



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**JOSEPH A. CURTATONE**  
**MAYOR**

**To:** Honorable President McLaughlin and Members of the City Council  
**From:** Luisa Oliveira, Director of Public Space and Urban Forestry, OSPCD  
Annie Connor, Director of Intergovernmental Affairs, Mayor's Office  
**Date:** September 23, 2020  
**Re:** Impacts of digging 36 inches for Conway remediation and construction project

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**Project Overview**

Since approximately July 2019, the City of Somerville and Weston & Sampson, our Licensed Site Professional (LSP) team, have been working with the United States Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP) to better understand the contaminants found at the Conway site and to take advantage of the EPA Emergency Removals/Response (ER) Program to remediate the site.

The entire project has four phases: Phases 1, 3 and 4 will be performed by the City and Phase 2 will be performed by the EPA:

- Phase 1: City Enabling – preparation of the site for EPA work. This phase includes selected demolition, access and safety measures, and security.
- Phase 2: EPA Remediation – remediation of highly contaminated soils.
- Phase 3: City Remediation – remediation of additional soil, reconstruction of a failing wall running along a portion of the east edge of the property (perpendicular to Allen Court), and preparation of the site for the synthetic turf field.
- Phase 4: City Construction of Field and Park – the construction of the synthetic turf field, replacement of trees, and refurbishment of the existing splash pad and playground.

The total cost of the project is estimated at \$9,086,250. The EPA has committed approximately \$3 million in remediation services to assist the City by excavating and removing the highly contaminated soil and providing oversight and technical expertise. The remaining amount of \$6,086,250 is the estimated cost to the City for phases 1, 3 and 4 as well as a 25% contingency.

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This collaboration is documented under an Administrative Order of Consent (AOC), which is a work share agreement between the City and the EPA. The AOC was signed with an effective date of August 26, 2020 and has deadlines for required work plans and regulatory deadlines beginning on that date. In order to meet these deadlines, a vote on the City's portion of funding is crucial by October 8, 2020. This will allow the City to proceed with work plans that are due in October, conduct additional testing, and prepare construction documents for all three phases of City work which must be bid in January of 2021. This schedule will enable the EPA to complete their remediation in the summer of 2021. The project is subject to both federal and state regulations and therefore the EPA and the DEP must approve City work plans and deem the final result safe for public use.

### **Project Impacts of Removing Additional 18 Inches**

Although the EPA and the DEP remain agnostic to the type of field installed as the final condition, they have approved a plan for a synthetic turf field with a subbase of 18 inches. The removal of an additional 18 inches (36 inches total) does not make the site "cleaner," and would not change the Activity and Use Limitation (AUL) restriction. Any future change in use would require another process with the DEP and the EPA to modify any deed restriction on the site.<sup>1</sup>

Regardless of the type of field installed, the EPA will not increase its contribution beyond \$3 million nor remove soils beyond 18 inches in their work share. If the work plan shifts from the required 18 inches to a plan to remove 36 inches, the City would incur the following:

1. Additional Cost (\$1,350,000 to approximately \$3,750,000)

To prepare for additional soil removal, additional testing would be required to characterize the additional 18 inches of soils for disposal. This testing cost is estimated at \$30,000. Depending on what is found, additional LSP services may also be required. It is important to note that once testing is performed, if contaminants are found, the City is legally obligated to remediate them.

The cost of soil disposal depends on the contaminants found and the type of facility required for their disposal. In the 36-inch scenario, if an additional 18 inches of soil is removed, an estimated additional 4,600 tons would need to be disposed of at a cost of between \$190 (less contaminated) and \$400 (more contaminated) per ton for transportation and disposal. This range, (\$1,350,000 to \$3,750,000) which includes testing, transportation, disposal, oversight, controls, contractor costs, and a 25% contingency, represents a best to worst case scenario depending on the contaminants found in the soil and the method of disposal.

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<sup>1</sup> An AUL is required to document the residual contamination left at the site regardless of whether 18 inches or 36 inches of the surficial soil is removed. Removing 36 inches will not achieve unrestricted use (with no AUL).

## 2. Additional Risk

With additional soil removal, there is a risk of hitting a “hotspot,” which would trigger the need for additional remediation under the supervision of the EPA and the DEP. If this were to happen, the City would be required under federal and state law to undertake additional remediation work. Because it is impossible to predict what contaminants may be found or the quantities of hazardous materials requiring remediation, the costs and delays that this may generate are difficult to estimate. Most importantly, if additional characterization testing is performed and contaminants are discovered that trigger additional EPA involvement, then the current plan would not suffice, and new approvals and additional characterization would be required, resulting in changes to the current budget and schedule.

## 3. Extended remediation and construction timeline

Removal of an additional 18 inches would add approximately 2 months to the project under the best case scenario, assuming that we do not encounter a “hotspot.” As discussed, if additional material requiring removal is found, then the schedule could extend months or even over a year, pending soils characterization and approvals. A change of this magnitude could put the terms of the signed AOC, including the EPA’s agreed upon cost contribution, at risk. This delay would likely result in extending the completion of the project into another construction season, further delaying the date that the field and park can be opened for use.

## 4. Additional truck traffic in the neighborhood

The removal of additional soil will increase the number of truck trips to and from the site. In the 36-inch scenario, the approximately 120 truckloads (approximately 4,000 tons at 33 tons per truck), would increase to approximately 300 truckloads (approximately 8600 tons at 33 tons per truck, plus additional backfill) with the removal of an additional 18 inches. This may be an underestimate as sometimes contractors use 10-ton trucks which would increase the numbers of trucks in both scenarios. By more than doubling the number of trucks, the carbon footprint of the cleanup will increase significantly as would disturbance to the neighborhood.

## **Opportunity Costs of Removing Additional 18 Inches**

Looking beyond the project itself to the broader financial landscape, there are a number of large capital projects in the pipeline and currently underway, as well as ongoing building maintenance upkeep, that present their own risks in terms of unknown and unexpected costs. Spending an additional \$1 million or more on Conway when that spending is not required significantly limits the City’s capacity to address other unexpected additional costs of these capital projects.

The impacts of the COVID pandemic also factor into this decision. The economic outlook for the City and its residents and businesses is uncertain in the current environment. Being conservative in our decision-making around spending is therefore critical in order to ensure we can maintain basic city services and help meet the wide-ranging, COVID-related needs of our city, including our school families, our artists, our renter community, our local businesses, and our senior citizens.

To the extent that there is any additional budget capacity outside of these COVID-generated expenses and capital project and maintenance costs, it is important to consider the full range of additional City needs before spending over \$1 million above and beyond what is required for the Conway project. Some of these needs include initiatives such as the city-wide parking study and the expanded mobility department that had to be trimmed from the FY21 proposed budget in response to the fiscal impacts of the COVID pandemic. Affordable housing measures and immigrant services needs are also areas where additional City funding is needed.

For the above-stated reasons, the Administration is submitting to the Council a bonding request in the amount of \$6,086,250 to cover the City's costs to remediate and renovate Conway park.