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W 02 9999

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Massachusetts Department of Environmental Protection Transmittal Form for Permit Application and Payment

Fwf # 53505
PO# 371510
507

Instructions

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Your check should be made payable to the Commonwealth of Massachusetts. Please mail your check along with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

3. Three (3) copies of this form will be needed.

Copy 1 (the original) must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to DEP, P.O. Box 4062, Boston, MA 02211

For DEP Use Only
Permit No. _____
Rec'd Date _____
Reviewer _____

A. Application Information

DEP Permit Code (the 7 or 8 character code from first page of permit application instructions): BWP SW13
Name of Permit Category: Beneficial Use Determination - Major
Type of Project or Activity:

B. Applicant Information (Firm or Individual)

Name of Firm: Town of Dedham		
Or, if party needing this approval is clearly an individual:		
Individual's Last Name:	First Name	MI

Street Address 55 River Street			
City/Town Dedham	State MA	Zip Code 02026-2935	Telephone Number 781) 326-1550 ext.
Contact: Paul G. Keane		e-mail address (optional) pkeane@town.dedham.ma.us	

C. Facility, Site or Individual Requiring Approval

Name of Facility, Site or Individual NA		DEP Facility Number (if Known)	
Street Address		e-mail address: (optional)	
City/Town	State	Zip Code	Telephone Number () ext.

D. Application Prepared by (if different from Section B)

Name of Individual or Firm: Metcalf & Eddy, Inc.			
Address 30 Harvard Mill Square			
City/Town Wakefield	State MA	Zip Code 01880	Telephone Number 781) 224-6024 ext.
Contact: Joel Meunier		LSP Number (21E only) NA	

E. Permit - Project Coordination

Is this project subject to MEPA review? yes no
 If yes, indicate the project's EOE file number (assigned when an Environmental Notification Form is submitted to the MEPA unit)
 EOE # _____ Is an Environmental Impact Report Required? yes no
 Is this application part of a larger project for which two or more DEP permits are being or will be sought? yes no
 List any other DEP permits that apply to this project:

Permit Category	Date of Submission (tentative or actual)	Transmittal Number (if application already submitted)

F. Amount Due

Special Provisions: Fee Exempt* (city, town or municipal housing authority) (state agency if fee is \$100 or less)
 Hardship Request [payment extensions according to 310 CMR 4.04(3)(c)]
 Alternative Schedule Project (according to 310 CMR 4.05 and 4.10)
 *There are no fee exemptions for 21E, regardless of applicant status

Check #:	Dollar Amount:	Date:
Please make check payable to the Commonwealth of Massachusetts and mail check and one copy of this form to DEP, P.O. Box 4062, Boston, MA 02211		



August 6, 2002

Mr. James Doucette
Commonwealth of Massachusetts
Department of Environmental Protection
Northeast Regional Office
205a Lowell Street
Wilmington, MA 01887

30 Harvard Mill Square
Wakefield, MA 01880-5371
P.O. Box 4071
Wakefield, MA 01880-5371

Tel: 781-246-5200
Fax: 781-245-6293
www.m-e.com

Subject: BWP SW 13 Beneficial Use Determination-Major
Town of Dedham Rails-to-Trails Street Sweepings Reuse

Dear Mr. Doucette

On behalf of the Town of Dedham, please find enclosed the application for Beneficial Use Determination for the Town's proposed of street sweepings as a base for its Rails-to-Trails project. As you know, the initial phase of this project is being expedited to cover and prevent exposure to arsenic-contaminated soils that have been detected in soils adjacent to the railway. The Town's goal is to complete this phase of the project prior to the start of the school year, since the high school is located near the railway.

DEP staff have been extensively involved in the decision-making progress regarding the design of the cover, including the thickness and placement of the sweepings and clean soil cover. The enclosed package describes the location and design of the proposed project, the chemical content of the proposed street sweepings, and handling methods for the street sweepings.

We appreciate your prompt response to this application.

Very Truly Yours
Metcalf & Eddy, Inc.

Martha L. Zirbel, P.E.
Project Manager

Cc: Town of Dedham Board of Health

Ms. Laurel MacKay, Deputy Regional Director, BWSC
Department of Environmental Protection
205A Lowell Street
Wilmington, MA 01887

Mr. Jamie Doucette
Department of Environmental Protection
One Winter Street
Boston, MA 02108-4746

Department of Environmental Protection (Transmittal Form Only)
P.E. Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
 Bureau of – Waste Prevention – Solid Waste Management
BWP SW 13 Beneficial Use Determination – Major
BWP SW 30 Beneficial Use Determination - Minor
Application for Beneficial Use Determination

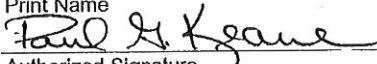
W 02 9999
 Transmittal Number #
 Facility ID (if known)

A. Project Information (cont.)

	Page #	DEP USE ONLY
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4. Proposed Handling Methods and Utilization	3	
a. Proposed handling methods		
(1) transportation	3	
(2) storage	3	
(3) processing	3	
b. Proposed utilization		
(1) general description	1	
(2) location(s) where material is to be used	1	
(3) health and environmental impacts	3-4	

B. Certification: 310 CMR 19.011

Any person, required by these regulations or any order issued by the Department, to submit papers shall identify themselves by name, profession, and relationship to the applicant and legal interest in the facility, and make the following certification: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties both civil and criminal for submitting false information including possible fines and imprisonment.

Paul G. Keane, P.E.
 Print Name

 Authorized Signature
 Commissioner, Town of Dedham DPW
 Position/Title
 AUGUST 7, 2002
 Date

BWP-13
BENEFICIAL USE DETERMINATION-MAJOR

DEDHAM RAILS-TO-TRAILS STREET SWEEPINGS REUSE

SUPPORTING DOCUMENTATION

1.0 Introduction

This Beneficial Use Determination (BUD) has been prepared for street sweepings collected by the Town of Dedham. The project that the sweepings will be used for is located in the eastern portion of the Town of Dedham. The project consists of the placement of compacted fill placed on the approximately 7,200 feet of abandoned railroad corridor that lies between the Readville MBTA yard to East Street. The fill (some of which will be comprised of 3,000 cubic yards of street sweepings currently located at the Town of Dedham Department of Public Works Yard) is intended to provide a cap that will be placed on top of soils found to contain elevated levels of arsenic and lead. Figures are provided in Attachment 1 to this submittal. A typical section of the project is shown in Figure 1 and is described in greater detail below. Figure 2 presents general depiction of the project location. A site locus map is provided in Figure 3.

Provided below is a supplement to the BUD-Major Permit application to which this has been attached.

2.0 General Information about the Solid Waste

a. General description of the waste

The material consists of approximately 3,000 cubic yards of street sweepings. Additional information regarding the physical and chemical properties of the material have been provided in Section 3.0 (a) and (b) of this document.

b. Source of the waste

The material consists of street sweepings collected by the Dedham Department of Public Works (DPW). The source of the sweepings is mixed residential and urban center roads and for the purposes of this BUD will be treated as material collected from "Urban Center Roads", as defined in MADEP's BWP-94.092 policy (*Reuse and Disposal of Street Sweepings*).

Generator contact information regarding the sweepings addressed by this BUD is as follows:

Town of Dedham Department of Public Works
55 Bridge Street
Dedham, MA 02026-1742

Contact: Mr. Paul G. Keane, P.E., DPW Commissioner
(781) 326-1550

c. Description of the industrial process which produces the waste

Not applicable. As noted above, the materials consist of approximately 3,000 cubic yards of street sweepings collected by the Dedham Department of Public Works (DPW).

d. Quantity (volume and/or tonnage)

Approximately three thousand cubic yards.

3.0 Chemical, Physical and Biological Properties of the Waste

a. Chemical properties of the waste

Six composite samples were collected from the 3,000 cubic yard stockpile of street sweepings on July 24, 2002, by Metcalf & Eddy, Inc. (M&E) and analyzed for the following analyses: extractable petroleum hydrocarbons (EPH) with target polynuclear aromatic hydrocarbons (PAHs) by MADEP method, Priority Pollutant 13 metals by SW 846 methods, and specific conductivity. Each sample was comprised of a 5-point composite that was derived from five sub-samples. Each sub-sample was collected from a depth ranging from 1 to 1.5 feet below surface grade and mixed in the field with pre-cleaned, dedicated stainless-steel equipment.

The sample data has been presented in Table 1, which has been provided along with the raw data as Attachment 2.

b. Physical properties of the waste

The sweepings consist of fine, medium, and course sand with some silt and organics (predominantly leaves). Some litter was also entrained in the street sweepings during their collection. Earth-Tech Transportation Division (the firm responsible for the design and construction of the trail) has determined that the sweepings are geotechnically suitable for the proposed use as a sub-base to walking and bicycling trail that will

ultimately be the end product of this project.

c. Biological properties of the waste, if applicable

Based upon the nature of the sweepings, this parameter is not applicable.

4.0 Proposed Handling Methods and Utilization

a. Proposed handling methods

The sweepings are currently being stored as a single stockpile in the rear of Dedham's DPW facility. The sweepings will be loaded onto dump trucks and transported to the project site, where they will be placed and compacted as required.

In accordance with Section 7.3 of MADEP's BWP-94.092, "solid waste, such as paper, auto parts and other trash, shall be removed from the sweepings prior to use. Leaves, twigs and other organic matter should also be removed when good engineering practice indicates this is necessary to produce a material that is suitable for the intended use". Any of the sweepings that are visually contaminated with oil or OHM will be removed prior to its use in the railroad corridor cap.

Dust control will be practiced during all phases of handling. Dump trucks will be covered in order to minimize dust migration and retain fugitive particles of any trash that is present. During loading, unloading, placement, and compaction, dust control measures consisting of application of calcium chloride or wet suppression methods will be used. Dust generation will be continually monitored visually to assess whether dust suppression methods are successful.

b. Proposed utilization

As noted in the Introduction above, the sweepings will be placed directly on top of the railroad rails, rail ties, and railroad bed in order to provide a sub-base for the proposed trail that will be constructed on top of the existing railroad right-of-way. At the direction of MADEP, the sweepings will not be used to fill in any of the small low-lying areas that have standing water or have reverted to wetlands. The filling of the railroad bed is depicted on the typical section that has been provided as Figure 1. As noted on this section, the street sweepings will be placed to a thickness of 2 feet and will be initially covered with a minimum of one foot of common (clean) fill. Subsequent development of the corridor for use as a bike and walkpath may see the addition of more clean fill on top of the street sweepings, and will also see the addition of an asphalt cap.

With respect to the potential impact the sweepings might have to human health: as noted in Table 1 (Attachment 2), with several exceptions, the concentrations of analyzed chemicals are typically below current MADEP Massachusetts Contingency Plan (MCP)

S-1 Reportable Concentrations (RCs), which represent the most conservative residential use scenario. Several PAH's are consistently present at concentrations slightly above the current RC-S1 reportable concentrations. However, in the Pre-Public Hearing Draft: Proposed Changes to the Massachusetts Contingency Plan, 310 CMR 40.0000, December 20, 2001, DEP has proposed significant revisions to the Method 1 S-1 risk standards for these chemicals, on which the reportable concentrations are based. These proposed values are shown in Table 1.

With one minor exception (chromium at 52 mg/Kg, as compared to the proposed Method 1 S1 standard of 40), all individual sample results will fall below the proposed MCP Method 1 S1 risk standards that are soon to be implemented. The average chromium result for the 5 samples also falls under the proposed concentration. Based on these comparisons and the fact that the sweepings will be covered and contact will be eliminated, it is unlikely that the sweepings will have a negative human health impact.

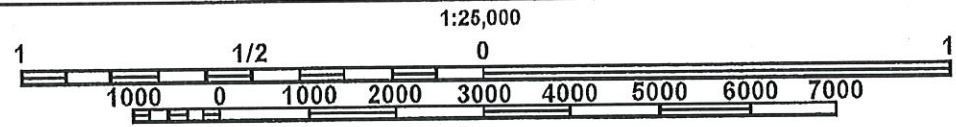
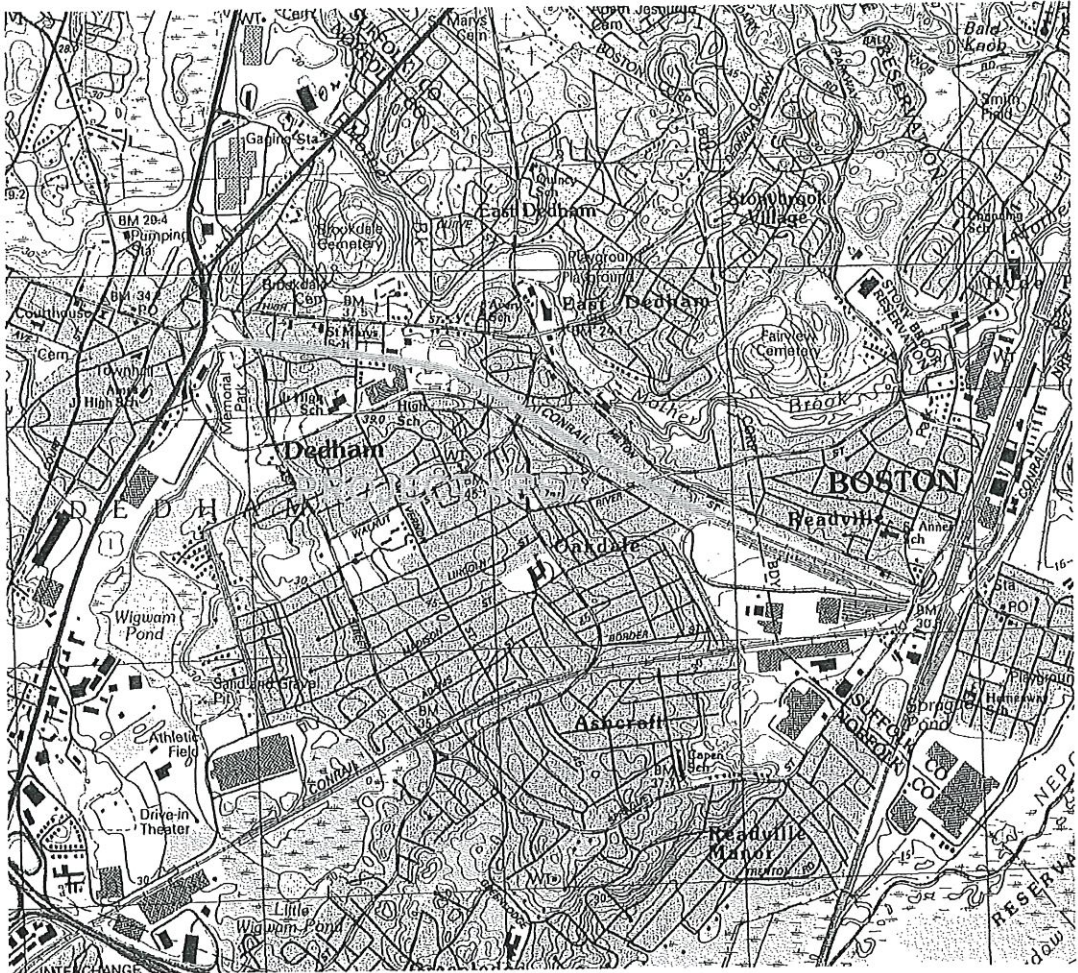
With respect to the potential impact the sweepings might have to the environment: as noted above, MADEP has directed that the sweepings not be used to fill in any of the small low-lying areas that have standing water or have reverted to wetlands. As the material will be covered with a minimum of 1-foot of clean fill, potential pathways for contact with environmental receptors have been eliminated, thereby eliminating potential risk.

With respect to additional restrictions on the use of the sweepings in question, the following prohibitions will be adopted, in accordance with MADEP's BWP-94.092 policy:

- The sweepings are not used in residential areas;
- The sweepings are kept above the level of the groundwater;
- The sweepings are not used in designated "No Salt Areas";
- The sweepings are not used within the 100 foot buffer zone of a wetland or within wetland resource areas including bordering vegetative wetlands and riverfront areas;
- The sweepings are not used within 500 feet of a ground or surface drinking water supply.

ATTACHMENT 1

FIGURES



CONTOUR INTERVAL 10 FEET
 NATIONAL GEODETIC VERTICAL DATUM OF 1929



FIGURE 3: SITE LOCUS MAP
ABANDONED RAILROAD ROW
DEDHAM, MA
 SCALE - 1:25,000

ATTACHMENT 2

STOCKPILED STREET SWEEPINGS ANALYTICAL DATA

Table 1
Dedham DPW Stockpiled Street Sweepings

M&E SAMPLE ID DATE SAMPLED	Units	SP072402-1 07/24/2002	SP072402-2 07/24/2002	SP072402-3 07/24/2002	SP072402-4 07/24/2002	SP072402-5 07/24/2002	SP072402-6 07/24/2002	SP072402-6X 07/24/2002 field duplicate	Current RCs SI	Proposed Changed MCP Method 1 SI/GW-1
EXTRACTABLE PETROLEUM HYDROCARBONS										
C9-C18 Aliphatics	mg/kg	53 U	53 U	55 U	51 U	53 U	54 U	54 U	1000.0	3000.0
C19-C36 Aliphatics	mg/kg	66	59	55 U	51 U	59	65	69	2500.0	20.0
C11-C22 Aromatics (excludes Targeted PAH Analyses)	mg/kg	53 U	53 U	55 U	51 U	53 U	54 U	54 U	200.0	
TARGET PAHS										
Naphthalene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	4.0	0.7
2-Methylnaphthalene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	4.0	6.0
Acenaphthylene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	100.0	4.0
Acenaphthene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	20.0	1000.0
Fluorene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	400.0	20.0
Phenanthrene	mg/kg	1.1	0.87	0.9	1.1	2.3	2	1.9	100.0	
Anthracene	mg/kg	0.28	0.26 U	0.27 U	0.26 U	0.68	0.44	0.4	1000.0	
Fluoranthene	mg/kg	2.5	1.8	2	2.4	4.4	4.3	4.2	1000.0	
Pyrene	mg/kg	1.8	1.5	1.5	1.8	3.1	3.1	3.2	700.0	
Benzo(a)anthracene	mg/kg	0.96	0.67	0.73	0.8	1.5	1.5	1.5	0.7	1000.0
Chrysene	mg/kg	1.2	0.84	0.84	0.93	1.8	1.9	1.9	7.0	7.0
Benzo(b)fluoranthene	mg/kg	1.4	1.1	1.1	1.3	2	2.2	2.3	0.7	7.0
Benzo(k)fluoranthene	mg/kg	0.54	0.38	0.44	0.34	0.8	0.82	0.83	7.0	2.0
Benzo(a)pyrene	mg/kg	0.95	0.73	0.77	0.8	1.4	1.4	1.5	0.7	
Dibenz(a,h)anthracene	mg/kg	0.26 U	0.26 U	0.27 U	0.26 U	0.27 U	0.27 U	0.27 U	0.7	7.0
Indeno(1,2,3-c,d)pyrene	mg/kg	0.76	0.51	0.45	0.48	0.78	0.73	0.78	0.7	2.0
Benzo(g,h,i)perylene	mg/kg	0.73	0.47	0.41	0.43	0.66	0.65	0.65	1000.0	
METALS										
Antimony	mg/kg	5.1 U	5.3 U	5.4 U	5.1 U	5.5 U	5.3 U	5.4 U	10.0	20.0
Arsenic	mg/kg	6.4 U	6.6 U	6.7 U	6.4 U	6.8 U	6.6 U	6.7 U	30.0	20.0
Beryllium	mg/kg	0.64 U	0.66 U	0.67 U	0.64 U	0.68 U	0.66 U	0.67 U	0.7	0.9
Cadmium	mg/kg	0.64 U	0.66 U	0.67 U	0.64 U	0.68 U	0.66 U	0.67 U	30.0	3.0
Chromium	mg/kg	13	12	10	52	14	9.4	12	1000.0	40.0
Copper	mg/kg	18	20	16	12	19	15	13	1000.0	
Lead	mg/kg	33	25	29	66	40	29	32	300.0	
Mercury	mg/kg	0.053 U	0.049 U	0.055 U	0.052 U	0.052 U	0.052 U	0.055 U	20.0	1.0
Nickel	mg/kg	5.2	5.3 U	5.4 U	14	6	5.8	5.4 U	300.0	30.0
Selenium	mg/kg	10 U	11 U	11 U	10 U	11 U	11 U	11	400.0	
Silver	mg/kg	1.8 U	1.9 U	1.9 U	1.8 U	1.9 U	1.8 U	1.9 U	100.0	
Thallium	mg/kg	6.4 U	6.6 U	6.7 U	6.4 U	6.8 U	6.6 U	6.7 U	8.0	
Zinc	mg/kg	54	49	45	44	49	44	43	2500.0	
Conductivity	umhos/cm	2,900	80	75	54	3,000	2,300	2,100	Landfill Limit 4,000	

U = Compound not detected. Associated value is the compound-specific detection limit.
 RCs = Reportable Concentrations
 Indicates an exceedance of Current Reportable Concentrations S1
 Indicates an exceedance of Proposed MCP Reportable Concentrations S1

BWP/SW

FILE COPY



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

AUG 16 2002

Paul Keane, Commissioner
Town of Dedham
Department of Public Works
55 River Street
Dedham, MA 02026

Re: DEDHAM - Solid Waste
Beneficial Reuse of
Street Sweepings
File # W029999
FMF # 53505

Dear Mr. Keane;

The Metropolitan Boston/Northeast Regional Office of the Department of Environmental Protection, Bureau of Waste Prevention, Solid Waste Management Section has reviewed your application for Beneficial Use of street sweepings at the former Conrail Railroad right-of-way in the Town of Dedham, MA (BWP SW 13, Beneficial Use Determination - Major, Transmittal Number W029999). The application was prepared on your behalf by Metcalf & Eddy, Wakefield, MA.

Pursuant to this application, it is proposed to utilize street sweepings as fill to cover areas of the right-of-way contaminated with Arsenic and/or Lead. The placement of the covering soil is both to stop direct human contact with the Arsenic and Lead contaminated soils, and as a first step to instituting a "rails-to-trails" project along the abandoned railroad right-of-way.

The Department has determined that the application complies with the requirements for a determination of Beneficial Use pursuant to 310 CMR 19.060. The Department, therefore, issues the attached Determination of Beneficial Use.

In granting this Beneficial Use Determination the Department's Bureau of Waste Prevention does not approve, concur, nor deny, the Town's proposal to place the fill directly over the rails without removing the rails for salvage. Pursuant to the Department's Solid Waste Master Plan it is necessary that the Town consider the option and feasibility (including, but not

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

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Dedham DPW
BUD
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necessarily limited to, issues of cost, project delay, and risk of exposure to hazardous conditions by workers, residents, students, etc.) of removing the rail for salvage. Remediation of the site, including any decision to remove or leave in-place the rails, shall be pursuant to plans developed and submitted to the Department detailing the results of further discussions between the Department, the MBTA and the Town of Dedham as to applicable regulatory requirements and compliance with such requirements.

If you have any questions in regards to this matter please contact David Adams at phone 978-661-7661.

Sincerely,



David C. Adams
Environmental Engineer
Solid Waste Management

Sincerely,



Heidi O'Brien
Deputy Regional Director
Bureau of Waste Prevention

JD/DCA/dca

attachments: Determination of Beneficial Use
Fact Sheet

cc: Dedham Board of Health
Metcalf & Eddy, 30 Harvard Mill Sq., PO Box 4071,
Wakefield, MA 01880, attn: Martha Zirbel
DEP/BSWC/NERO
attn: Timothy Boyle
attn: Laural Mackay

**BENEFICIAL USE DETERMINATION -- BWP SW 13
Use of Street Sweepings as Fill
Dedham Rails to Trails Project
Dedham Department of Public Works**

Date of Issuance: **AUG 16 2002**

**FMF # 53505
File # W029999**

I. IDENTIFICATION:

Applicant Name: Town of Dedham
Mailing Address: 55 River Street
Dedham, MA 02026

Name of Facility: Dedham Department of Public Works
Rails-to-Trails Project

Point of Use: former Conrail Railroad right-of-way

II. BENEFICIAL USE DETERMINATION and CONDITIONAL APPROVAL

The proponent, the Town of Dedham (the Town) proposes to utilize street sweepings, for fill to cover areas of highly contaminated soil along the former Conrail Railroad right-of-way to prevent direct human contact with the soil and prepare the right-of-way for a "rails-to-trails" project.

The estimated volume of street sweepings to be utilized is 3000 cubic yards.

The source of the street sweepings subject to this Beneficial Use determination is various unidentified streets in the Town of Dedham.

The application was reviewed in accordance with section 19.060, "Beneficial Use of Solid Wastes", of 310 CMR 19.000, "Solid Waste Management Facility Regulations." The Department has determined this application complies with the requirements for the Beneficial Use of Solid Waste as established therein.

The Department hereby authorizes street sweepings to be used for fill as proposed subject to the conditions listed below.

III. GENERAL PERMIT CONDITIONS

1. A determination of beneficial use means the material is NOT classified as a solid waste **ONLY** when used in accordance with the requirements of this determination. The material shall not be handled or utilized in a manner that will result in the material becoming a solid waste.
2. The beneficial use of this material shall be in compliance with other applicable state and federal laws and regulations.
3. The Department reserves the right to rescind, suspend or modify this permit by the imposition of additional conditions based upon a situation of significant odor, nuisance, or a determination of actual, or threat of, adverse impacts from the use of this material, as maybe necessary pursuant to law or regulation, or as is otherwise necessary to protect the public health, safety, and the environment.

IV. SPECIFIC PERMIT CONDITIONS

1. The Town, must notify the Department of any changes in the specifications of the material as described in the permit application.
2. This permit is for the one time use of street sweepings from the Town on the former Conrail Railroad right-of-way only.
3. The street sweepings must be free of paper, plastic, or other solid waste residue.

V. RIGHT OF APPEAL

The Town is hereby notified that it may within twenty-one (21) days file a request that this decision be deemed a provisional decision under 310 CMR 19.037(4)(b), by submitting a written statement of the basis on which the Town believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the

Beneficial Use Determination
Street Sweepings as Fill
Former Conrail Railroad Right-of-Way
page 3

Department's receipt of the request. Such a request shall reopen the administrative record, and the Department may rescind, supplement, modify, or reaffirm its decision. Failure by the Town to exercise the right provided in this section shall constitute a waiver of the Town's right to appeal.

Appeal - Any person aggrieved by the issuance or denial of the permit, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and c. 30A. not later than 30 days following the receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the 30 day period.

Notice of Appeal - Any aggrieved person intending to appeal a grant or denial of a permit to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the permit application at least five days prior to the filing of an appeal.

Office of General Council
Department of Environmental Protection
One Winter Street-Third floor
Boston, MA 02108

Regional Director
Department of Environmental Protection
Metropolitan Boston/Northeast Regional Office
205A Lowell Street
Wilmington, MA 01887

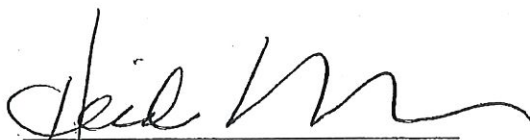
No allegation shall be made in any judicial appeal of a permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures

Beneficial Use Determination
Street Sweepings as Fill
Former Conrail Railroad Right-of-Way
page 4

established in these regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.



David C. Adams
Environmental Engineer
Solid Waste Management



Heidi O'Brien
Deputy Regional Director
Bureau of Waste Prevention

AUG 16 2002

Date

FACT SHEET
Beneficial Use of Street Sweepings
Dedham Rails-to-Trails

File Number: W029999
Page 1

Applicant: Town of Dedham
55 River Street
Dedham, MA 02026-2935
Paul Keane, Commissioner, DPW

Source: Dedham Department of Public Works
55 River Street
Dedham, MA 02026-2935

ID: Facility Number: 53505
Regulated Object Number: 371510
SWM ID Number: none assigned

Application: Beneficial Use Determination (BWP SW 13)
Transmittal Number: W029999
Engineer of Record: Metcalf & Eddy
30 Harvard Mill Square
PO Box 4071
Wakefield, MA 01880-5371
Martha Zirbel, PE

Quantity: 3000 cubic yards

Discussion:

The Town of Dedham is currently developing a "rails to trails" project for an abandoned rail line formerly operated by Conrail. The right-of-way passes through a residential area of the Town of Dedham. The Dedham High School abuts the right-of-way. Also closely located to the right-of-way are Saint Mary's School and the Dedham Junior High School.

The rails to trails project begins at Gonzales Field (just west of East Street) and extends to the Readville railroad yard. The right-of-way crosses Mt. Vernon Street, Walnut Street and River Street.

The right-of-way has been identified as being highly contaminated with Arsenic (As). The right-of-way is also contaminated with Lead (Pb).

The Town is proposing to use 3000 cubic yards of street sweepings currently stockpiled at the Dedham DPW as part of fill to cover the Arsenic contaminated soil of the right-of-way and prevent further contact by children using the right-of-way. The street sweepings are from various streets in the Town of Dedham.

FACT SHEET
Beneficial Use of Street Sweepings
Dedham Rails-to-Trails

File Number: W029999

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The street sweepings are identified as predominately soil, with some leaves and some solid waste litter. As described by the application the solid waste litter will be removed prior to reuse of the street sweepings.

The street sweepings have been identified as being contaminated by Chromium (Cr), Lead (Pb) and PAHs.

While several PAHs exceed the current MCP Method 1 standards, it is noted that revisions to the Method 1 standards have been drafted. The PAH contamination is below the proposed limits.

In all samples the Lead concentration was below the current and proposed Method 1 standards.

Of five (5) samples analyzed for Chromium only one sample exceeds the current or proposed Method 1 limits. The average of all samples is below the current and proposed Method 1 limits.

In abandoning the right-of-way, Conrail left the tracks (rails and ties) in place. Steel of this type is highly recyclable, with significant salvage value. However, due to the way in which the line was abandoned it would be difficult, and possibly impractical, to get equipment normally used by the railroad for track management into the site to remove the rail. Portions of the right-of-way at Mount Vernon Street and Walnut Street have been previously filled as part of roadway improvement projects in which the bridges at those locations were removed. Actions necessary to remove the rail would likely create an increase to the hazards present by mobilizing the Arsenic in the dust created by the rail removal activities. The Department's Bureau of Waste Site Clean-up is, therefore, of the opinion that the risks (and potentially monetary costs) associated with removal of the rail for recycling significantly out weigh any benefits to be gained by recovery of the steel.