

PUBLIC NOTICE

Notice of Rights of Affected Third Parties

The following Person has filed an application pursuant to M.G.L. c. 21E, s. 3A(j)(3) and 940 CMR 23.00, to enter into a Brownfields Covenant Not to Sue Agreement on **October 2, 2024**, for the Site listed below. Third parties who may have claims with regard to this Site are hereby notified that: 1)the execution of the requested Agreement may affect such claims, and 2) third parties whose rights will be affected may seek to join the Agreement.

Parties who wish to do so must make such request to the Attorney General in writing and must either deliver such request to: **Brownfields Unit, Environmental Protection Division, Office of the Attorney General, One Ashburton Place, Boston, MA 02108**. The request must be delivered by **Thursday, November 18, 2024**, or mail such request to the same address by first-class mail postmarked by that date.

Name of Applicant: **Wilmington Woburn Industrial, LLC (WWI)**

Description of the Site: The property located at 51 Eames Street (aka 109 Eames), Wilmington, MA is a 48.58-acre parcel of land currently owned by Olin Corporation and identified by the Town of Wilmington Assessor with Parcel ID# 37-10. The property is located south of Eames Street, approximately 1,000 feet east of the intersection of Eames Street and Main Street. The southern property boundary coincides with the Wilmington/Woburn town line. The property is bounded to the east by an MBTA rail line and to the west by an unused rail spur. The property is a portion of the Olin Chemical Superfund Site (the Site or the OCSS), which was listed on the National Priorities List (NPL) by the US Environmental Protection Agency (EPA) on April 19, 2006. The property was the location of chemical manufacturing operations from 1953 to 1986 and included operations in several buildings on the property. Olin closed the facility in 1986 and no manufacturing has occurred since that time. Five vacant buildings remain on the property totaling 46,516 +/- square feet per the Wilmington Assessor's Database. A groundwater treatment facility known as "Plant B" is operated by Olin at the site.

Description of the Release(s) at issue: The Site has been a Priority site under the Massachusetts Contingency Plan (MCP) since 1993 (MassDEP – RTN 3-0000471), and a Tier I site since 1994. As noted above, the Site was listed on the NPL April 19, 2006, and was listed by the Massachusetts Department of Environmental Protection (MassDEP) as Adequately Regulated under the MCP on April 18, 2006. As documented in the reports of the investigations performed to date, OCSS has been subdivided into three Operable Units ("OUs"): OU1 is defined as soil and sediment on the property, including the former facility area, the established conservation area, the on-property ditch system, the Calcium Sulfate Landfill, and the Slurry Wall Containment Area.

- OU1 has been evaluated for impacts to soil, surface water, sediment, and potential vapor intrusions into OU1 buildings.
- OU2 is defined as off-property surface water and sediment areas, including the off-property East Ditch, a small portion of the South Ditch, the off-property West Ditch, portions of the Maple Meadow Brook Wetland, and North Pond. Access to portions of OU2 is obtained through the property.
- OU3 is defined as all on- and off-property groundwater areas including the Maple Meadow Brook Aquifer, groundwater beneath the property, and groundwater located south and east of the property. Soils located within the water table are evaluated under OU3.

All known releases of oil and/or hazardous materials associated with the property occurred during early operations of the manufacturing facility. The areas associated with historical releases are as follows, and are located within OU1, the soil and sediment on the property:

- Former Lake Poly, East and West Pits and the three Acid Pits
- Leaks from Lined Lagoons I and II and Emergency Lagoon
- Liquid Waste Disposal Practices
- Manufacturing and Wastewater Treatment
- Plant B Production Area and Plant B Tank Farm
- Transformers

- Former Buried Debris Area
- Former Drum Areas
- Calcium Sulfate Landfill
- Liquid Waste Disposal into East, West and On-property South Ditch Streams.
- Fuel Oil Underground Storage Tanks

Subsurface Utilities/Septic Systems Inorganic salts and other organic compounds were released to these areas and formed a Dense Aqueous Phase Liquid (DAPL). The DAPL is slightly heavier than fresh water and settled gravimetrically into three distinct pools located in bedrock depressions described as the On-Site DAPL Pool, the Off-property DAPL pool, and the Main Street DAPL Pool. The DAPL contains chromium, dissolved solids, ammonia, chloride, magnesium, sodium, sulfate, and has an acidic pH. The 2018 Draft Remedial Investigation Report for OU3 documents the nature and extent of groundwater impacts associated with DAPL and diffuse layer material. EPA published a Record of Decision (ROD) for the Site in March 2021 selecting the Final Remedies for OU1 and OU2 and an Interim Remedy for OU3. A Consent Decree (CD) was entered in federal court on September 28, 2023, between the United States (on behalf of EPA), the Commonwealth of Massachusetts (on behalf of MassDEP) and four Settling Defendants, American Biltrite, Inc., NOR-AM Agro LLC, Olin Corporation, and Stepan Company (Settling Defendants). The Settling Defendants will implement the remedies required by the Consent Decree under the supervision of EPA.

Assessment and remediation activities are ongoing and are being conducted by the Settling Defendants in accordance with the Consent Decree and under the supervision of the United States Environmental Protection Agency (EPA) and in accordance with the MCP. Details of ongoing assessment and remediation may be found by visiting the EPA website at www.epa.gov/superfund/olin.

Summary of the terms of the application: WWI has proposed a redevelopment of the property as a state-of-the-art industrial warehouse facility to be built in two phases. Phase 1 of the project will be developed over a 13.16-acre eligible portion of the property and is anticipated to be a 195,400 square foot industrial building with associated parking, loading, office, and storage uses. A future Phase 2 of the project that would serve as a permanent engineered cap over the containment area and include a 135,000 square foot addition to the Phase 1 structure, also with associated parking, loading, office, and storage uses. Phase 2 can be developed only after approval by EPA. The proposed uses in both phases of the project are allowed by the Town of Wilmington Zoning Bylaw.

WWI is seeking liability relief from any claims related to the presence of oil or hazardous materials in soil, sediments, or surface water on the property (OU1) and soil, sediments, or surface water off of the property (OU2). At the time EPA issues a Final ROD for OU3 (on and off-property groundwater), WWI intends to submit a revised application seeking liability relief for OU3.

The property is a part of the Olin Chemical Superfund Site, which is also subject to the MCP. By acquiring the property, WWI would meet the definition of a "potentially responsible party" under the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9600 et seq. (CERCLA), and would meet the definition of a "responsible party," under 21E and the MCP. However, it is clear that WWI did not cause the current conditions at the property or the Site. Furthermore, the responsible parties have been identified and have assumed responsibility to complete the investigation and remediation of the Site, including the property, under both CERCLA and the MCP. To provide CERCLA liability protection to WWI, WWI has entered into a Prospective Purchaser Agreement (PPA) with EPA. However, the PPA will not provide liability protections for claims under the MCP. In addition, the liability protections provided by statute will not be available until the Settling Defendants complete the work required by the CD and the ROD, i.e., the "Permanent Solution" is achieved. This is a complex site and it could be years until a Permanent Solution is achieved. WWI is seeking liability protection for that time it will take the responsible parties to complete the remediation.

Copies of the Applicant's application may be obtained by contacting:
William Buckley, Project Director, Wilmington Woburn Industrial, LLC, (978) 265-8550, wbuckley@gfipartners.com