



CITY OF NEW BEDFORD

CITY COUNCIL

April 12, 2018

Ordered, that that the Mayor is hereby authorized to execute, on behalf of the City of New Bedford, an Activity and Use Limitation (AUL) for the New Bedford Intermodal Center located at the Whale's Tooth Parking Lot, DEP Release Tracking Number 4-00118, in substantially the same form as the attached draft. The property is shown on City Assessor's Map 72, Lot 244.

Form 1075

NOTICE OF ACTIVITY AND USE LIMITATION

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

Disposal Site Name: New Bedford Intermodal Center
DEP Release Tracking No.(s): 4-00118

This Notice of Activity and Use Limitation ("Notice") is made as of this ____ day of _____, 2018, by The City of New Bedford, located at 133 William St., New Bedford, MA 02740, together with its successors and assigns (collectively "Owner").

W I T N E S S E T H:

WHEREAS, The City of New Bedford, is the owner in fee simple of that certain parcel(s) of land located in New Bedford, Bristol County, Massachusetts with the buildings and improvements thereon, pursuant to a deed recorded with the Bristol County Registry of Deeds in Book 1848, Page 972;

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 Bristol County Registry of Deeds in Plan Book 49, Plan 21;

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. Exhibit B is attached hereto and made a part hereof; and

WHEREAS, one or more response actions have been selected for 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 (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(s) 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;

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) Commercial and industrial uses of Property that do not disturb soils below the geotextile barrier at the base of the Engineered Barrier (refer to As-Built drawings include as **Exhibit E** of this filing);
- (ii) Activities and uses which are not identified by this Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) Activities and uses which, in the opinion of an LSP, 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
- (iv) Such activities and uses not identified in the Section 2 below titled: Activities and Uses Inconsistent with the AUL Opinion.

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 and, as such, may not occur on the Property:

- (i) Activities or uses which may damage the engineered barrier and/or disturb of soils beneath the geotextile barrier at the base of the cap.

3. Conditions Set Forth in the AUL Opinion. 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) The Property Owner and/or User will maintain the Engineered Barrier engineering control to prevent potential exposure to Site contaminants, thus eliminating the Imminent Hazard condition. Any penetrations of the Engineered Barrier will be repaired to restore prior conditions. The current thickness of the Engineered Barrier must be maintained unless an LSP determines that a change in barrier thickness at any location will not violate the design or regulatory requirements for Cap thickness at that location.

(ii) A Health and Safety Plan and a Soil Management Plan must be prepared and implemented prior to the commencement of any subsurface activities which may disturb contaminated soil located at beneath the geotextile barrier at the base of the Engineered Barrier within the AUL area. The Health and Safety and the Soil Management plans must be developed and implemented in accordance with the following guidelines:

(a) The Soil Management Plan must be prepared by an LSP and should describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and Site monitoring procedures necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust, and/or particulates. On-site workers 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;

(b) A Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements must prepare the Health and Safety Plan. The plan should clearly identify the location of the contaminated soil and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to lead, arsenic, polychlorinated biphenyls (PCBs), and/or poly aromatic hydrocarbons (PAHs) through dermal contact, ingestion, inhalation, and/or the inhalation of particulate dusts. Workers who may come in contact with the contaminated soil must be trained in the requirements of the Health and Safety Plan, and the plan must be available on Site throughout the course of the project;

(iii) The contaminated soil currently located beneath the geotextile barrier at the base of the Engineered Barrier within the AUL Area must remain inaccessible and may not be relocated to shallower depths unless an LSP renders an Opinion that such risk is consistent with maintaining a condition of No Significant Risk. Soil removed from beneath the geotextile barrier can be returned to its previous location prior to repairing the Engineered Barrier;

- (iv) Excavation associated with short term (three months or less) underground utility and/or construction activities which is likely to disturb contaminated soil located beneath the Engineered Barrier, provided it is conducted in accordance with the Soil Management Plan, a Health and Safety Plan and implemented in accordance with Obligations and Conditions Section (ii) above;
- (v) No soil may be removed from the Site without prior characterization for site COCs to ensure that material is handled and disposed of properly. MCP anti-degradation provisions must be observed for offsite soil disposal; and
- (vi) Annual monitoring and associated record-keeping activities must be performed to verify that the structural integrity of the engineering controls described in Section (i) above and illustrated in Exhibit E (As-Built) are being properly maintained to prevent exposure to soil contaminated by lead, arsenic, PCBs, and PAHs located beneath, and any of the Property engineering controls deemed to be breached must be immediately repaired and/or replaced with a comparable barrier to prevent future exposures to underlying contaminated soils.

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 et seq., 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 et seq., 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 et seq., 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 and/or Land Registration Office(s).

WITNESS the execution hereof under seal this _____ day of _____, 2018.

City of New Bedford

Witness

Jonathan F. Mitchell
Mayor, City of New Bedford

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss

On this ____ day of _____ 2018, before me, the undersigned notary public, personally appeared Jonathan F. Mitchell, Mayor, proved to me through satisfactory evidence of identification, which was a Massachusetts Driver's License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of New Bedford.

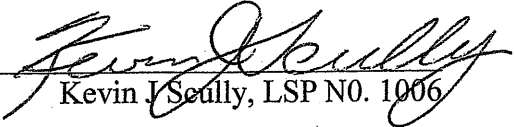
Notary Public

My Commission Expires: _____

CERTIFICATION OF LICENSED SITE PROFESSIONAL

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

Date: 2/20, 2018


Kevin J. Scully, LSP NO. 1006

[Licensed Site Professional SEAL]



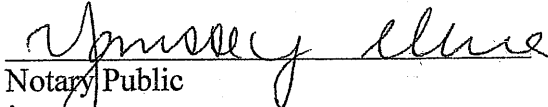
State of: New Hampshire)

) SS

County of: Hillsborough)

February 20, 2018

On this 20 day of February, 2018, before me, the undersigned notary public, personally appeared Kevin J. Scully proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public

My Commission Expires:

YARISSA Y. UBIERA, Notary Public
State of New Hampshire
My Commission Expires February 1, 2022

Upon recording, return to:

City of New Bedford
Office of the City Solicitor
City Hall, Rm. 203
133 William St.
New Bedford, MA 02740

CC:

Mikaela A. McDermott, City Solicitor
Office of the City Solicitor
City Hall, Rm. 203
133 William St.
New Bedford, MA 02740

Exhibit A

Metes and Bounds Description for Rail Yard Map 72 Lot 244 Whale's Tooth Larking Lot

Beginning at the northeast corner of the subject parcel a point located via a tie line from the northeast corner of the enclosing parcel at New Bedford Assessors Map 72-2 Lot 275 and having a bearing of S 54°41'43.58" W and a distance of 97.14 feet +/-,

thence on a bearing of S 04°20'36.58" W along the eastern boundary of the subject parcel a distance of 216.58 feet +/- to an angle point,

thence on a bearing of S 05°42'12.58" W continuing along the eastern boundary of the subject parcel a distance of 155.00 feet +/- to the southeast corner of the subject parcel,

thence on a bearing of S 82°09'44.58" W along the southern boundary of the subject parcel a distance of 48.26 feet +/- to the southwest corner of the subject parcel,

thence on a bearing of N 07°29'10.42" W along the western boundary of the subject parcel a distance of 35.82 feet +/- to an angle point,

thence on a bearing of N 08°27'00.42" W continuing along the western boundary of the subject parcel a distance of 326.58 feet +/- to the northwest corner of the subject parcel,

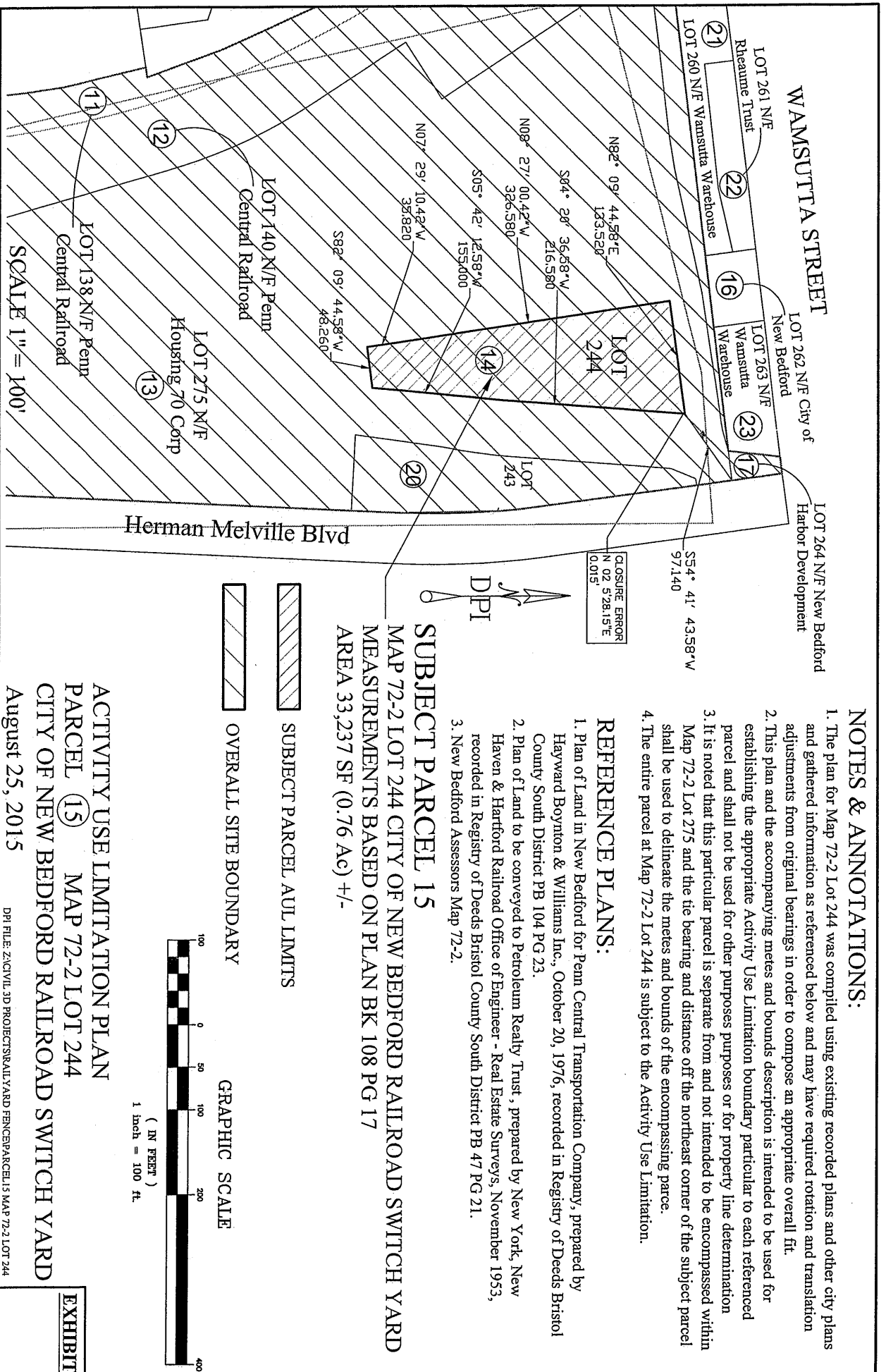
thence on a bearing of N 82°09'44.58" E along the northern boundary of the subject parcel a distance of 133.52 feet +/- to the northeast corner of the subject parcel,

thence for purposes of closure, on a bearing of N 02°05'28.15" E a distance of 0.015 feet +/- to the point of beginning.

The above described parcel contains an area of approximately 33,237 square feet (0.76 acres) and is more particularly shown on a Plan of Land in New Bedford for Penn Central Transportation Company, prepared by Hayward Boynton & Williams Inc., October 20, 1976, recorded in the Registry of Deeds Bristol County South District Plan Book 104 Page 23. This description accompanies an Activity Use Limitation Plan for Parcel 15 Map 72-2 Lot 244 dated March 28, 2014.

EXHIBIT B

**SKETCH PLAN SHOWING BOUNDARIES OF AREA SUBJECT TO
THE ACTIVITY & USE LIMITATION IN RELATION TO
BOUNDARIES OF PROPERTY AND DISPOSAL SITE**



NOTES & ANNOTATIONS:

1. The plan for Map 72-2 Lot 244 was compiled using existing recorded plans and other city plans and gathered information as referenced below and may have required rotation and translation adjustments from original bearings in order to compose an appropriate overall fit.
2. This plan and the accompanying metes and bounds description is intended to be used for establishing the appropriate Activity Use Limitation boundary particular to each referenced parcel and shall not be used for other purposes purposes or for property line determination
3. It is noted that this particular parcel is separate from and not intended to be encompassed within Map 72-2 Lot 275 and the tie bearing and distance off the northeast corner of the subject parcel shall be used to delineate the metes and bounds of the encompassing parcel.
4. The entire parcel at Map 72-2 Lot 244 is subject to the Activity Use Limitation.


REFERENCE PLANS:

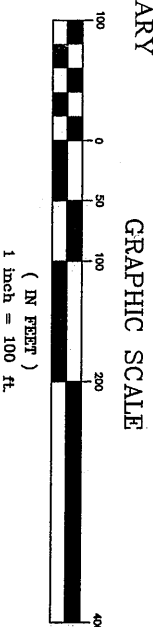
1. Plan of Land in New Bedford for Penn Central Transportation Company, prepared by Hayward Boynton & Williams Inc., October 20, 1976, recorded in Registry of Deeds Bristol County South District PB 104 PG 23.
2. Plan of Land to be conveyed to Petroleum Realty Trust, prepared by New York, New Haven & Hartford Railroad Office of Engineer - Real Estate Surveys, November 1953, recorded in Registry of Deeds Bristol County South District PB 47 PG 21.
3. New Bedford Assessors Map 72-2.

SUBJECT PARCEL 15

MAP 72-2 LOT 244 CITY OF NEW BEDFORD RAILROAD SWITCH YARD
MEASUREMENTS BASED ON PLAN BK 108 PG 17
AREA 33,237 SF (0.76 Ac) +/-

 SUBJECT PARCEL AUL LIMITS

 OVERALL SITE BOUNDARY



ACTIVITY USE LIMITATION PLAN
PARCEL 15 MAP 72-2 LOT 244
CITY OF NEW BEDFORD RAILROAD SWITCH YARD
August 25, 2015

DPI FILE: Z:\CIVIL 3D PROJECTS\RAIL YARD FENCE\PARCEL 15 MAP 72-2 LOT 244

EXHIBIT

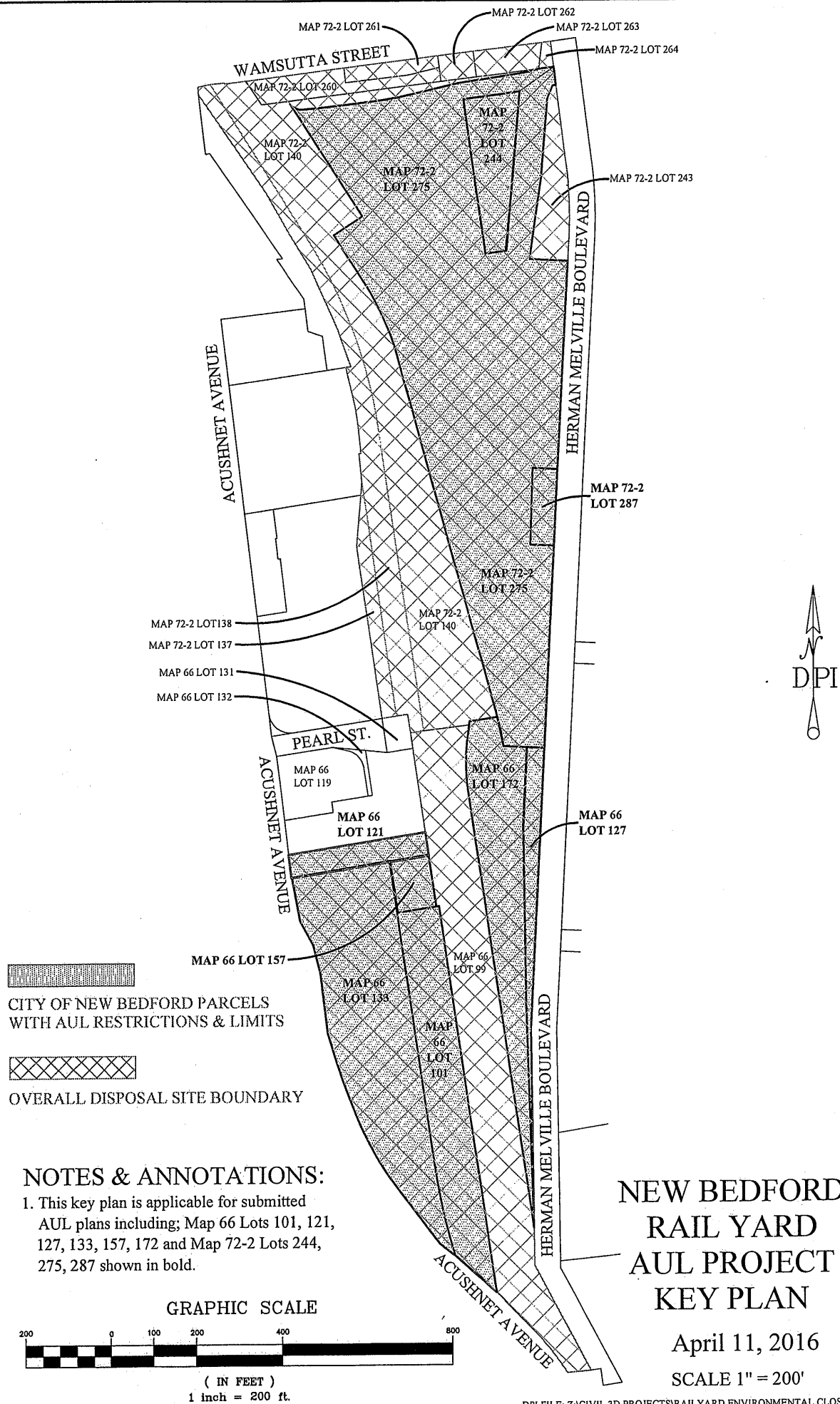


Exhibit C

Activity Use Limitation Opinion (Map 66 Lot 244)

In accordance with the Massachusetts Contingency Plan at 310 CMR 40.1704, this Activity and Use Limitation Opinion has been prepared to support a Notice of Activity and Use Limitation (AUL) on a portion of subject industrial Property (Property) located in the Former Conrail Railyard Site (Railyard Site) located at Herman Melville Blvd, New Bedford, MA 02740. The Railyard Site is located in New Bedford, Bristol County, Massachusetts at 41°38'30.0" north latitude and 70°55'35.6" west longitude and is approximately 32-acres in size. The Property is identified in New Bedford property records as Map 66 Lot 244 and is located within the Railyard Site. The Property is bounded on all sides by property parcel Map 72 Lot 275 (See Exhibit B). (See Exhibit B). The Engineering Controls present on the Property and codified by this AUL are part of a larger, multi-property engineering control constructed in order to achieve a Permanent Solution for The Former Conrail Yard Disposal Site (MADEP RTN 4-00118).

At the time of the recording of the AUL, the property is zoned for industrial use.

Site History

The Site is defined as the portion of the railyard and adjacent properties that were affected by the historic releases of lead, arsenic, polycyclic aromatic hydrocarbons (PAHs), and polychlorinated biphenyls (PCBs). It appears that the presence of arsenic on the site is due to the historic legal application of herbicides (pesticides) co-located with former rail and trench locations, and is exempt by law (MGL 21E) from regulation by the MCP. MADEP has also agreed that the presence of PAHs is due to historic filling activities that included coal ash and wood ash observed at the Site and atmospheric deposition of locomotive exhaust emissions and is also exempted by law. The City of New Bedford, however, complied with MADEP's request that the risk-based performance standards of the MCP be used to deal with arsenic and lead contamination and PAH contamination along with the PCB contamination that is governed by the MCP.

Reasons for Activity and Use Limitations

Imminent Hazards were related to potential exposure to shallow surface soils that are contaminated with lead, arsenic, and PCBs were identified at the Site during previous Site investigations that are detailed in the Phase II report. In response to these Imminent Hazards, the City has constructed an Engineered Barrier over multiple railyard parcels, including this Property.

A Phase III evaluation of potential permanent remedial actions determined that the Engineered Barrier is the most cost-effective permanent solution that achieves a condition of No Significant Risk on the Property.

An AUL is required to ensure the proper maintenance of these barriers.

Activities and Uses Consistent with the AUL Opinion.

The AUL Opinion provides that a condition of No Significant Risk to health, safety, public welfare or the environment exists for any foreseeable period of time (pursuant to 310 CMR 40.0000) so long as any of the following activities and uses occur on the Property:

- (i) Commercial and industrial uses of Property that do not disturb soils below the geotextile barrier at the base of the Engineered Barrier (refer to As-Built drawings include as **Exhibit E** of this filing);
- (ii) Activities and uses which are not identified by this Notice as being inconsistent with maintaining a condition of No Significant Risk;
- (iii) Activities and uses which, in the opinion of an LSP, 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
- (iv) Such activities and uses not identified in the Section below titled: Activities and Uses Inconsistent with the AUL Opinion;

Activities and Uses Inconsistent with the AUL Opinion

Activities and uses which are inconsistent with the objectives of this Notice of Activity and Use Limitation, and which, if implemented at the Property, may result in a significant risk of harm to health, safety, public welfare or the environment or in a substantial hazard, are as follows:

- (i) Activities or uses which may damage the Engineered Barrier and/or disturb of soils beneath the Geotextile Barrier at the base of the Engineered Barrier.

Obligations and Conditions Set Forth in the AUL Opinion

If applicable, obligations and/or conditions to be undertaken and/or maintained at the Property to maintain a condition of No Significant Risk as set forth in the AUL Opinion shall include the following:

- (i) The Property Owner and/or User will maintain the Engineered Barrier engineering control to prevent potential exposure to Site contaminants, thus eliminating the Imminent Hazard condition. Any penetrations of the Engineered Barrier will be repaired to restore prior conditions. The current thickness of the Engineered Barrier must be maintained unless an LSP determines that a change in barrier thickness at any location will not violate the design or regulatory requirements for Cap thickness at that location.
- (ii) A Health and Safety Plan and a Soil Management Plan must be prepared and implemented prior to the commencement of any subsurface activities which may disturb contaminated soil located at beneath the geotextile barrier at the base of the Engineered Barrier within the AUL area. The Health and Safety and the Soil Management plans must be developed and implemented in accordance with the following guidelines:
 - (a) The Soil Management Plan must be prepared by an LSP and should describe appropriate soil excavation, handling, storage, transport, and disposal procedures and include a description of the engineering controls and Site monitoring procedures necessary to ensure that workers and receptors in the vicinity are not affected by fugitive dust, and/or particulates. On-site workers 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;
 - (b) A Certified Industrial Hygienist or other qualified individual sufficiently trained in worker health and safety requirements must prepare the Health and Safety Plan. The plan should clearly identify the location of the contaminated soil and specifically identify the types of personal protective equipment, monitoring devices, and engineering controls necessary to ensure that workers are not exposed to lead, arsenic, PCBs, and/or PAHs through dermal contact, ingestion, inhalation, and/or the inhalation of particulate dusts. Workers who may come in contact with the contaminated soil must be trained in the requirements of the Health and Safety Plan, and the plan must be available on Site throughout the course of the project;

- (iii) The contaminated soil currently located beneath the geotextile barrier at the base of the Engineered Barrier within the AUL Area must remain inaccessible and may not be relocated to shallower depths unless an LSP renders an Opinion that such risk is consistent with maintaining a condition of No Significant Risk. Soil removed from beneath the geotextile barrier can be returned to its previous location prior to repairing the Engineered Barrier;
- (iv) Excavation associated with short term (three months or less) underground utility and/or construction activities which is likely to disturb contaminated soil located beneath the Engineered Barrier, provided it is conducted in accordance with the Soil Management Plan, a Health and Safety Plan and implemented in accordance with Obligations and Conditions Section (ii) above;
- (v) No soil may be removed from the Site without prior characterization for site COCs to ensure that material is handled and disposed of properly. MCP anti-degradation provisions must be observed for offsite soil disposal; and
- (vi) Annual monitoring and associated record-keeping activities must be performed to verify that the structural integrity of the engineering controls described in Section (i) above and illustrated in Exhibit E (As-Builts) are being properly maintained to prevent exposure to soil contaminated by lead, arsenic, PCBs, and PAHs located beneath, and any of the Property engineering controls deemed to be breached must be immediately repaired and/or replaced with a comparable barrier to prevent future exposures to underlying contaminated soils.

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 an LSP who shall render an Opinion, in accordance with 310 CMR 40.1080 et seq., as to whether the proposed changes will present a significant risk of harm to health, safety, public welfare or the environment. 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.

Violation of a Permanent Solution With Conditions

The activities, uses and/or exposures upon which this Notice is based shall not change at any time without the prior evaluation by an LSP in accordance with 310 CMR 40.1080 et seq., and without additional response actions, if necessary, to achieve or maintain a condition of No Significant Risk or to eliminate substantial hazards.

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 an LSP in accordance with 310 CMR 40.1080 et seq., 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, including MADEP notification, set forth in 310 CMR 40.0020.

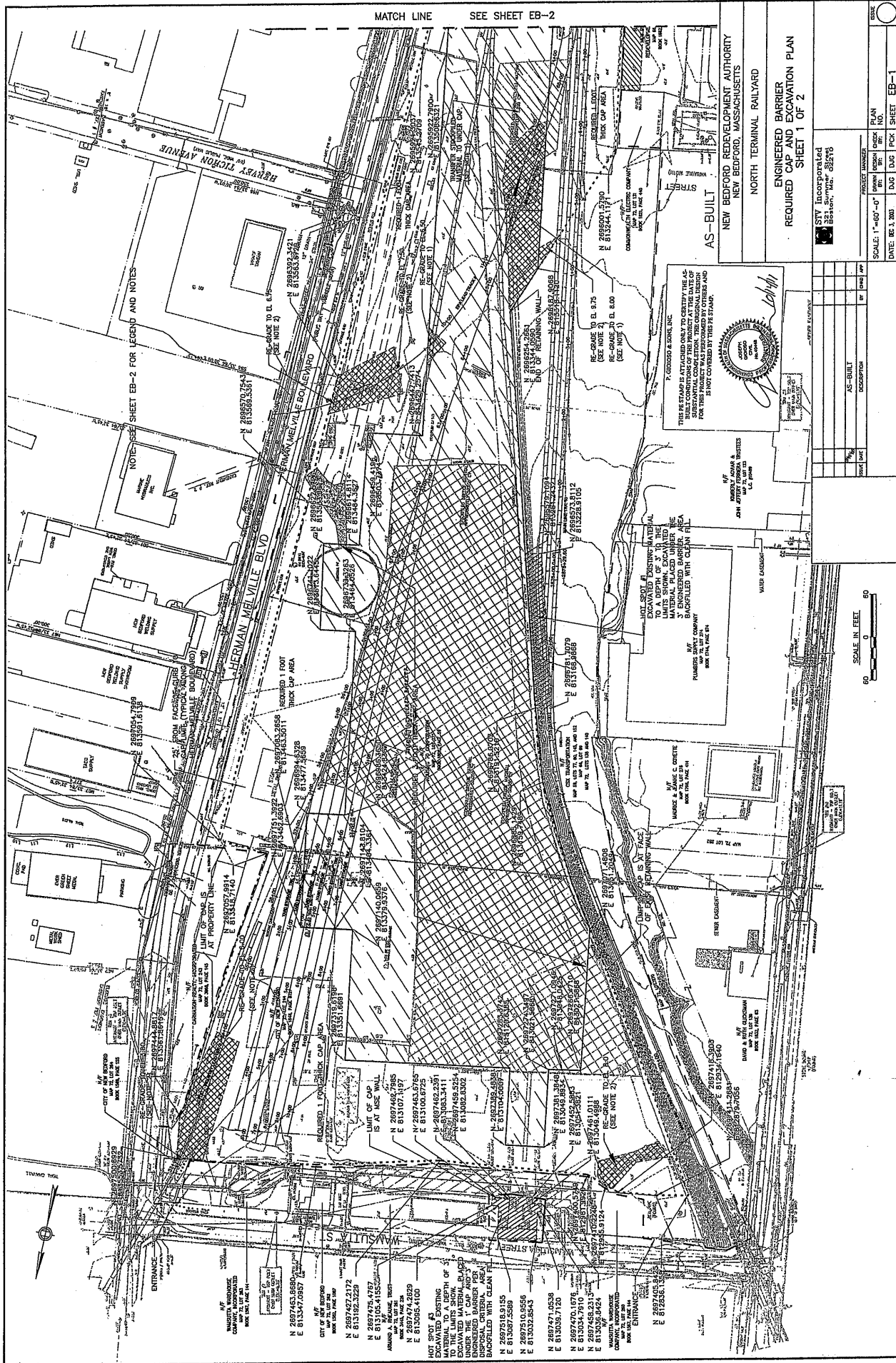
Exhibit D

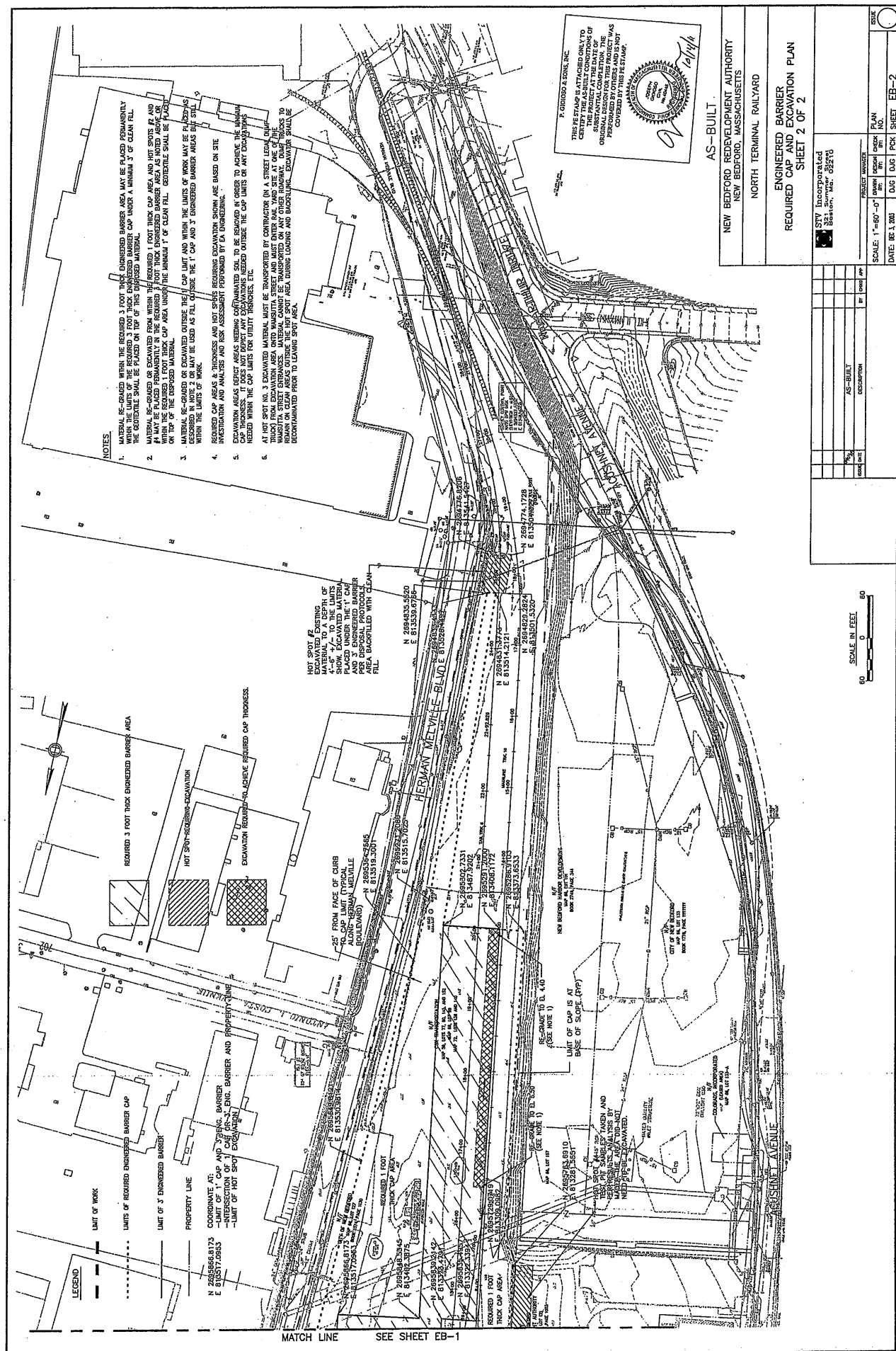
**Proof of Signatory Authority
To Impose AUL on
City of New Bedford Property
Bristol County Registry of Deeds
Book 1848, Page 972
Plan Book 49, Plan 21
Map 72 Lot 244**

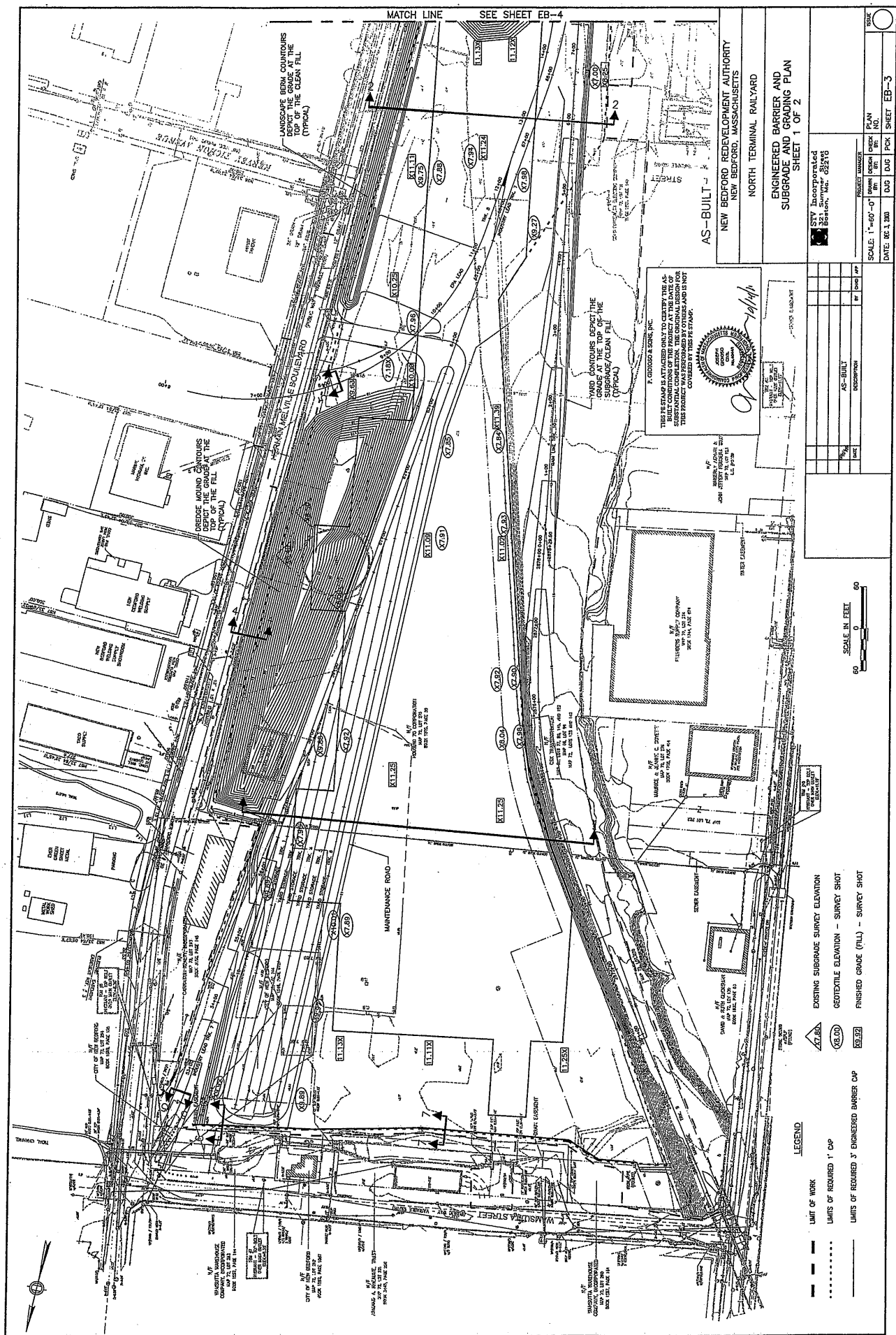
TO BE PROVIDED BY CITY

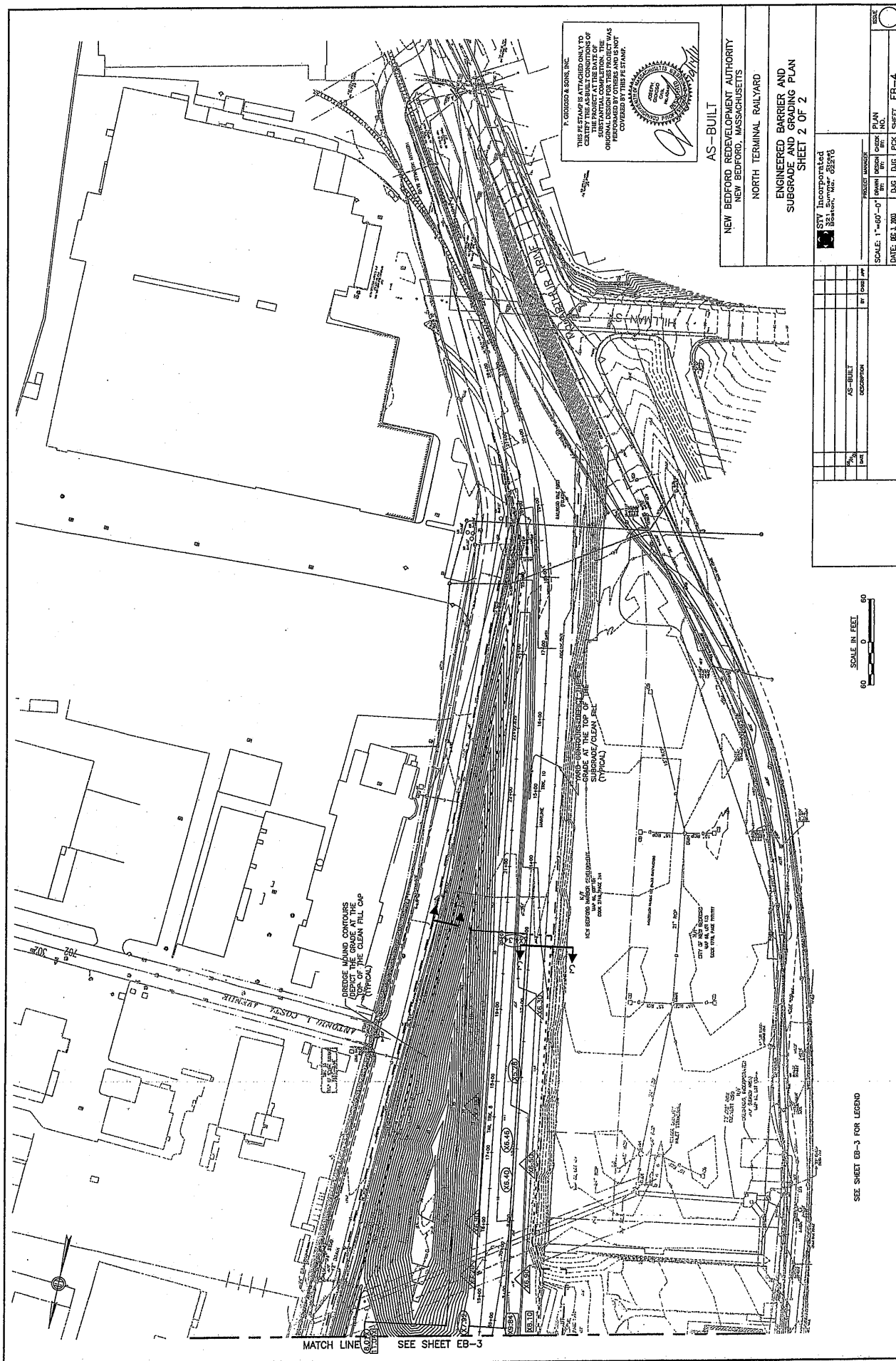
Exhibit E

Parcel Engineered Barrier As-Builts





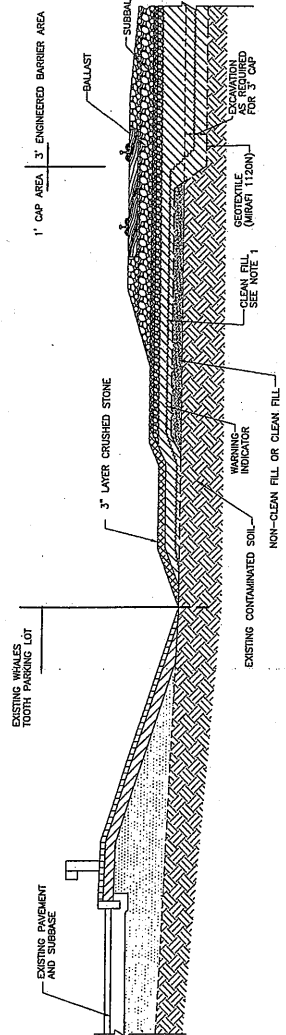




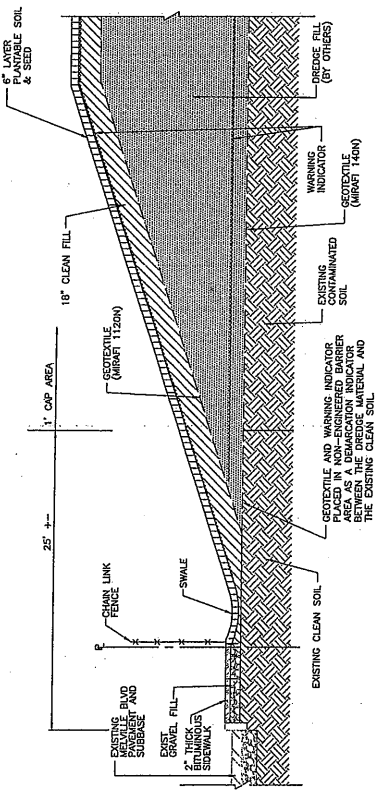
SEE SHEET EB-3 FOR LEGEND

\\PROJECTS\10835\North Terminal\EPA Sour Parent Plots\EB-4.dwg doublew 12-01-03

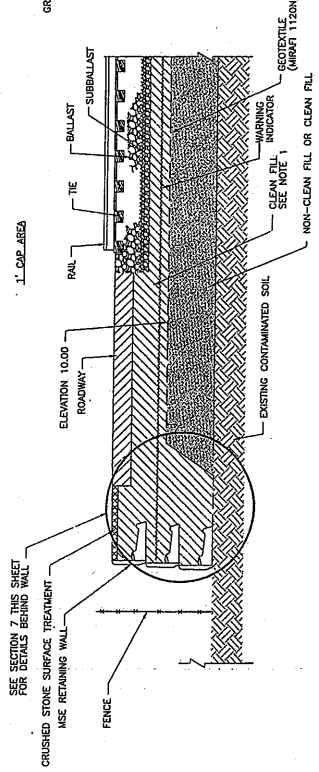




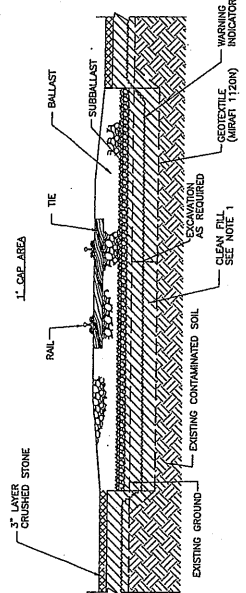
SECTION 3
N.T.S.



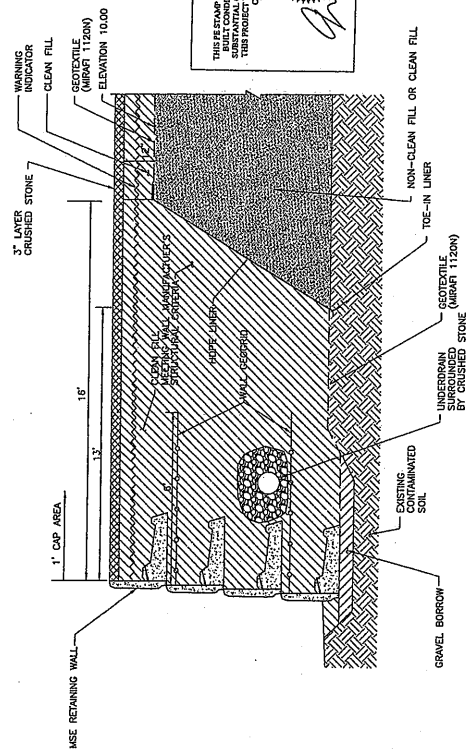
SECTION 4
N.T.S.



SECTION 6
N.T.S.



SECTION 5
N.T.S.



SECTION 7
N.T.S.

THIS FE STAMP IS ATTACHED ONLY TO CERTIFY THE AS-BUILT CONDITIONS OF THE PROJECT AT THE DATE OF THE FE STAMP. IT DOES NOT GUARANTEE THE QUALITY OF THE PROJECT OR THE ACCURACY OF THE FE STAMP. THIS PROJECT WAS PERFORMED BY OTHERS AND IS NOT COVERED BY THIS FE STAMP.

6. GORDON & SON, INC.

AS-BUILT

AS-BUILT

NEW BEDFORD REDEVELOPMENT AUTHORITY
NEW BEDFORD, MASSACHUSETTS
NORTH TERMINAL RAILYARD
ENGINEERED BARRIER
TYPICAL SECTIONS
SHEET 2 OF 2

NOTES:
1. SEE NOTES ON SHEET EB-5.

NO.	DATE	BY	CHKD	APP'D	DESCRIPTION
1					AS-BUILT

DATE: 08.1.00

SCALE: NONE

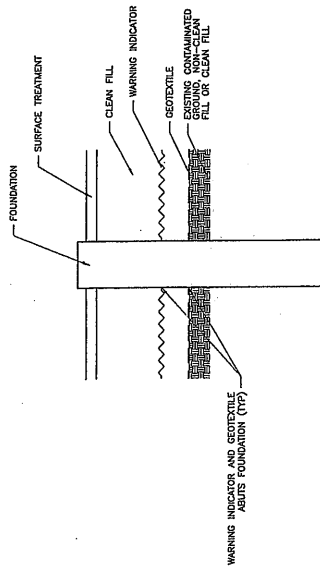
DATE: 08.1.00

SCALE: NONE

DATE: 08.1.00

SCALE: NONE

DATE: 08.1.00



ENGINEERED BARRIER
AT FOUNDATION DETAIL

Diagram illustrating a cross-section of a road surface structure. The layers from top to bottom are:

- 2" DISPERSED BARRIER AREA**: The top layer, indicated by a diagonal hatching pattern.
- 1" CAP AREA**: A thin layer below the dispersed barrier area, indicated by a horizontal hatching pattern.
- CLEAN FILL**: A layer below the cap area, indicated by a diagonal hatching pattern.
- BOTTOM OF CRUSHED STONE SURFACE TREATMENT OR SUBBALLAST OF GRAVEL, ROADWAY, ETC.**: The base layer, indicated by a cross-hatching pattern.

The diagram shows a transition from the dispersed barrier area to the cap area, and then to the clean fill and base layers. A vertical line separates the barrier area from the cap area, and another vertical line separates the cap area from the clean fill.

NOTES:

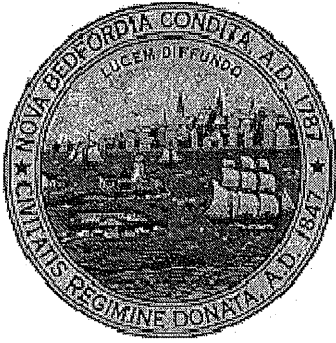
1. SEE NOTES SHEET EB-5

THIS PE STAMP IS ATTACHED ONLY TO CERTIFY THE AS-BUILT CONDITIONS OF THE PROJECT AT THE DATE OF SUBSTANTIAL COMPLETION. THE ORIGINAL DESIGN FOR THIS PROJECT WAS PERFORMED BY OTHERS AND IS NOT COVERED BY THIS PE STAMP.

ENGINEERED BARRIER
BARRIER DETAILS, DREDGE MOUND
DETAIL AND LANDSCAPE BERM DETAIL

STV, Incorporated
321 Summer Street
Boston, Mo. 02210

SCALE: NONE	DRAWING BY:	DESIGN BY:	CHECK BY:	PLAN NO.	ISSUE
DATE: DEC. 1, 2003	DJG	DJG	PCK	SHEET EB-7	



CITY OF NEW BEDFORD


CITY SOLICITOR'S OFFICE
133 William Street, Room 203
New Bedford, MA 02740-6163

Tel.# (508) 979-1460

Fax.# (508) 979-1515

MEMORANDUM

TO: Mikaela McDermott, City Solicitor

FROM: Thomas J. Mathieu, Esq. 

SUBJECT: Notice of Activity and Use Limitation (4)
Disposal Site Name: New Bedford Intermodal Center

DATE: March 26, 2018

Enclosed are 4 AUL's for portions of the Rail Yard Disposal site that are owned by the City of New Bedford, as well as a plan showing the location of the sites.

Based upon the review performed by the City's LSP, Matrix New World Engineering, Inc., it has been determined that with the restrictions limiting exposures to soil impacts identified at the Rail Yard site, as set forth in the enclosed AUL's, the site would pose 'No Significant Risk' to health, safety, public welfare or the environment under current conditions. The obligations set forth in the AUL's must be undertaken and/or maintained at the property in order to maintain a condition of 'No Significant Risk'.

I am requesting these be forwarded to the Mayor to be submitted to the City Council for the April 12, 2018 meeting.

Please let me know if you have any questions or need any further information on this matter.