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DUNDEE PARK PROPERTIES

P.O. Box 3099 • Andover, Massachusetts 01810 • Tel. (617) 475-9300

September 24, 1986

Mr. Richard T. Leighton
U.S. EPA
JFK Building
Government Center, Rm. 1907
Boston, MA 02203

Re: Wetlands Report

Dear Rick:

GHR Engineering, GZA, Inc., and I have reviewed the report prepared by Stauffer Chemical Co., for the EPA, concerning the wetlands issues on the Industri-Plex hazardous waste study area.

Dundee Park's direct concerns are:

1. Will the proposed creation of the 4.1 acre of wetland on the east side of Commerce Way affect the 12" waterline that Dundee Park Properties has installed across the Mark-Phillip Trust property? It is therefore, important that Dundee Park Properties also be allowed to review the proposed wetland plans, being drawn by Stauffer consultants as referred to in the report.
2. What costs may be set upon Dundee Park Properties for installation and future maintenance of any south dike flow control device if the 4.1 acre wetland is drained?

After review of the report, I have concluded the following:

1. It is not necessary to drain any or all of the 4.1 acres of wetlands south of the south dike to alleviate "sloughing" off problems in the east hide pile. The water table will remain high because of the Dundee Park Properties South Pond, which is the same level as the 4.1 area to be drained, and,
2. If any wetland area is disturbed near the east hide pile, it should be replaced on the west side of Commerce Way, in the same general area, and,
3. I do not see the necessity for EPA to expend significant amount of funds to drain a wetland and create compensatory flood storage area on the east side of Commerce Way that has the potential to reduce the value of the Mark-Phillip Trust property; thereby, making it more difficult for the Trust to repay EPA/DEQE and all other creditors (including Dundee Park Properties).

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The question that must be answered by EPA before reaching the conclusion draining of the 4.1 acres of wetland is the best course of action is:

"Is it necessary to drain the area south of the Dundee Park Properties South Pond as an essential element in the clean up of the east hide pile?"

The reasons for draining the wetland must be compelling from an environmental and economic perspective. If the problems in the east hide pile can be resolved without draining the wetland or affecting the Dundee Park Properties South Pond, or reducing the value of the developable land, then significant costs can be avoided. I believe there is compelling evidence that the wetland if drained would not materially benefit the clean up plans for the east hide pile. If the south pond remains at the same level, the water table will remain high in the area of the east hide pile. Also, I cannot determine from the report the goals that cause EPA to conclude that replacement of the 4.1 acres is essential.

1. Is the replacement of 4.1 acres of wetland on the east side of Commerce Way for flood control? or
2. Is the replacement for the sake of wetlands replacement? or
3. Both.

If the decision is based in any manner on replacement of flood storage area (1 or 3) then the replacement is a total waste of public funds. The current outflow pipe from the Dundee Park Properties South Pond is for leveling of the water above and below the dike. As a result, if the area south of the South Pond is drained to lower the water table around the east hide pile, the entire South Pond will empty as well.

I do not believe that was the purpose of the Dundee Park Properties design approved by EPA, during the MEPA process. Unless remedial work is accomplished on land at the northerly side of the South Pond dike the pond will empty out if the 4.1 area of wetland is drained. I saw no reference in the report of the need for entry onto our property to construct a control device to prevent the Dundee Park Properties South Pond from emptying and or discussion of our future responsibilities for maintaining any water control structures.

There was excessive flood storage capacity designed into the Dundee Park Properties north and south ponds. Why would it be necessary to create flood storage area in the east side of Commerce Way to make up for loss on the west branch when there is more than enough flood storage capacity in the newly created north and south ponds?

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If the issue is somehow related to flood storage, than that storage should be created and maintained on the west branch of the Aberjona River, where it was 'lost', not the east branch.

The replacement of the wetland appears to be a policy, at any cost, and not a requirement of EPA. It may be within the power of EPA to not automatically replace the 4.1 acres lost. Also, I do not see how creation of 4.1 acres of wetland on the east branch of the Aberjona is necessary to compensate for loss of 4.1 acres of wetlands on the west branch.

As I understand EPA's legal entanglement with Mark-Phillip Trust; in order to assure return of funds for Mark-Phillip Trust that are owed to the EPA/DEQE for past remedial action and future costs, the 2 agencies have legally prevented sale of the uncontaminated portion of the Trust's land. At some future date, EPA will either take the land for its value as repayment or release the Trust to sell the uncontaminated land and reimburse the EPA for all past and future costs are rebuttable to the Trust, including creation of the 4.1 acres of wetland.

Why would EPA mandate loss of 4.1 acres of land that may aid in repayment of the Mark-Phillip Trust debt to EPA? What is the point? It seems that EPA is; creating 4.1 acres of wetland; which is unnecessary for flood storage, has little relation to where the wetland was 'lost', in an area that will diminish the future value of the land, which will negatively affect the ability of the owner to repay the debt to EPA and the rest of the Trust's creditors.

I hope that EPA reviews these comments and concludes the control of the east hide pile odors can be accomplished without draining any wetlands and further increasing the present and future costs of the clean up.

Sincerely,



James Wininger

cc: Patricia A. Brady
Woburn Conservation Committee