



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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July 1, 2022

Ronald J. Marnicio, PhD, PE  
Project Manager  
Tetra Tech, EC, Inc.  
160 Federal Street, 3rd Floor  
Boston, MA, 02110

RE: **HANOVER - BWSC**  
Release Tracking Number **4-0000090**  
Former National Fireworks Facility, King  
Street, **Immediate Response Action**  
**Revised Work Plan for the Marsh Upland**  
**Area Sediment Area, Conditional Approval**

Dear Dr. Marnicio:

The Massachusetts Department of Environmental Protection (MassDEP), Bureau of Waste Site Cleanup is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (Chapter 21E). This law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP). Both Chapter 21E and the MCP require the performance of response actions to provide for protection against harm to health, safety, public welfare, and the environment which may result from release and/or threats of releases of OHM.

MassDEP is currently regulating releases of OHM pursuant to Chapter 21E and the MCP at the former National Fireworks Facility located off King Street in Hanover, Massachusetts (the Facility) and areas proximate to the Facility where OHM from the Facility has come to be located (the Site). MassDEP has assigned Release Tracking Number (RTN) 4-0000090 to the Site.

A Conditional Approval letter issued by MassDEP on November 18, 2020 for the *Immediate Response Action (IRA) Plan Modification 4*, required a detailed Work and Cost Plan for the work proposed for the Marsh Upland Area (MUA) Sediment Area. Additionally, a Conditional Approval letter issued by MassDEP on November 24, 2020 for *IRA Change Order 8 for the Munitions-related Response Activities at the Former National Fireworks Site in Relation to the Pending IRA Plan Modification 4*, required the submission of a detailed Work Plan and associated revised cost estimate for the work proposed for the MUA Sediment Area.

This information is available in alternate format. Contact Glynis Bugg at 617-348-4040.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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On June 13, 2022, MassDEP received the document **“Immediate Response Action Revised Work Plan for the Marsh Upland Area Sediment Area”** (the Revised Work Plan). The Revised Work Plan, which was prepared by Tetra Tech, EC, Inc. (Tetra Tech) on behalf of the Cooperating Parties, provides details of proposed response actions to address munitions and co-located mercury-contaminated sediment in the MUA Sediment Area. In addition, MassDEP received a **“Revised Cost Estimate for the MUA Sediment Area Removal Action”** (the Revised Cost Estimate) dated June 16, 2022 and **“Revised Figures for the MUA Sediment Area Work Plan”** dated June 15, 2022.

On June 14, 2022, MassDEP received a **“Request for Approval to Begin Select Site Preparation Tasks for the MUA Sediment Area Pending Approval of the Revised Work Plan”** (the Site Preparation Tasks) via email. MassDEP conditionally approved the Site Preparation Tasks via email on June 17, 2022.

The Modified Interim Funding Protocol (Modified IFP) dated March 19, 2021, with which the Cooperating Parties concurred on March 22, 2021, establishes requirements for submission, review, and approval of requests for disbursements of funds from the Tronox Incorporated Expendable Trust, consistent with Declaration of Trust establishing the Tronox Incorporated Expendable Trust (Trust Declaration), dated February 25, 2011 and authorized March 28, 2011. An addendum to the Modified IFP was requested by the Cooperating parties on June 30, 2022, to increase the total amount available from the Tronox Incorporated Expendable Trust to cover the costs itemized in the Revised Work Plan and the Revised Cost Estimate. The addendum was approved by the Commonwealth on July 1, 2022.

**MassDEP hereby approves the Revised Work Plan and the Revised Cost Estimate subject to the following conditions:**

1. Notice shall be provided to MassDEP at least 72 hours prior to mobilizing and demobilizing from the Site to perform the activities described in the Revised Work Plan.
2. The Portable Water Treatment System must be operated and managed in compliance with 310 CMR 40.0040 Management Procedures for Remedial Wastewater and Remedial Additives.
3. While Tetra Tech and the Cooperating Parties have an existing Order of Conditions from the Hanover Conservation Commission that includes the MUA Sediment work, MassDEP recommends that the Hanover Conservation Commission be notified as soon as possible prior to the commencement of work, and in accordance with any requirements of the Order of Conditions.
4. MassDEP typically does not compensate for equipment expenses under the following circumstances:
  - Equipment that is not in good working order or becomes inoperable during operation, substantially inoperable, or is unsuited for performing the task for which it was brought to the Site. If equipment becomes inoperable during the project, MassDEP will not pay for the time when the equipment is inoperable. The time and costs associated with the repair and/or replacement of inoperable equipment shall be the sole responsibility of the Contractor. MassDEP will make the final determination regarding equipment inoperability or failure to perform.
  - MassDEP will not pay for idle equipment unless on a prior approved standby. "Standby" shall mean that equipment is not being used but is required by MassDEP to be on-Site or held off-Site.

5. Regarding the procurement of field supplies and equipment, in a letter to Tetra Tech dated January 29, 2016, outlining the purchase of non-consumable and non-expendable field supplies and equipment acquired as part of the Revised Re-Baselining activities, MassDEP stated that these types of items are dedicated for this Site and must be made available for use at the Site in the future. The letter also stated that MassDEP will not reimburse for purchase of the same/similar non-consumable and non-expendable field supplies and equipment in the future unless these additional items are required and are approved prior to purchase in a Scope of Work/Budget. The approval of the Revised Work Plan and the Revised Cost Estimate does not constitute implicit approval of the purchase of field supplies and equipment if previously purchased as part of prior work at the Site. Any such purchase will be subject to review/approval by MassDEP for reimbursement.
6. The cost values proposed in the Revised Cost Estimate and the Revised Work Plan are cost estimates. MassDEP's approval of the estimated costs presented in the Revised Work Plan and the Revised Cost Estimate does not signify a presumptive approval of future invoices. In accordance with the terms of the Modified IFP, including any addenda thereto, MassDEP reminds Tetra Tech and the Cooperating Parties that in addition to Attachment A to the Modified IFP and applicable invoices, documentation sufficient to support the actual costs incurred in association with the performance of the Revised Work Plan must be submitted to MassDEP.

Tetra Tech, on behalf of the Cooperating Parties, is authorized to proceed with implementation of the Revised Work Plan subject to the conditions set forth herein. MassDEP reserves all rights to take any civil, criminal, or administrative enforcement action pursuant to any available legal authority, including the right to seek injunctive relief; the recovery of money expended or to be expended (plus interest); monetary penalties; criminal sanctions; and/or punitive damages regarding any violation of Chapter 21E and the MCP, or any actual or potential threat to human health, safety, public welfare or the environment, or any release of hazardous substances on, at, in, or near the Site. Nothing in this letter shall preclude MassDEP from taking any additional enforcement actions, including the issuance of Orders and/or additional actions, as MassDEP may deem necessary, or from requiring the Cooperating Parties to perform additional activities pursuant to any other applicable law.

Written or verbal communication regarding this Conditional Approval Letter should be sent to my attention at [leonard.pinaud@mass.gov](mailto:leonard.pinaud@mass.gov), or at 508-946-2871. Please reference RTN 4-0000090 in any written correspondence regarding the Site.

Sincerely,



Leonard J. Pinaud, Chief  
Federal Site Management  
Bureau of Waste Site Cleanup

Ec: Hanover Chief Municipal Officer  
Hanover Board of Health  
Hanover Conservation Commission

Hanson Chief Municipal Officer  
Hanson Board of Health

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