloped parcel in the City Proper. If the city has no interest in this site it will be cut up and sold. The owners, all who grew up and have businesses in the city will work with the Mayor and City Council on either project, if there is an interest.

I am also including the following in order to clarify any misconceptions some City Officials may have regarding the Goodyear site. Clarks Cove Development Co., LLC (Clarks Cove) is the present owner who purchased the site from Goodyear Tire & Rubber Co., in 2004. At that time Clarks Cove hired environmental engineers to research any potential environmental issues prior to purchase. It was discovered that Goodyear, because they had deep pockets and were still actively in business in the U.S., had conducted an extensive cleanup of the site as they didn't want any issues coming back at them at a later date. Goodyear spent over 8 million dollars taking down the existing buildings and remediating the site.

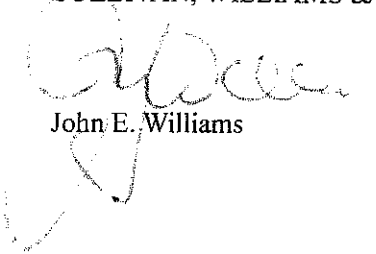
In early 1989 when the buildings were being decommissioned it was discovered that lubricating oils from the machinery located within former Building 2 had migrated through the factory floor into the soils around the buildings footing. The remedial activities included the removal of over 5,000 cubic yards of impacted soil (11,000 Tons) which were excavated and shipped off site; and clean soil was brought back in. After reviewing the remedial measures and site reports our Engineer informed Clarks Cove that the site was clean for almost any possible use. Since Goodyear had no specific use for the property they left an Activity and Use limitation on the property which basically stated that any definitive use for the property would have to be cleared by DEP.

In March of 2011 the City of New Bedford utilizing a grant, retained the Engineering firm of Weston & Sampson to perform a Method 3 risk assessment to determine if a condition of No Significant Risk existed at the Goodyear Site. I have included a copy of a Memorandum dated June 2, 2011 regarding said assessment. After extensive testing the Method 3 risk assessment indicated that a Condition of No Significant Risk (NSR) exists for current use and potential future Site use as a school, park and/or residential uses. It follows that a condition of NSR also exists for other uses such as retail, office, hospital etc.

Since the purchase of this site in 2004 by Clarks Cove the property has been rezoned as mixed use business (MUB) which allows for residential uses, schools, medical or hospital uses, offices, retail and a multitude of other allowed uses under the City's Zoning Code. The site has numerous development possibilities and municipal uses. If any other information is needed please let me know.

Sincerely,

SULLIVAN, WILLIAMS & QUINTIN



John E. Williams

JW/ns

CC: Mayor Jon Mitchell
Councilors at Large
Ward Councilors

MEMORANDUM

To: Sean Healey, LSP
From: Sherry Albert, PE
Date: June 2, 2011
Project: Former Goodyear Site – 545 Orchard Street, New Bedford, MA
Re: Method 3 Risk Assessment Results

Introduction/Background

A preliminary Method 3 risk assessment (“M3RA”) was performed using the soil and groundwater data collected by Weston & Sampson Engineering (WSE) in March and April 2011 to determine if a condition of “No Significant Risk” (“NSR”) exists at the former Goodyear site (“Site”). The Site is currently vacant and undeveloped.

The former Goodyear Site was used for manufacturing from the 1890’s until 1990 when operations ceased. By 1997, all buildings were demolished and foundations removed and all underground storage tanks (“USTs”) and aboveground storage tanks (“ASTs”) were removed from the Site. The Site was graded using clean fill and seeded in fall 1997. A total of 11,000 tons of contaminated soil were excavated and shipped off-Site for disposal under a Release Abatement Measure (“RAM”).

A Phase II – Comprehensive Site Assessment and Response Action Outcome (“RAO”) were submitted in April 2000 by Harding Lawson Associates. The RAO submittal was based on soil data collected up to December 1995-1996 which was prior to soil removal. As a result, WSE performed additional sampling in March and April 2011 to re-evaluate Site risk based on residual soil concentrations.

WSE’s investigation included the excavation of 21 test pits, advancement of 15 soil borings, installation of 13 groundwater monitoring wells, and the collection of soil and groundwater samples throughout the Site. Soil and groundwater samples were analyzed for Extractable Petroleum Hydrocarbons (EPH), Volatile Petroleum Hydrocarbons (VPH), Semivolatile Organic Compounds (SVOCs), Volatile Organic Compounds (VOCs), Polychlorinated Biphenyls (PCBs), and trace metals. Analysis of soil samples identified concentrations of various SVOCs, VOC compound naphthalene, and metals (barium, chromium, and lead) above DEP Method 1 S-1 soil standards. Concentrations of EPH, VPH and PCBs (maximum concentration of 0.19 mg/kg) were detected well below S-1 standards. Analysis of groundwater samples did not identify concentrations above applicable GW-2 / GW-3 standards with the exception of SVOC compound pyrene which was detected above the standards in samples collected from two monitoring wells on-Site.

The preliminary Method 3 risk assessment approach and results are presented below. A data usability evaluation was not performed and all data was considered usable for the risk assessment.

Data Summary / Soil Risk

Data Set

The soil data set consisted of 55 samples collected from 0 to 11 feet by WSE in March 2011 from the following locations along the northern portion of the Site:

- TP-1 through TP-21
- WS-1 through WS-9, WS-11 through WS-14

The results are summarized in WSE's Tables 1a through 1c (attached). There were no "hot spots" identified at the Site and the entire data set was considered an exposure point for purposes of the M3RA. A statistical summary of the soil data is presented in Table 1A. The table includes only compounds that were detected above the laboratory reporting limits ("RLs") in one or more samples. The statistical assumes that concentrations detected below RLs were equal to one-half the RL. A similar statistical summary is also presented in Table 1B for soil data collected from the 0 to 3-foot depth only.

Contaminants of Concern and Exposure-Point Concentrations

Selected compounds detected in soil were eliminated as contaminants-of-concern ("COCs") based on low frequency of detection (10% or less) and/or comparison of maximum concentrations to MADEP's background levels for natural soil.¹ The compounds eliminated as COCs are shown in Tables 1A and 1B. Arsenic and cadmium were below MADEP's natural soil background levels; all other compounds eliminated as COCs were due to low detection frequency and consisted mostly of volatile petroleum hydrocarbon ("VPH") parameters, volatile organic compounds ("VOCs") and phthalates.

Exposure-point concentrations ("EPCs") in soil were based on the 95th upper confidence limit ("UCL95") of the mean concentration for each COC. The UCL95 is recommended for smaller data sets (less than 30 samples) and/or those having a large degree of variability. Neither criterion apply at this Site, but this statistic – which represents a concentration in which there is 95% probability that the average (mean) concentration will be less than that value – was used because it provides a conservative estimate of risk.

Table 2 presents the UCL95 for both data sets in Tables 1A and 1B. The EPC used in the risk assessment was the higher concentration which in all cases except for chromium and lead was from Table 1A.

Risk Characterization

The MADEP's ShortForm was used to evaluate risk to a residential receptor. The residential receptor is considered the maximally exposed receptor and a condition of NSR implies that there is no significant risk to other potential receptors (i.e., construction workers, recreational visitors, day care and elementary school children). The residential receptor-specific exposure parameters are included in the attached ShortForm spreadsheets (RS-1 through RS-6). The only modification made to the ShortForm was the deletion of the "consumption of homegrown fruits and vegetables" exposure pathway. According to Ms. Lydia Thompson of the Office of Research and Standards ("ORS"), the DEP is re-evaluating inclusion of this exposure pathway in risk assessments due to the many uncertainties associated plant uptake values, consumption rates, etc.² ORS is instead considering recommending that the risk assessment include a discussion of implementing Best Management Practices ("BMP") for gardening purposes. This approach was also presented by ORS at the most recent Waste Site Cleanup Advisory Committee on April 28, 2011. WSE has also requested written documentation and guidance from DEP on this matter.

The following COCs are not in the ShortForm database: 4-isopropyltoluene, carbazole and dibenzofuran.

¹ Source: MADEP Technical Update, May 2002. *Background Levels of Polycyclic Aromatic Hydrocarbons and Metals in Soil*. Table 1.

² Telephone conversation with Ms. Lydia Thompson on May 13, 2011.

VPH parameter C₉-C₁₀ aromatics were used as a surrogate for 4-isopropyltoluene due to its similar chemical formula (C₁₀H₁₄) and aromatic structure. There are no surrogates for carbazole and dibenzofuran and these compounds were evaluated "manually" using the same exposure parameters and equations as the ShortForm to evaluate whether their contribution to overall Site risk is significant.

The dose-response data for carbazole and dibenzofuran were obtained from EPA's Integrated Risk Information System ("IRIS") and Health Effects Assessment Summary Table ("HEAST"). Published dose-response data for carbazole's non-cancer health effects were not available in databases reviewed, therefore only cancer health effects were evaluated for this compound. Dibenzofuran is not a Class A or B carcinogen and only non-cancer health effects were evaluated. The only other chemical-specific parameter required in the risk calculations is the Relative Absorption Factor ("RAF"). The RAFs for both COCs are unknown and were conservatively assumed to be equal to 1.0. The risk calculations for carbazole and dibenzofuran are shown in Table 3 and indicate that the additional Site cancer and non-cancer risks attributed to carbazole and dibenzofuran are minimal.

The MADEP ShortForm risk results are summarized in Table RS-2 and are as follow:

<u>Risk Type</u>	<u>Total Site Risk</u>	<u>MADEP Target Risk</u>
Subchronic	0.2	1.0
Chronic	0.5	1.0
Cancer	7 x 10 ⁻⁶	1 x 10 ⁻⁵

All cancer and non-cancer Site risks are below MADEP target risk levels.

Groundwater Risk

The WSE groundwater data collected in March and April 2011 is summarized in Table 4. Groundwater is not a significant exposure medium at the Site for human health or ecological receptors. The Site is not located within a potential drinking water source and the VOC concentrations are below GW-2 standards indicating the absence of a potential vapor intrusion pathway. Pyrene was the only compound detected above the GW-3 Method 1 cleanup standard (20 micrograms per liter, "µg/L") and was reported in MWS-5 and MWS-11 at concentrations of 21 and 40 µg/L, respectively. GW-3 standards are protective of surface water and the closest surface water body to the Site is Clarks Cove located over 1,000 feet to the east. The actual groundwater concentrations entering Clarks Cove attributed to the Site would be significantly lower due to dilution effects and other attenuating factors and would not pose a significant risk to ecological receptors under current or future use Site conditions.

Summary and Conclusions

A Method 3 risk assessment was performed at the former Goodyear Site using soil data collected by WSE in March and April 2011. Groundwater is not a significant exposure medium for human health receptors or ecological receptors in Clarks Cove located over 1,000 feet from the Site.

The Site is currently vacant and undeveloped. The MADEP's residential Shortform was used to evaluate whether a condition of NSR exists due to exposure to contaminants in soil. The residential scenario has the highest exposure potential for all age groups and if a condition of NSR exists for a residential receptor, it follows that a condition of NSR also exists for other less exposed receptors including school children, park visitors, etc.

The soil EPCs were based on the UCL95 which provides a more conservative estimate of risk. The exposure pathways included dermal contact and incidental ingestion. Ingestion of homegrown fruits and vegetables in contaminated soil was not considered a potential exposure pathway based on recent discussions with ORS and information presented at the last two Waste Site Cleanup Advisory Committee meetings held in January and April 2011. If included, the risk to human health would have exceeded acceptable risk limits due to the PCB concentrations in soil *even though* the EPC of 0.1 milligrams per kilogram ("mg/kg") is an order-of-magnitude lower than the S-1 Method 1 cleanup standard for PCBs (2.0 mg/kg) which, according to DEP, is protective of human health in residential settings.

The results of the Method 3 risk assessment without the consumption of homegrown fruits and vegetables pathway indicate a condition of NSR exists for current use and potential future Site use as a school (in which case consumption of homegrown fruits and vegetables exposure pathway would not be a significant exposure pathway). It is not clear at this time whether an Activity and Use Limitation ("AUL") discussing BMPs for vegetable gardening would be required for residential use of the site, and we have requested guidance from DEP on this matter.



FOR READING USE ONLY

THIS MAP IS A REPRODUCTION OF THE ORIGINAL RECORD DRAWING AND IS NOT TO BE USED AS A BASIS FOR CONSTRUCTION. THE ORIGINAL RECORD DRAWING IS THE ONLY AUTHORITY FOR THE LOCATION AND DIMENSIONS OF THE PROPERTY DESCRIBED HEREON.

CLARK'S COVE DEVELOPMENT CO., LLC
 400 BOSTON STREET, SUITE 200
 NEW BEDFORD, MA 01909

ASSESSING OFFICER
 JAMES J. GIBLIN
 100 STATE STREET
 NEW BEDFORD, MA 01909

REGISTERED PROFESSIONAL ENGINEER
 JOHN J. GIBLIN
 100 STATE STREET
 NEW BEDFORD, MA 01909

CITY OF NEW BEDFORD ZONING ORDINANCE

GENERAL REGULATIONS
 SECTION 10.01 - PURPOSE AND SCOPE
 SECTION 10.02 - APPLICABILITY
 SECTION 10.03 - ENFORCEMENT

APPLICANT DOES NOT Warrant THAT THIS PLAN IS ACCURATE OR COMPLETE. THE APPLICANT IS RESPONSIBLE FOR THE ACCURACY AND COMPLETENESS OF THE INFORMATION PROVIDED HEREON. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE INFORMATION PROVIDED HEREON.

APPROVAL NOT REQUIRED
PLAN OF LAND
 IN THE CITY OF
CLARK'S COVE
 DEVELOPMENT CO., LLC
 NEW BEDFORD, MA

DATE: NOVEMBER 3, 2017 SCALE: 1"=50'

PREPARED BY
PRIME ENGINEERING
 ONE BOSTON STREET, SUITE 200
 NEW BEDFORD, MA 01909
 TEL: 508-271-7294 FAX: 508-271-7294

ZONING REGULATIONS

RESIDENTIAL USE BUSINESS (RUB)
 1. USES: RETAIL STORES, RESTAURANTS, SERVICE BUSINESSES, PROFESSIONAL OFFICES, CONSULTING, AND OTHER BUSINESS USES THAT ARE COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD.

MINIMUM LOT AREA: 10,000 SQ. FT.

MINIMUM LOT DEPTH: 100 FT.

MINIMUM SETBACKS:
 FRONT: 25 FT.
 SIDE: 10 FT.
 REAR: 10 FT.

GENERAL REGULATIONS

SECTION 10.01 - PURPOSE AND SCOPE
 The purpose of these regulations is to provide a framework for the development and use of land in the City of New Bedford.

SECTION 10.02 - APPLICABILITY
 These regulations apply to all land within the City of New Bedford.

SECTION 10.03 - ENFORCEMENT
 The City Engineer is responsible for enforcing these regulations.

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CITY OF NEW BEDFORD ZONING ORDINANCE

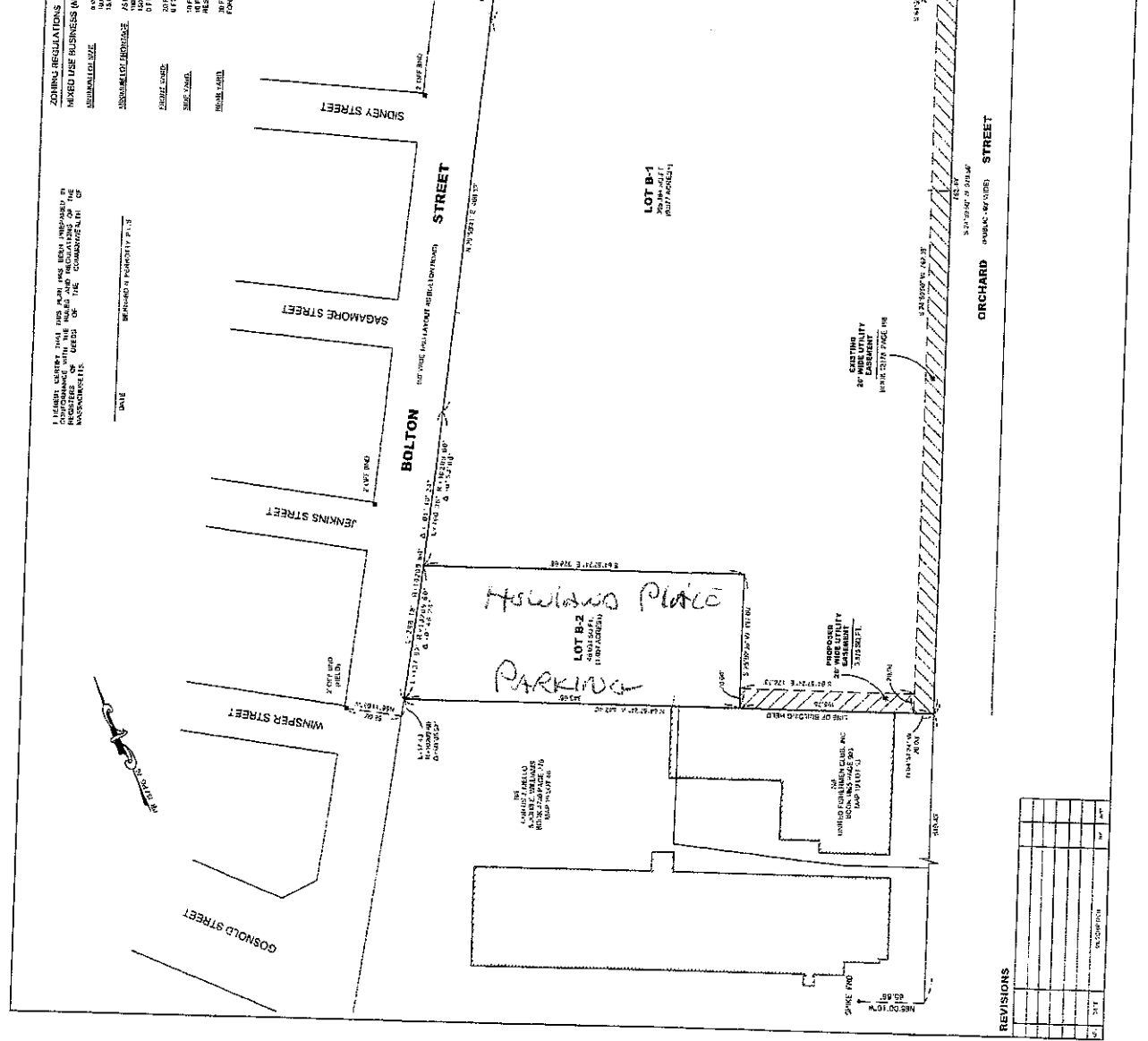
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AB177 Pg. 6

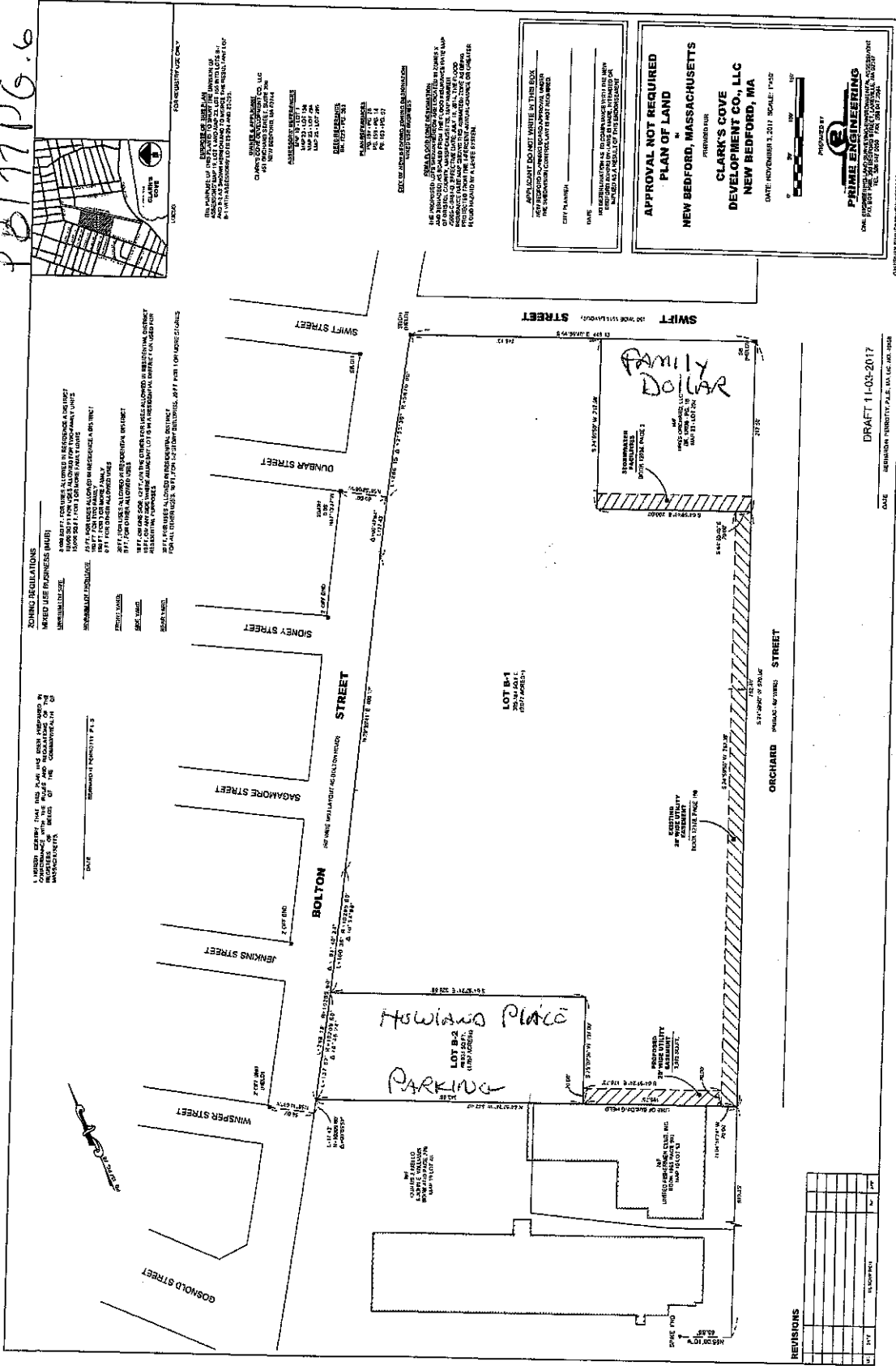
DRAFT 11-03-2017

DATE: NOVEMBER 3, 2017 SCALE: 1"=50'

REVISIONS

NO.	DATE	DESCRIPTION

PB177PG.6



ZONING REGULATIONS
 MIXED USE BUSINESS (MUB)
 MINIMUM LOT SIZE: 10,000 SQ. FT.
 MINIMUM FRONT YARD SETBACK: 10 FT.
 MINIMUM SIDE YARD SETBACK: 5 FT.
 MINIMUM REAR YARD SETBACK: 5 FT.
 MAXIMUM BUILDING HEIGHT: 35 FT.
 MAXIMUM GROUND COVER: 25%
 MAXIMUM LOT COVERAGE: 40%
 MINIMUM OPEN SPACE: 10%
 MINIMUM PARKING SPACES: 1 PER 100 SQ. FT. OF GROUND COVER

APPROVAL NOT REQUIRED
 PLAN OF LAND
 CLARK'S COVE DEVELOPMENT CO., LLC
 NEW BEDFORD, MASSACHUSETTS
 DATE: NOVEMBER 3, 2017 SCALE: 1"=20'
 PROVIDED BY: PRIME ENGINEERING
 ONE FEDERAL STREET, SUITE 200, NEW BEDFORD, MA 01909
 TEL: 508.245.7700 FAX: 508.245.7701

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 TEL: 508.245.7700 FAX: 508.245.7701

NO.	DATE	DESCRIPTION
1	11-03-2017	DRAFT

IN CITY COUNCIL, March 08, 2018
 Dennis W. Farias, City Clerk

Referred to the Committee on City Property.
 a true copy attest:
Dennis W. Farias
 City Clerk