

**Final Amendment to Textron Systems/Mass Military Reservation Natural Resource
Damages Settlement Restoration Plan – December 2013**

This Amendment to the May 2010 Final Restoration Plan (Final RP) for the Textron Systems/Mass Military Reservation (MMR) Natural Resource Damages Settlement (NRD) was prepared by the Massachusetts Department of Environmental Protection (MassDEP) on behalf of the Executive Office of Energy and Environmental Affairs (EEA), which is a member of the MMR Trustee Council. The MMR Trustee Council is comprised of the Commonwealth of Massachusetts EEA, the United States Air Force and the United States Army (collectively referred to as the Department of Defense or DoD), the United States Department of the Interior, and the United States Department of Veterans Affairs. The May 2010 Final RP set forth the MMR Trustee Council's plan to restore, replace, or acquire the equivalent natural resources or natural resource services relating to groundwater that were injured by the release of hazardous substances and hazardous materials by Textron Systems Corporation (Textron) from or at the J-Ranges at the MMR.

In October 2007, State and Federal Trustees entered into a \$1.3 Million NRD settlement with Textron, a defense contractor that conducted weapons testing in a section of the MMR that constitutes a major groundwater recharge area for the Cape Cod Aquifer. Of the \$1 million NRD settlement held by the state Trustee, \$500,000 was subject to expenditure in accordance with Section 107 (f) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and a 1998 Memorandum of Agreement (MOA) between the State and Federal Trustees following the preparation of a Restoration Plan subject to public review and comment. Of the \$300,000 NRD settlement held by the federal Trustees, \$175,000 was assigned to the Department of Defense and is managed by the U.S. Department of the Interior for

“restoration, replacement, or acquisition of equivalent of injured natural resources in connection with the Site” in accordance with Section 107(f) of CERCLA and the Trustee MOA.

In the Final RP (2010), the MMR TC recommended funding the following:

- \$400,000 for Phases I and II of the town of Sandwich’s proposed project to develop a Comprehensive Water Resources Management Plan (CWRMP)
 - Phase I: Needs Assessment
 - Phase II: Identification, Screening and Evaluation of Alternatives
- \$371,800 for the Upper Cape Regional Water Supply Cooperative’s proposed Sagamore Lens Aquifer – Safe Yield Analysis and Water Resource Recovery, modified by the MMR Trustee Council as the Sagamore Lens Aquifer - Sustainable Management of Water Resources Plan (of which \$175,000 was funded from the DoD portion of the Textron settlement).

In accordance with M.G.L. Chapter 21E and the Massachusetts Contingency Plan and the 1998 Memorandum of Agreement, EEA also selected for funding a \$259,200 proposal to purchase 13.7 acres in the Mashpee National Wildlife Refuge (acquisition completed June 2010); and a \$61,200 proposal to purchase the 5.3-acre Thicket Run Property in Sandwich (acquisition completed in March 2010). These selected groundwater restoration projects were not subject to CERCLA and DOI restoration planning requirements.

As part of its CWRMP proposal, the Town of Sandwich had originally requested funding for Phase III (Formulation of Recommended Plan) and Phase IV (Completion of

Massachusetts Environmental Policy Act (MEPA) and Development of Regional Impact (DRI) Review in addition to Phases I and II. In the Final RP, the MMR TC recommended partial funding of the CWRMP (Phases I and II) primarily to enable EEA as Trustee to meet its objective of providing a broad range of natural resource benefits for the Upper Cape.

The MMR TC has modified the Final RP to recommend funding of Phase III of the CWRMP (See Appendix 1 for a Summary of Phases I, II and III). This will enable the Town to conduct a more vigorous and focused outreach effort in each of the 7 Massachusetts Estuary Program watersheds and complete the Recommended Plan and Report. This will prepare the Town to begin the process of MEPA and DRI review, bringing the project closer to implementation. Projects based on a CWRMP or equivalent plan are significantly more likely to get financial support from the Commonwealth's SRF Program. By providing a foundation for regional solutions to nitrogen enrichment, the proposed project will provide benefits to groundwater resources as well as additional natural resources. Due to efficiencies achieved through the availability of existing data that reduced the need for field-collected data, in-kind services by Town staff and voluntary contributions by the Town's consultant, the Town will be able to complete Phases I and II of the CWRMP for \$307,800. Phase III funding will be achieved by reallocating the remaining \$92,200 from Phases I and II and \$42,700 of unexpended Textron settlement funds. By funding Phase III of the CWRMP, the MMR TC will protect the quality and quantity of current and potential drinking water supplies by integrating planning and management of current and potential drinking water supplies and wastewater treatment, with an emphasis on regional or multi-community benefits, thereby fulfilling the goals of the Final RP.

The Amendment was available at http://www.cblding.org/textron_amendment; hard copies were available at the public libraries in Sandwich, Bourne, Falmouth, and Mashpee for a 60-day public comment period. Public comment was accepted from Monday, September 23 through Monday, November 25, 2013. Written public comments were sent to:

- MMR Trustee Council, c/o MassDEP, Bureau of Waste Site Cleanup, One Winter Street, 6th Floor, Boston, MA 02108, Attn: Karen Pelto; or by e-mailing to: Karen.Pelto@state.ma.us.

The MMR Trustee Council also presented the amendment at a Wednesday, November 13, 2013 meeting of the MMR Cleanup Team to be held at 6 p.m. at Camp Edwards, Building 1805 in Sandwich. A written summary of comments given at the meeting was produced and all comments were considered before making the final decision.

Appendix 1. Phases I, II and III of the Town of Sandwich Comprehensive Water Resource Management Plan

| Phase | Description | Tasks | Funding |
|-------|--|--|-----------|
| I | Needs Assessment | <p>Document land use, soil conditions, watersheds and environmentally sensitive areas</p> <p>Formulate a GIS database for developed properties, including type, water use, and seasonality</p> <p>Estimate groundwater flow and document existing water quality in each watershed</p> <p>Identify the number of parcels (and their water use) that impact groundwater such that some action is needed for:</p> <ul style="list-style-type: none"> • Protection of water supplies (public and private) • Avoidance of sanitary and other public health problems • Protection of surface waters from nutrient enrichment • Accommodation of sustainable economic growth • Mitigation of convenience, aesthetic and economic impacts <p>Identify short-term actions that can be taken to address the most significant needs</p> <p>Consult with the public through workshops, hearings and reports</p> | \$164,700 |
| II | Identification, Screening and Evaluation of Alternatives | <p>Identify all technically feasible options for protecting groundwater, including both structural and non-structural alternatives</p> <p>Formulate evaluative criteria against which to compare the options</p> <p>Find the best groundwater protection alternatives that apply to Sandwich</p> <p>Describe each screened alternative in sufficient detail to fully evaluate its features</p> <p>Compare the screened alternatives with respect to the following factors:</p> <ul style="list-style-type: none"> • Capital and O&M costs • Energy Usage • Lag time from implementation to achievement of water quality goals • Impact on environmentally sensitive areas • Impact on community growth • Impact on property taxes • Production of residuals requiring further treatment and disposal <p>Consult with the public through workshops, hearings and reports</p> | \$143,100 |
| III | Formulation of | Prepare for and attend meetings with Combined Water Quality Advisory Committee | \$134,900 |

| Phase | Description | Tasks | Funding |
|-------|------------------|---|---------|
| | Recommended Plan | <p>(WQAC) and Community Outreach Team (COT) and Board of Selectmen (BOS) Based on comments received during Phase II regarding alternatives, prepare the recommended plan, including:</p> <ul style="list-style-type: none"> • Estimated and defined wastewater flows and loads • Recommended treatment processes and expected performance • Proposed facility and system component layouts • Recommended effluent and residual disposal methods • Detailed capital, operation & maintenance cost estimates • Recommendations for future monitoring and enforcement • Description of legal/management/institutional issues and costs • Description of financing and user charge recommendations • Describe any “supplemental town facilities” intended to service visitors to Sandwich <p>Perform field-based hydrogeologic investigations to determine general viability of site(s) included in the town-wide alternatives</p> <p>Identify recommended modifications to local regulations and by-laws to support the recommended plan</p> <p>Prepare an environmental assessment to describe the environmental impacts of the recommended plan as well as those of the “no action” alternative</p> <p>Prepare an implementation plan for the recommended plan</p> <p>Prepare Draft and Final CWRMP Report</p> <ul style="list-style-type: none"> • Coordinate review with MassDEP and Cape Cod Commission • Conduct public review and address public comments | |

Appendix 2. Public Comments on the Draft RP/EA

This section summarizes the public comments received on the proposed Amendment to the Final RP and provides the Trustees' responses to those comments. The public comment period on the proposed Amendment to the Final RP was held from September 23, 2013 through November 25, 2013 (60 days). The proposed amendment was presented at a Wednesday, November 13, 2013 meeting of the MMR Cleanup Team held at 6:00 p.m. at Camp Edwards, Building 1805, in Sandwich.

Oral comments made at the Massachusetts Military Reservation Cleanup Team meeting:

Commenter: Phil Goddard, Cleanup Team member from Bourne

Comment #1: Does the MMR Natural Resources Trustee Council plan to have any meetings on JBCC about the four major agreements, Records of Decisions, for the plumes they were looking at.

Response: Ms. Pelto, Trustee Representative for the Commonwealth of Massachusetts, noted that the Trustee Council is in regular communication about not only the restoration planning process but also the implementation process for the projects. She added that while the MassDEP handles all of the contracting, and two of the projects were subject to state law, they have been in ongoing consultation with the full Council to be sure that whatever is implemented will benefit the groundwater and other resources in the area. She also added that there have been some preliminary conversations about potential engagement for further activities and evaluations.

Mr. Davis, Trustee Council Representative for the U.S. Air Force, added that there had been some discussion about getting a contract in place for meeting facilitation purposes. However, he pointed out that the furloughs and sequestration meant a reprioritization of workload and attention was diverted. He noted that there is no dedicated staff just for natural resources and that this is usually added to someone's existing workload. Mr. Davis estimates that, in the next few months, they should know more about the possibility to re-engage on the matter.

Comment # 2: Request that the MMRTC to be updated on the NRTC plans for future evaluations.

Response: Ms. Pelto and Mr. Davis responded in the affirmative.

Written comments:

Municipal
Town of Sandwich
Board of Health

Comment # 1: On behalf of the Town of Sandwich, we want to express our support for the proposed Amendment to the Final Restoration Plan. This Amendment...is essential to the Town's efforts to protect its water resources and to remain in-step with our neighbors and the on-going Cape Cod Commission's 208 Plan Update.

Response: The MMR TC appreciates the support offered to this Amendment.

Comment #2: It is our understanding that the Textron grant funds expire in August 2014. Accordingly, we look forward to your support and an expedited decision so we can continue our important work in a timely fashion.

Response: The Textron/MMR settlement funding does not expire; however, the Commonwealth of Massachusetts Contract implementing the four projects selected for funding under Request for Responses (RFR) EEA 09 NRD 01 expires as of August 29, 2014. We also look forward to successful completion of the Town's project.