



Thomas A. Golden, Jr.  
City Manager  
R01-24-C-013

## Narrative Information Sheet

- 1. Applicant Identification**

City of Lowell, Massachusetts  
Department of Planning and Development  
JFK Civic Center, 50 Arcand Drive  
Lowell, MA 01852
- 2. Funding Requested**
  - a. Grant Type: Single Site Cleanup
  - b. Federal Funds Requested: \$5,000,000
- 3. Location**

Lowell, Middlesex County, Massachusetts
- 4. Property Information**

Veterans of Foreign War (VFW) Highway at Beaver Brook  
644 Aiken Street, 650 Aiken Street, a portion of 432 W Sixth Street,  
totaling approximately 5.68-acre site.  
Lowell, Massachusetts 01850
- 5. Contacts**
  - a. Project Director**

Sarah Brown  
Chief Design Planner  
City of Lowell  
Department of Planning and Development  
JFK Civic Center, 50 Arcand Drive  
Lowell, MA 01852  
Tel: (978) 674-4252  
E-mail: sbrown@lowellma.gov
  - b. Chief Executive/Highest Ranking Elected Official**

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**6. Population** 114,804

**7. Other Factors Checklist**

<b>Sample Format for Providing Information on the Other Factors</b>	<b>Page #</b>
Community population is 10,000 or less.	NA
The applicant is, or will assist, a federally recognized Indian Tribe or United States Territory.	NA
The proposed brownfield site(s) is impacted by mine-scarred land.	NA
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the remediation/reuse; secured resource is identified in the Narrative and substantiated in the attached documentation.	3
The proposed site(s) is adjacent to a body of water (i.e., the border of the proposed site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	1, 2, 4, 5, 7
The proposed site(s) is in a federally designated flood plain.	1, 7
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy.	NA
The reuse of the proposed cleanup site(s) will incorporate energy efficiency measures.	1, 2, 3, 5, 6, 7
The proposed project will improve local climate adaptation/mitigation capacity and resilience to protect residents and community investments.	1, 2, 3, 5, 6, 7
The target area(s) is located within a community in which a coal-fired power plant has recently closed (2013 or later) or is closing.	NA

Notes: NA = Not applicable

**8. Releasing Copies of Applications – Not Applicable**

## 1. **PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION**

### a. **Target Area and Brownfields**

i. Overview of Brownfield Challenges and Description of Target Area - Lowell, Massachusetts, a diverse, urban community, located 25 miles northwest of Boston, was built around an extensive industrial mill network along the Merrimack and Concord Rivers and 5.6 miles of man-made canals that provided power for the mills' machinery. Currently home to 114,804 people, Lowell is the nation's first planned industrial city, which surged to prominence during **America's Industrial Revolution**. By 1850, less than 50 years after their establishment, the mills in Lowell were producing enough cloth to circle the earth twice. Following World War I, Lowell saw a **significant decline in manufacturing** that persisted throughout much of the 20th century and resulted in **large-scale disinvestment and decay**. Left behind are the remnants of Lowell's industrial past, brownfields sites, that continue to be discovered as Lowell struggles to revitalize its neighborhoods, modernize its infrastructure, and provide quality open space for its residents. There are over 615 known hazardous release sites in Lowell according to the Massachusetts Department of Environmental Protection (MassDEP), including textile mills, gas stations & automotive service, dry cleaners, junk yards, and other former manufacturing facilities that have contributed to an increase in business abandonment and blight. These properties are often contaminated with VOCs, metals (chromium, lead, arsenic), petroleum compounds and hazardous building materials, including asbestos, lead-based paint and PCBs. Since 1980, Lowell has experienced significant growth in its minority population and, as of the 2020 U.S. Census, is a **majority-minority community**. Cambodians are Lowell's largest ethnic minority and approximately 22% of the total City population identifies as Asian. These residents, along with newer arrivals from South America, Africa, and the Middle East have experienced, firsthand, the impacts resulting from Lowell's industrial past. The **Target Area is census tract 25017310400**, which consists of a residential and commercial area located within Lowell's **Centralville Neighborhood**. This area is a **Massachusetts-designated environmental justice area** meeting the criteria for **minority population, low-income, and English isolation**. The target census tract is also a **disadvantaged community** according to the **Climate and Economic Justice Tool (CEJST)**. According to the US Census Bureau, **17.5% of persons in Lowell live in poverty**. The community within and adjacent to the target area has experienced a long history of **environmental injustices** that include contaminated drinking water, property destruction due to multiple floods and a decertified flood protection system, as well as negative impacts related to urban heat islands created through dense development and lack of green space. The city is in desperate need of this cleanup grant, because without EPA's assistance, the site won't be remediated and the environmental, economic, and health and welfare challenges the residents of the city and the Target Areas have been plagued with for decades will continue to impact this disadvantaged community.

ii. Description of the Proposed Brownfield Site(s) - The **Proposed Brownfield Site** (the Site), **VFW Highway at Beaver Brook**, consists of three (3) contiguous parcels of land located at 644 Aiken Street, 650 Aiken Street, and a portion of 432 W Sixth Street, totaling approximately 5.68 acres. The properties are bounded to the west, southwest, and south by the Merrimack River and extend from the mouth of Beaver Brook to the Ouellette Bridge. The Site is bounded to the north and east by the VFW Highway, an urban principal arterial with a traffic volume of approximately 21,000 vehicles/day. The Site includes riverfront, vegetated land with a paved pathway, and is improved by a radio antenna and a 400 square foot, single-story support building that are no longer in use. **A portion of the Site is located within the 100-year floodplain of the Merrimack River and is in the 98<sup>th</sup> percentile of flood risk compared to the Massachusetts state average according to CEJST**. Historical information indicates the progressive buildup of the site with historic fill to build a flood control system and eventually, the construction of the VFW Highway by 1950. Except for the radio antenna and support building, no other historical development occurred. **The properties are a known release Site with MassDEP, identified as Release Tracking Number (RTN) 3-34464**. Investigations, since 2017, show releases are consistent with historic filling activities. Contaminants of Concern (COCs) include PAH, EPH, metals (antimony, arsenic, barium, cadmium, chromium, lead, mercury, vanadium, and zinc) to a maximum depth of ~20 feet below ground surface (bgs) and coal/coal ash in fill. Lead is the most widespread contaminant and poses the most significant health, welfare, and environmental risks. Fill material does not appear to be impacting groundwater at the Site. Portions of the Site are currently fenced with signage to protect the public from Imminent Hazard exposure risks and

restrict unauthorized access to the Site until cleanup funding can be secured and remediation can be completed. In addition, cleanup is required to allow for the future use as a passive a recreational facility.

#### **b. Revitalization of the Target Area**

i. Reuse Strategy and Alignment with Revitalization Plans - The proposed "**Riverview Park**" will transform a critical open space asset within a highly vulnerable environmental justice community into a model of climate resilience. Riverview Park was originally envisioned as part of a **2008 master planning process** for the property by the Conway School of Landscape Design on behalf of the City. Broader engagement regarding open space along the Merrimack riverfront was accomplished through the **Sustainable Lowell 2025 Master Plan** and the **2019-2026 Open Space and Recreation Plan**. Activating the riverfront open space network is also one of the top goals for the upcoming **Lowell Forward Master Plan**. The City is working to address urban heat islands through the City's **Resilient Urban Forest Master Plan**, and the implementation of green infrastructure projects like those proposed for this grant application.

Based on extensive public engagement processes, the reuse strategy for the Site includes the creation of an accessible, riverfront amenity that will complement the City's rehabilitation of the existing park space across the highway at Saint Louis Park, as well as improve connectivity to Centralville's riverfront pedestrian and bicycle path. Over the years, several different professional and academic planning studies have identified activation of the Merrimack Riverfront as one of Lowell's greatest opportunities. **Investing in Riverview Park will help catalyze the transformation of the north bank of the river into a regional destination park network.** Riverview Park will be one of only two open spaces within a 10-minute walk for many residents in the target neighborhood. The remainder of the neighborhood is largely built out with little greenspace. As a portion of the property is located within the 100-year flood plain and the surrounding area suffers from a history of impacts due to flooding, **the reuse strategy calls for the creation of a "sponge park" with the express purpose to absorb and manage excess water that will help mitigate flooding and better manage stormwater** while still meeting the community's needs for active and passive open spaces. The conceptual plans include Low Impact Development (LID) design approaches, green infrastructure and climate resiliency strategies such as permeable and "cool" pavement, raingardens, bioswales, urban reforestation and street tree nurseries. This project also represents an enormous educational opportunity to teach the public about climate resilience and stormwater management through the inclusion of an outdoor classroom, nature playground, and climate-themed art.

ii. Outcomes and Benefits of Reuse Strategy - The City of Lowell is dedicated to reducing the impacts of climate change on its residents, urban environments, infrastructure, and natural resources. Investing in the target Site and the proposed Riverview Park will help to create an attractive, recreational open space with improved multi-modal transportation opportunities, as well as access to natural resources, including the waterfront. The project will provide flood mitigation and stormwater management, as well as stimulate private investment within the target Centralville Neighborhood. Cleanup and redevelopment of the Site will remove contaminants and exposure risks from the environment, improving the health of area residents, return the property to productive use, and provide economic benefits including increasing area property values, generation of local tax revenue, and spurring additional revitalization, economic activity and growth in the Target Area, the neighboring community, as well as the City as a whole. The Cleanup Grant is required to advance the development of Riverview Park, make a connection to the adjacent St. Louis Park, provide a link in the regional Centralville River Path, and create a regional destination park network that will enhance the overall public health and wellbeing of the residents and business owners of Lowell and all who visit.

The City of Lowell is projected to experience both warmer average temperatures and intensification of extreme temperatures in summer because of climate change. Residents in Lowell are exposed to heat regularly through walking, biking, and public transit use, therefore, it is important that the City preserve the Target Property as open space to combat the heat island effect and mitigate the impacts to public health. Lowell is also affected by flooding from extreme precipitation, which is also expected to worsen with climate change. Stormwater flooding is particularly prevalent in areas with poor drainage, impervious surfaces, and undersized culverts. The proposed "sponge park" will help mitigate precipitation impacts and erosion, provide stormwater and flood storage and discharge, enhance water quality, and slow the flow of flood water. In summary, this project will increase the

resilience of the City’s infrastructural, environmental, and societal features.

### c. Strategy for Leveraging Resources

Through a strong history of utilizing EPA Brownfields Assessment and Cleanup Grants to leverage additional public and private funding for redevelopment, more than **\$100 million** of estimated investment has been made as a result of environmental assessment and remediation conducted in the City of Lowell. To date, Lowell has invested over \$100,000 in general operating funds for environmental assessment activities to prepare the Site for cleanup and has **leveraged \$775,000 in Community Development Block Grant (CDBG) funding for this project**. Lowell is also eligible for a variety of funding sources from local, state and /or federal partners to support the assessment, cleanup and/or redevelopment of the proposed **Riverview Park** including: i. Resources Needed for Site Characterization – The City does not anticipate the need for additional Site characterization as extensive assessment work has already been completed for the Site. However, in the unlikely event the City requires additional funding, the City may use its remaining Community Wide Assessment Grant Funds, a portion of the \$775,000 of CDBG funds and/or apply to MassDEP and/or MassDevelopment for supplemental brownfields site characterization needs. ii Resources Needed for Site Remediation – The City of Lowell is requesting EPA Brownfields Cleanup funding sufficient to complete the remediation of VFW Highway at Beaver Brook, obtain regulatory Site closure under the MassDEP Voluntary Cleanup Program (VCP) and ready the Site for reuse / support park redevelopment. In the event additional cleanup resources are needed, the City may use a portion of the \$775,000 of CDBG funds towards this task and/or apply to MassDevelopment or MassDEP for additional Site remediation resources. iii. Resources Needed for Site Reuse – The majority of the \$775,000 of CDBG funds have been earmarked for reuse planning and park design. Park design and community engagement is anticipated to begin in January 2024 and will help to inform the cleanup and resiliency strategies for the Site. Additional sources of funding will be necessary for park construction and may include, but may not be limited to, the state’s Parkland Acquisitions and Renovations for Communities (PARC) Grant and Municipal Vulnerability Preparedness (MVP) Grant programs and/or other sources identified in the table below.

<b>Name of Resource</b>	<b>Is the Resource for (1.c.i.) Assessment, (1.c.ii.) Remediation, or (1.c.iii.) Reuse Activities?</b>	<b>Is the Resource Secured or Unsecured?</b>	<b>Additional Details or Information About the Resource</b>
<i>EPA</i>	<b>Assessment</b>	<b>Secured</b>	City’s Community Wide Assessment grant was used for Site cleanup planning / VCP reporting.
<i>CDBG</i>	Assessment, Remediation and/or <b>Reuse</b>	<b>Secured</b>	\$775,000 to be used for assessment, remediation &/or reuse design. Additional funds will be requested as necessary for park implementation.
<i>MassDevelopment and MassDEP</i>	Assessment and/or <b>Remediation</b>	Unsecured	Funds generally up to ~\$250K in assessment and ~\$750k for cleanup available. Loans and/or grants will be applied for if needed, at applicable time.
<i>MA PARC Grant</i>	<b>Reuse</b>	Unsecured	To support Riverview Park construction. Funds will be sought at appropriate time following completion of park design and remediation.
<i>MA Municipal Vulnerability Preparedness (MVP) Grant</i>	Assessment, Remediation and/or <b>Reuse</b>	Unsecured	To support construction of “sponge park” elements including rain gardens, bioswales, permeable and “cool” paving amenities, and reforestation following remediation. May be used for other tasks if needed.
<i>Municipal</i>	<b>Reuse</b>	Unsecured	Funding to support matching requirements for other local / state / federal grants and park construction.

iv. Use of Existing Infrastructure - Existing municipal infrastructure, including water, sewer, gas, electricity, internet and public transit are readily available and located along VFW Highway and will be utilized to support the proposed redevelopment and reuse activities at the Site. Existing infrastructure in the target area is sufficient to support conceptual park elements and has the capacity to handle expansion. Through the “sponge park” concept, future infrastructure needs for the Site redevelopment will include stormwater retention, flood mitigation, and energy conservation strategies where feasible. Funding as identified above from the state’s MVP

and/or PARC Grant programs will be sought to implement this work along with additional CDBG funds.

## **2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT**

### **a. Community Need**

i. The Community's Need for Funding - Given the anticipated cost of remediation of at the Site, the City of Lowell does not have the funding to complete cleanup and park redevelopment without the significant support of EPA. Since the early 2000s, Lowell has been greatly impacted by shifts in the nation's economy with little evident recovery as compared to surrounding communities. As of the 2015 American Community Survey, 57.6% of Lowell residents earned less than 80% of the area median income. Current US Census Bureau estimates indicate the median household income is \$64,489 and per capita income is \$30,620. Over 17.5% of people in Lowell live in poverty, approximately 6 percentage points higher than the national poverty rate of 11.6% (based on 2021 estimates). The median household income (MHHI) in this census tract is \$50,718, which is 81.5% of the Lowell MHHI and 60.1% of the Massachusetts MHHI. Due to the current state of the economy and the repercussions of significant rising inflation for basic necessities including food, housing, utilities and healthcare, the impacts of these low-income statistics are magnified and further increase the burden on this underserved and vulnerable community. In addition, the City's annual budget is primarily financed through property taxes. The median value of owner-occupied housing in Lowell is \$312,600 as compared to the Massachusetts value of \$424,700. While this only represents an approximate \$100,000 difference, the overall picture looks much different when it is compared to a 43.2% home ownership rate across the City. The Target Area is in the 90-95<sup>th</sup> percentile for housing burden where residents both earn less than 80% of the Area Median Income and are spending more than 30% of their income on housing costs. Lowell's financial situation is further complicated by the lasting impacts of Covid-19. The City entered the pandemic from a position of relative fiscal strength, utilizing existing reserves in the City's stabilization funds to offset revenue losses caused by the pandemic. However, using those funds required that the City implement several fiscal controls and austerity measures to reduce expenditures such that general operation of municipal services could continue uninterrupted. This included a hiring freeze, overtime controls and strict scrutiny of all non-essential requisitions for expenditures. Some of these measures remain in place today. **In addition, in April 2023, the City's networks experienced a targeted cyber-attack, forcing a complete isolation of the City's technology systems, which cost the City an estimated \$2 million; recovery is still ongoing.** EPA Cleanup Grant funding is critical to ensuring that the highest and best use for the Site, a new park, is realized. Without this funding the City will be forced to consider alternative remedial options that will result in restricted access to the property with more stringent institutional controls.

### **ii. Threats to Sensitive Populations**

(1) Health or Welfare of Sensitive Populations – The Site represents the largest blighted and underutilized property within the Target Area. Fencing restricts access of nearby residents to the waterfront and the lack of activity at the Site results in occupation by the currently unhoused. Increasing poverty levels, loss of affordable housing, rising house prices and cost of living continue to exacerbate problems for those in the Target Area that are at-risk of homelessness. Given its location, vacancy, and low visibility, it is expected that the unsheltered will continue to be setup on the property, placing those residents at greater exposure risks.

The Target Area consists primarily of dense single and multi-family residences with some commercial and retail uses. **Populations at risk include children, women of child-bearing age, low-income, minority, and housing-insecure populations.** According to EJSCREEN, all associated demographic indicators in the Target Area, except population over 65, exceed the 70th national percentile. While access to the property is restricted, access to the paved trail along the property's boundary with the Merrimack River is not. Soils and sediments that are spread from the Site during heavy rains and flooding events can result in exposure to contaminants through dermal contact, ingestion and/or inhalation. Residing, working, and/or playing at or near the Site puts all these sensitive populations at risk of exposure to the contaminants identified during assessment. With this grant, Lowell will have the ability to clean-up the Site and develop a significant recreational amenity, reduce blight, spur revitalization/redevelopment in a largely neglected neighborhood, reduce exposure to contaminants on Site and contaminated runoff entering the Merrimack River, and implement climate resiliency elements to support a neighborhood regularly impacted by flood plain issues. These public health and welfare benefits can only be seen

if Site remediation allows for Site redevelopment.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions - Due to the age of Lowell's housing stock and the legacy of contamination left by past and current industrial uses, proximity to Brownfields sites can lead to disproportionate adverse impacts to sensitive populations including **metals - lead** (immune, cardiovascular, developmental, gastrointestinal, neurological, reproductive, respiratory, kidney damage; cancer); **PAHs** (liver disorders; cancer; **petroleum compounds** (nervous system, immune, liver, kidney, respiratory damage; cancer); VOCs (liver, kidney, nervous system damage; birth defects; cancer); as well HBM including asbestos (lung scarring, mesothelioma and lung cancer) and PCBs (immune, hormone and neurological system; liver and skin disease). High prenatal exposure to PAHs is associated with cognitive dysfunction, **childhood asthma** and **other adverse birth affects**. According to the most recent data available from the Massachusetts Department of Public Health (DPH), the prevalence of **asthma is 13% among children** in the City of Lowell. This number is noticeably higher than the national prevalence rate of 9.4%. Data collected by Professor David Turcotte, Sc.D. and the Asthma Coalition at the University of Massachusetts-Lowell shows emergency room visit hospitalizations for respiratory system diseases have had an apparent upward trend since 1995. Additionally, Lowell is identified as a high-risk community for childhood lead poisoning in Massachusetts. The rate for childhood lead poisoning in the City is approximately 6.1 for every 1000 children between the ages of 9 to 47 months, a marked increase from the previous rate of 4.7 for every 1000 children in 2019. The cleanup/redevelopment of the Target Site will reduce these threats, create recreational opportunities, and improve the overall health of Target Area residents, while continuing the City's efforts to expand upon past endeavors to address these health concerns through the assessment, cleanup and redevelopment of Brownfields.

(3) Environmental Justice

(a) Identification of Environmental Justice Issues - The **Target Area is census tract 25017310400** and is a state-designated environmental justice area meeting the criteria for minority population, low-income, and English isolation. The target census tract is also a disadvantaged community according to CEJST under the categories of Projected Flood Risk, Low Income, Energy Cost, Housing Cost, Lead Paint, Proximity to Hazardous Waste Facilities, Proximity to Superfund Sites, Traffic Proximity and Volume, Linguistic Isolation, Low Median Income, and High School Education. Lowell has an estimated 51.7% minority population. The Target Area, census tract 25017310400, is a state-designated environmental justice area, where: a) 66.4% of the population in the Target Area is a minority; b) The median household income (MHHI) in this census tract is \$50,718, which is 81.5% of the Lowell MHHI and 60.1% of the Massachusetts MHHI; and c) 32.4% of households in this census tract experience English isolation. The most common language spoken in tract 3104 is Spanish or Spanish Creole. Other languages commonly spoken in Centralville include Khmer, Portuguese, and Swahili. The community within and adjacent to the Target Area has experienced a long history of **environmental injustice** dating back to 1870 when a new water main delivered raw drinking water from the Merrimack River to homes in the Pawtucketville and Centralville neighborhoods, leading to a devastating cholera outbreak. In 1936, a major flood that caused damage to numerous homes and businesses in and around the census tract spurred the US Army Corps of Engineers (ACOE) to build a flood levy along the north bank of the river. In the 1950s, the Massachusetts Department of Transportation built the VFW highway, which undermined the flood protections installed by the ACOE. In 2006, the "Mother's Day Flood" inundated the community again and two (2) years later, the ACOE decertified the levy system, burdening neighborhood residents with the cost of paying for extensive flood insurance for over a decade until the levy system was re-certified in 2019. These flooding events are expected to become more frequent and more severe with climate change. **The neighborhood continues to face ongoing environmental injustices today as a result of urban heat island effect.** The only open space in this part of Centralville is Saint Louis Park, located across the VFW Highway from the Site, which is densely developed with impervious surfaces. Heat stress can lead to severe negative mental and physical health outcomes in a community.

(b) Advancing Environmental Justice - This grant is a key component of the project strategy to promote environmental justice and support the underserved and disadvantaged populations within the targeted Centralville Neighborhood of Lowell. This grant, with meaningful involvement from the community, will result in the removal of lead impacted soils, and capping to prevent exposure to environmental hazards that plague the **Disadvantaged Neighborhood, census tract 25017310400 (CEJST)**. This grant is critical to the City's ability to leverage

additional resources for redevelopment as well as create recreational open space, that will increase job opportunities during construction, decrease crime/violence, and eliminate disinvestment in the community. Drawing locals and others from around the region to the new park and multiuse path, the project will help spur economic activity in the Target Area and City as a whole and increase local tax revenue. While maintaining green space, the use of trees and other vegetation will help combat heat island effects, flood and stormwater mitigation strategies will ensure the park design is resilient to climate change, and the open green space will provide the recreational opportunities and public access to the waterfront and regional trail network, as well as opportunities for art, increasing the community’s overall health and wellbeing. Based upon the City’s successful brownfields redevelopment experience, the City is well-equipped with experience and relationships with businesses, residents, and community partners within the Target Area to prevent displacement. The City and its partners will continue to engage the community in the brownfields reuse process and will have discussions with the community about how to minimize displacement. Lowell is proactively developing inclusionary zoning and is exploring an array of other methods to prevent displacement and gentrification such as community land trusts, subsidies, and other financial programs. With respect to unhoused populations, the City works collaboratively with a number of service providers within the City and region to conduct outreach, provide emergency housing, and to address potential displacement as a result of City projects on previously undeveloped land.

**b. Community Engagement**

i. Project Involvement / ii. Project Roles - The City of Lowell has engaged with the community for the redevelopment of VFW Highway at Beaver Brook since 2008. Lowell has maintained continuous engagement with the community about the Site and the proposed Riverview Park since that time through numerous planning processes including the Lowell Forward Master Plan, which is currently underway. A public meeting to present the draft ABCA was held on November 2, 2023. The City anticipates maintaining engagement with the neighborhood and local community groups throughout the four (4) year grant period as detailed below.

Name of organization, entity, group Point of Contact (name & email)	Specific involvement in the project or assistance provided
Lowell Parks and Conservation Trust <i>Jane Calvin</i> <i>jcalvin@lowelllandtrust.org</i>	Educate the public on environmental benefits, stewardship, urban heat islands and tree planting opportunities within the Target Area. Will develop educational materials to promote the project’s environmental goals and resiliency efforts.
Centralville Neighborhood Action Group (CNAG) <i>George Procope</i> [REDACTED]	Participate in community outreach and help engage residents and businesses. Help to identify the needs and interests of the target area residents during cleanup and reuse planning process. <b>Community Liaison.</b>
Lowell Litter Krewe Brad Buitenhuys <i>lowelllitterkrewe@gmail.com</i>	Participate in community outreach and grassroots reuse planning work for the Centralville River Path and future park. Provide volunteer support for the long-term maintenance of the park through periodic cleanup efforts.

iii. Incorporating Community Input - To reach diverse groups, experience has shown that we need a diverse array of engagement tactics. In Lowell, what seems to work best is word of mouth. Partnering with the Community-based Organizations listed above is a great way to leverage communication networks and spread the word to gather input. It will be important prior to starting to meet with the partner organizations and other stakeholders to gather input on which methods will be most successful with the target populations. Feedback received from the community at all stages will be carefully considered and incorporated into the decision-making process. Some methods we might use to target EJ and/or sensitive populations: Seniors: In-person events, paper surveys, "meetings-in-a-box," storytelling. Youth: Hands-on design charette, digital engagement methods (i.e. hybrid / virtual meetings, online repository, survey, wiki-mapping), social media engagement. Non-English Speakers: All materials will be translated and all events will have interpreters. Those without access to technology or without technological literacy: Paper surveys, copies of reports, etc. at accessible locations. Families with busy schedules: We will bring events to where people are, rather than asking them to come to us. We also often hold a series of pop-up meetings in the park to sample data from the day-to-day users of the park. Children will be included by providing at least 1 kid-friendly station that allows them to participate in a meaningful way. Those with



disabilities: All engagement locations will be accessible. We can also offer sign language interpretation and other accommodations by request. The unhoused / underhoused: This engagement is best done one-on-one, with a community partner who is trusted by the unhoused community and can make introductions.

**3) TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS**

**a. Proposed Cleanup Plan** – Goals of the project are to protect human health and the environment and redevelop an underutilized 5.68-acre property for recreational use. The objective is to **excavate and stabilize 4,200 cubic yards of targeted-lead impacted soils that pose the greatest potential exposure risk to future park users and install a cap system over remaining soils**. Excavated, lead-impacted soils will be stabilized to reduce the hazardous waste characteristics of the material and disposed of off-Site at licensed facilities in accordance with local, state, and federal laws. Confirmatory sampling and a Method 3 Risk Characterization using post-remediation data will be conducted in accordance with the environmental rules of the MCP. Remaining on-Site soils will be capped through **the installation of a physical barrier restricting access to remaining soils** overlain with 18 inches of clean soils. An Activity and Use Limitation (AUL) deed restriction will be recorded to prohibit disturbances to the cap in order to prevent potential exposure to remaining impacted soils. The remedial alternative for the Site will allow for future Site redevelopment as a park and will attain and maintain a condition of “No Significant Risk” under the Massachusetts MCP/VCP and achieve regulatory Site closure. This cleanup plan effectively removes the contaminant exposure pathways from Site soil and readies the Site for redevelopment and reuse as a passive, recreational riverfront park and multiuse path. Based on the riverfront location of the Site and to maintain flood storage capacity, the grades of the Site cannot be increased. Excavation of impacted soils is required prior to installation of the engineered controls to maintain existing grades post-remediation within the floodplain and provide resiliency in future storm events. The City will also include green infrastructure, including stormwater controls via rain gardens, as part of future park redevelopment. The reforestation of the Site following remediation and the creation of a park tree canopy will also aid the urban heat island effect in the City of Lowell.

**b. Description of Tasks/Activities and Outputs**

i. Project Implementation / ii Anticipated Project Schedule / iii. Task Activity Lead / iv. Outputs

<b>Task #1 – Cooperative Agreement Oversight</b>
<b>i. EPA funded tasks/activities:</b> Manage and conduct cooperative agreement (CA) oversight activities which include: EPA Reporting (ACRES, MBE/WBE, FFR and Quarterly Reports, Close Out); Competitively procure and manage qualified environmental professional (QEP) and remediation contractors; Conduct financial reporting and drawdowns; Establish information repository, public website and maintain project files; Project coordination with stakeholders; Ensure program remains on schedule and budget. Travel and attend National Brownfields Conference.
<b>Non- EPA grant resources needed:</b> Lowell will provide in-kind services (in the form of staff time, travel, materials) through its own resources / municipal operating budget for any additional activities not budgeted as part of this task.
<b>ii. Anticipated Project Schedule:</b> Task will be completed over the four (4) year grant performance period. Lowell anticipates completing the procurement of a QEP by December 31, 2024. Kick off program January 2025. Quarterly reports will be submitted within 30 days of the end of each quarter (Jan April/July/Oct), and MBE/WBE and FRR reports annually by Oct. 30 of each grant year. ACRES will be updated upon grant award and at regular intervals as project cleanup and redevelopment milestones are achieved. Final closeout report will be submitted within 90-days after the end of the C.A. performance period (no later than 12/30/28).
<b>iii. Task/Activity Lead(s):</b> Lowell will lead CA oversight tasks to ensure compliance with Brownfields Programmatic Requirements. QEP will support Lowell as their partner and provide information and updates to ACRES and annual reports, and general programmatic assistance related tasks and activities.
<b>iv. Output(s):</b> EPA Reporting (ACRES/DBE/FRR reports, 16 Quarterly Reports, Closeout Report), prepare RFQ for QEP & remedial contractor procurement, drawdown requests, general C.A. oversight & attend various Brownfields Conference.
<b>Task #2 - Community Outreach &amp; Engagement</b>
<b>i. EPA funded tasks/activities:</b> City will conduct outreach & communication with Target Area residents, community stakeholders & project partners throughout project implementation. Lowell will establish an information repository and will designate a Community Relations Spokesperson. The QEP, in collaboration with the City of Lowell, will prepare a community involvement plan (CIP) which will detail the steps to ensure adequate public notice and opportunity for the community to provide input / feedback on the proposed cleanup/reuse plan and response to comments, etc. Reports and other materials will be posted to the City’s website. Public notice of the updated draft ABCA and CIP will be provided and presented at a public meeting with a 30-day comment period for the community to review and provide their input.

Written responses to public comment will be provided and incorporated into the finalized CIP and ABCA.
<b>Non- EPA grant resources needed:</b> Lowell will provide in-kind services (staff time, mailings, postage, travel, materials, etc.) for any additional activities not budgeted as part of this task through municipal operating budget.
<b>ii. Anticipated Project Schedule:</b> Outreach activities are anticipated commence in Spring 2025 with the generation of the CIP and occur over the following two (2) years throughout project implementation, until cleanup related filed work is completed, estimated Spring 2027. Outreach anticipated to be conducted at the following project milestones: 1) <b>Winter 2025 to Spring 2025:</b> Post CIP and present updated draft ABCA. 2) <b>Winter 2026 to Spring 2026:</b> Pre-cleanup and to solicit feedback from the community regarding proposed redevelopment. 3) <b>Summer to Fall 2026:</b> During Cleanup to discuss status of remediation and reuse planning update. 4) <b>Winter 2027 to Spring 2027:</b> Post cleanup and next steps.
<b>iii. Task/Activity Lead(s):</b> Lowell will lead community engagement activities. QEP will be the City’s partner and generate the CIP and ABCA and provide technical expertise and support at meetings. Lowell will review deliverables to ensure compliance state/federal Brownfields Programmatic Requirements. Translation services can be provided in house or through new or existing competitively procured contracts with local translation firms.
<b>iv. Output(s):</b> Outreach materials, website updates, public notices, meeting presentation materials, social media posts. Four (4) public meetings held at key project milestones to share information, solicit feedback.
<b>Task #3 – Site Specific Cleanup Activities</b>
<b>i. EPA funded tasks/activities:</b> QEP will prepare documentation required for cleanup implementation, including a Health and Safety Plan (HASP), Quality Assurance Project Plan (QAPP), Remediation / Engineering Plans & Specifications, MCP/VCP required Phase IV Remedy Implementation Plan (RIP) and bid support. Lowell will prepare a public bid package with support from QEP for the procurement of a cleanup contractor. Cleanup contractor will implement cleanup tasks with oversight from QEP. QEP will prepare disposal documentation (bills of lading, manifests, waste characterization reports) to support cleanup.
<b>Non- EPA grant resources needed:</b> Lowell will provide in-kind services (staff time & materials) for any additional support activities not budgeted as part of this task through its municipal operating budget.
<b>ii. Anticipated Project Schedule:</b> <b>Winter 2024/2025 to Spring 2025:</b> Coordinate with reuse design team to ensure final cleanup plan supports Site reuse design. <b>Spring to Fall 2025:</b> Generate cleanup plans, remediation / engineering designs and specifications, QAPP, issue invitation for bids for cleanup contractor. <b>Winter 2025/2026:</b> award cleanup contractor, secure permits. <b>Spring 2026:</b> Commence Site remediation. <b>Fall 2026:</b> Complete Site remediation related tasks.
<b>iii. Task/Activity Lead(s):</b> Lowell will lead procurement of cleanup contractor with QEP support. QEP will prepare ABCA, QAPP, MCP/VCP report, remedial engineering plans & specifications, and disposal documentation. Lowell will review deliverables to ensure compliance state/federal Brownfields requirements. Cleanup contractor will implement specified cleanup tasks with QEP support / oversight.
<b>iv. Output(s):</b> HASP/QAPP/VCP report(s), bid specs, disposal documentation, Site remediation & restoration. 4,200 cy of impacted soils stabilized, removed & properly disposed of. Cap installation over remaining soil and import of 15,200 cy of clean soil (clean backfill and loam) over 200,000 sq yds orange demarcation layer. Risk to reuse Site eliminated.
<b>Task #4 - Site Cleanup Oversight and Cleanup/Completion Reports</b>
<b>i. EPA funded tasks/activities:</b> During Site remediation, the QEP will perform observation activities and document activities in the field to ensure cleanup is performed in compliance with the EPA approved ABCA and the MCP / state VCP requirements. The QEP will prepare and submit Phase IV RIP Remedial Status and Cleanup Completion reports to the MassDEP and EPA. The QEP will review construction of the cover system is consistent with the drawings and specifications and remediation allows for future park development. Site will be surveyed for as-built plan and institutional controls; AUL deed restriction will be recorded. QEP will issue closure report to MassDEP and EPA.
<b>Non- EPA grant resources needed:</b> Lowell will provide in-kind services (staff time, travel, materials) for additional activities not budgeted as part of this task through municipal operating budget.
<b>ii. Anticipated Project Schedule:</b> Cleanup activities and oversight are expected to occur <b>Spring to Fall 2026</b> . Final documentation and Cleanup Completion report is anticipated in <b>Spring/Summer 2027</b> .
<b>iii. Task/Activity Lead(s):</b> QEP will provide technical oversight, conduct confirmation sampling & document remedial activities for compliance with applicable MassDEP/EPA standards & requirements. Lowell will review deliverables to ensure compliance state/federal Brownfields Programmatic Requirements, record AUL with the Registry of Deeds.
<b>iv. Output(s):</b> Bills of Lading/Manifest, Phase IV RIP, 5 RIP Status Reports, and Cleanup Completion & Closure Report. AUL. Regulatory closure under MCP/VCP through a Permanent Solution Statement with Conditions (PSC). 5.68-acres ready for recreational reuse that does not pose a threat to human health or the environment.

**c. Cost Estimates** - The budget was developed in consultation with the EPA Interim General Budget Development Guidance for Applicants and Recipients of EPA Financial Assistance guidelines, and with input

from environmental professionals with experience with EPA Cleanup grants. *Please note, no fringe, indirect, equipment or supply costs are requested.* **Task 1 Cooperative Agreement Oversight:** Personnel = \$12,300 (~4.25 hrs/mo x 48 mo x \$60/hr); Travel: \$9,000 Brownfield Conferences [2 attendees (registration, travel, lodging, per diem) for 1 national conference at \$2,500/pp, plus 2 regional conferences at \$1,000/pp/conference]; Contractual = \$45,000 [General Cooperative Agreement Assistance, Quarterly Reports (16) and ACRES updates (~8hrs/mo x 45 mo @ \$125/hr average)]. **Task 2 Community Outreach and Engagement:** Personnel = \$8,100 (135hrs x \$60/hr); Contractual = \$20,000 [(~\$2,500/mtg x 4 public meetings) + \$10,000 for CIP and ABCA and production of technical and/or outreach materials (80 hrs @ \$125/hr average)]. **Task 3 Site Specific Cleanup Activities:** Personnel = \$2,500 (~7 hrs/mo x 6 mo x \$60/hr); Contractual: \$217,410 [QEP = \$175,230 (~1,298 hrs @ \$135/hr average for: QAPP; remediation plans and specifications; permitting; and lead stabilization / disposal characterization, documentation and confirmation sampling) plus \$42,180 for associated laboratory analyses]; Construction: Remediation Contractor \$4,430,000 [\$560,000 in remediation contractor costs and Site preparation expenses for 5.68 acre Site; plus \$2,770,000 in soil excavation, management, lead stabilization and transportation & disposal (T&D) costs {\$854,00 lead stabilization + \$1,496,000 for T&D (6,800 tons of treated soil disposed @ ~\$220/tons) + \$420,000 in soil excavation, handling & management costs}; plus \$1,100,000 in cover system construction {\$580,000 for import and placement of 12,000 CY of clean backfill + \$180,000 orange demarcation fabric (196,000 sf @ ~\$0.915/sf) + \$340,000 for loam placement, slope stabilization and seeding}]. **Task 4 Site Cleanup Oversight and Cleanup/Completion Reports:** Personnel = \$2,100 (~6 hrs/mo x 6 mo x \$60/hr); Contractual = \$253,590 [QEP = \$122,500 (980hrs @ \$125/hr average) for ~6 months of remediation oversight &/or construction administration services and 5 Status Reports; plus \$40,100 for survey required for AUL / institutional controls; plus \$90,990 (674 hours @ \$135/hr for risk characterization, AUL, and regulatory cleanup and completion/closeout reporting to MassDEP and EPA].

Budget Categories		Project Tasks (\$)				Total
		Coop. Agree. Oversight	Community Engagement	Site Specific Cleanup Activities	Cleanup Oversight & Report	
Direct Costs	Personnel	\$12,300	\$8,100	\$2,500	\$2,100	\$25,000
	Travel	\$9,000				\$9,000
	Contractual	\$45,000	\$20,000	\$217,410	\$253,590	\$536,000
	Construction			\$4,430,000		\$4,430,000
Total Direct Costs		\$66,300	\$28,100	\$4,649,910	\$255,690	\$5,000,000
<b>Total Budget</b>		\$66,300	\$28,100	\$4,649,910	\$255,690	<b>\$5,000,000</b>

**d. Plan to Measure and Evaluate Environmental Progress and Results** - Lowell will track and measure progress with support from the QEP, in ACRES and similar fashion as it has with its other previous successful grant projects. Lowell Project Manager (PM), who is the Chief Design Planner for the Lowell Department of Planning & Development, will establish a work plan, to be approved by EPA, that will guide project implementation. Data will be entered into ACRES at appropriate milestones as well as long-term outcomes such as the number of jobs created, funding leveraged; the number of acres made ready for reuse; and volume of soil remediated. Reports prepared to satisfy state VCP requirements will further document cleanup activities and the effectiveness of the implemented remedial action to minimize exposure. The PM will create and utilize internally designed tracking sheets, and utilize project management software, to track quarterly reporting, timelines, expenditures, and project progress and to ensure grant funds are expended as planned within the 4-year grant period. This process has been followed in the past and has been successful and effective.

**4) PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE**

**a. Programmatic Capability**

**i. Organizational Structure / ii. Description of Key Staff** - EPA Cleanup Grant management and reporting will be coordinated by full-time Chief Design Planner, Sarah Brown, a member of the Lowell staff for approximately 13

years, holds a degree in environmental engineering, has over 5 years of experience in environmental consulting and has successfully managed eight (8) previous EPA Brownfields Grants. The Chief Design Planner will be supported by a team of personnel in the Department of Planning and Development including the City’s Design Planner, Jess Wilson and the City’s Environmental Planner, to be hired prior to the award of these funds. Financial management of the grant will be conducted by the Chief Design Planner with the assistance of a highly qualified accounting team in the Department of Planning and Development. All staff has extensive experience in managing multiple Federal and State grant programs for brownfields, parks and redevelopment projects. This experience ensures that the City will complete the timely and successful expenditure of EPA funds. All legal assistance related to grant management can be provided in house by the City of Lowell’s Law Department.

iii. Acquiring Additional Resources - In order to acquire expertise and resources required to successfully complete grant activities, Lowell will seek to procure a QEP/ MassDEP-approved Licensed Site Professional (LSP) to generate required cleanup planning documents and oversee the remedial action at the Site through a “Request for Qualifications” (RFQ) process, as outlined in Massachusetts procurement regulations under the Uniform Procurement Act, M.G.L. Chapter 30B, and in conformance with federal requirements. In Massachusetts, LSPs are required to oversee MCP regulated response actions and ensure the work performed on brownfields sites are completed in accordance with state regulations. In addition, a qualified remedial contractor will also be competitively procured to conduct cleanup activities at the Site. RFQs are a competitive bidding process that the City has extensive experience with which is coordinated through the City’s Chief Procurement Officer, P. Michael Vaughn, and the Law Department. The time from RFQ to completed contracts is approximately three (3) months. The City of Lowell, in conjunction with the QEP and cleanup contractor, are anticipated to have all the necessary resources to execute the project and administer the grant. However, the City has policies and procedures in place for the competitive and equitable procurement of any additional expertise and/or resources that may be needed such as certain translation services, including Khmer and Swahili. Additionally, Lowell works to promote strong labor practices through collaboration with the MassHire Lowell Career Center. MassHire is the City’s local workforce agency that proactively works with union and non-union trades companies to connect local workers with available jobs in the community.

## **b. Past Performance and Accomplishments**

### i. Currently Has or Previously Received an EPA Brownfields Grant

(1) Accomplishments - Lowell has a long history of successful grant management with EPA grant funding Lowell is currently managing an FY20 EPA Community Wide Assessment Grant. The current program began in January 2022. A QEP was selected following a competitive, public solicitation. This QEP has conducted cleanup and reuse planning work for the Target Site of this application. A total of three (3) sites have been carried through various stages of assessment under the FY20 grant. Under its FY14 EPA Community Wide Assessment Grant, Lowell assessed three (3) sites. Two (2) sites assessed under this grant were redeveloped beginning in 2020 and resulted in the construction of two buildings containing 125 mixed-income residential units and 5,000 square feet of commercial space. The City was also fortunate enough to receive an FY2010 Brownfields Area-Wide Planning Pilot Grant for the Ayers City Industrial Park Plan.

(2) Compliance with Grant Requirements - The City is in compliance with all grant requirements for its FY20 grant. A one-year extension was granted for the FY20 grant because of delays due to the Covid-19 pandemic. It is expected that all remaining funds (~\$72k) will be utilized for the ongoing assessment of two parcels that the City hopes to prepare for future remediation and will be expended on or before 9/30/24. Expenditure of funds is on track and on budget. For the duration of all previously held Brownfields grants identified above, the City worked diligently to remain in compliance with all grant requirements, including work plans, schedules for the expenditure of these funds, terms and conditions, and all required quarterly, ACRES, and MBE/WBE reporting. A one-year extension was also granted for the City’s FY14 assessment grant. All funds were expended except for \$1.28 due to an hourly billing rate balance.

### **III.A. Threshold Criteria for Cleanup Grants**

#### **1. Applicant Eligibility**

- a) The City of Lowell is an eligible applicant as a “General Purpose Units of Local Government” as defined under 40 CFR Part 31.
- b) The City of Lowell is not subject to section 501(c)(4) of the Internal Revenue Code.

#### **2. Previously Awarded Cleanup Grants**

The proposed site has not received funding from a previously awarded EPA Brownfields Cleanup Grant.

#### **3. Expenditure of Existing Multipurpose Grant Funds**

The City of Lowell does not have an open Multipurpose Grant.

#### **4. Site Ownership**

The City of Lowell is the current sole owner of the site. The Site consists of four contiguous parcels of land, all of which were acquired prior to 1/11/2002. Recorded documents confirming ownership and EPA’s Site Eligibility Approval are attached.

#### **5. Basic Site Information**

- a. The site name is: VFW Highway at Beaver Brook
- b. The address of the parcels that make up the Site are:
  - 644 Aiken Street (Parcel ID 0133-0070-0644-0000),
  - 650 Aiken Street (Parcel ID 0133-0070-0650-0000), and
  - A portion of 432 W Sixth Street (Parcel ID 0133-6040-0432-0000).

All parcels are in Lowell, Massachusetts, 01850

#### **6. Status and History of Contamination at the Site**

- a) Contamination: The Site is contaminated with hazardous substances as further detailed in item c of this section.

b) Operational History and Current Use: Historical information indicates the site was likely owned by Lowell Locks and Canals who appeared to have flooded portions of the site to create a peninsula. By 1936, the peninsula was filled in and connected to upland areas to the east. The progressive built up of the site with historic fill continued in 1944 with the construction of a flood control system. By 1950 additional grading and the construction of VFW Highway was complete. With the exception of the radio tower, support building and riverfront walkway, there appears to have been no other historic development.

c) Environmental Concerns: The properties are a known release site with the Massachusetts Department of Environmental Protection (MassDEP), identified as Release Tracking Number (RTN) 3-34464. Investigations, dating back to 2017, show releases are consistent with historic filling activities. Primary Contaminants of Concern (COCs) include metals (arsenic, barium, cadmium, chromium, lead, mercury, vanadium, and/or zinc), extractable petroleum hydrocarbon (EPH) ranges, and polycyclic aromatic hydrocarbons (PAHs) to a maximum depth of approximately 20 feet below

ground surface (bgs) and coal/coal ash in fill. Lead is the most widespread contaminant and poses the most significant health, welfare, and environmental risks, driving the need for remediation. Fill material does not appear to be impacting groundwater at the Site. Portions of the Site are currently fenced with signage to protect the public from potential imminent hazard exposure risks and restrict unauthorized access to the Site until cleanup funding can be secured and remediation can be completed. In addition, cleanup is required to allow for the future use as a passive a recreational facility.

d) How Site Became Contaminated/Nature & Extent of Contamination: The Site is impacted by anthropogenic historic fill placed during the early to mid-1900s. The extent of fill varies in thickness from approximately 8 to 23 feet across the Site; more fill is present in the northern portion of the Site than the southern portion of the Site. The fill material consists of sand with varying amounts of gravel, trace amounts of silt, and trace amounts of various debris (i.e., ash, asphalt, brick, ceramic, coal, coal ash, glass, leather, scrap metal, slag, wood, wood ash, etc.). Scanning Electron Microscopy (SEM) analysis confirmed the presence of coal and coal ash in the fill, which is the likely source of PAHs. Metals impacts are also attributed to the urban fill materials.

Lead is the most widespread Site contaminant and has been detected in soil at concentrations exceeding MassDEP Method 1 S-1 standards and Upper Concentration Limits (UCLs). A zinc hot spot was identified as part of the prior assessments on the southern portion of the Site. Soil sampling indicates the hot spot is limited to an approximately 100 square foot area centered around boring location WS-SB-107 at a depth of 10 to 15 feet bgs.

#### **7. Brownfield Site Definition**

The Site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence hazardous substances, as described in Section 6 above. The Site is **NOT**: a) listed or proposed for listing on the National Priorities List; b) subject to unilateral administrative consent orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; or c) subject to the jurisdiction, custody, or control of the United States government.

#### **8. Environmental Assessment Required for Cleanup Grant Applications**

The following ASTM Phase II ESA equivalent environmental assessment reports have been completed and developed in accordance with the Massachusetts Contingency Plan (MCP); 310 CMR 40.0000, the MassDEP state cleanup program:

- Phase I Initial Site Investigation and Tier Classification, September 2018
- Phase II Comprehensive Site Assessment (CSA), February 2023
- Supplemental Phase II Subsurface Assessment, March 2023

These assessment activities conducted include test pits, soil borings, and monitoring well installation with the chemical analysis of soil, debris, and groundwater. Results of assessment activities indicates that the site is contaminated with hazardous substances, metals (primarily lead and zinc), EPH ranges, and PAHs. Limited ACM is also present in Site debris. As described in more detail above, remediation is needed to address potential direct exposure risks to allow the proposed future redevelopment and reuse of the Site as a passive park.

## **9. Site Characterization**

- b) The site is enrolled in the state voluntary response program and the environmental assessments performed to-date provide a sufficient level of characterization of the site for the proposed remediation work to begin. Letter from State Environmental Authority (MassDEP) is attached.

## **10. Enforcement or Other Actions**

The City of Lowell has notified the EPA Region 1 in advance of an October 2023 MassDEP Administrative Consent Order (ACO) Without Penalty for the Site. The MassDEP issued the ACO to formalize MCP reporting dates including:

- By June 30, 2024 – submit a Phase IV Remedy Implementation Plan (RIP);
- By July 29, 2025 – Submittal a Tier Classification Extension Submittal (as required every two years for any tier-classified site in Massachusetts);
- By September 30, 2026, issue a Permanent Solution Statement or Temporary Solution Statement.

If a clean-up grant from the EPA is not awarded to the City of Lowell, the city will not be able to fund the cleanup of the site, remediation will not occur and only a Temporary Solution (fencing) can be submitted to the MassDEP by the September 2026 deadline. This approach would leave an underutilized, blighted and vacant riverfront parcel fenced off from the public and would not achieve a permanent solution and site closure under the MCP, the state’s voluntary cleanup program, until future funding could be secured.

## **11. Sites Requiring a Property-Specific Determination**

The City does not believe that the Site meets any of the criteria of special classes that require a “Property-Specific Determination” from the EPA to be eligible for funding. Although the Site has an administrative consent order without penalty issued from the Massachusetts Department of Environmental Protection (MassDEP) in order to establish timelines for the submission of future deliverables under their voluntary cleanup program, the Massachusetts Contingency Plan (MCP): 310 CMR 40.0000; the MassDEP fully supports the City’s application for this cleanup grant as documented in the letter attached from David Foss at the MassDEP.

## **12. Threshold Criteria Related to CERCLA/Petroleum Liability**

a. ***Property Ownership Eligibility – Hazardous Substances Site***: The City of Lowell is eligible for a Brownfields Grant to address hazardous substances at this Site because the property is publicly owned and was acquired prior to January 11,2002, and the City did not cause or contribute to the release of hazardous substances at the property.

### **ii. Exemptions to Meeting the Requirements For Asserting an Affirmative Defense to CERCLA Liability**

#### **1) Publicly Owned Brownfields Sites Acquired Prior to January 11, 2002:**

(a) *Describe in detail the circumstances under which the property was acquired.*

A legal opinion of land ownership of 432 W Sixth Street is provided. The City of Lowell appears to have purchased the land from Lowell Land Company in 1939. However, the land was taken by the Commonwealth in 1949 and somehow transferred ownership back to the City following the construction of the VFW

Highway in 1956. While 644 Aiken Street isn't specifically called out in the legal opinion, based on the plans provided, this property was subject to the same sales and takings as 432 W Sixth Street.

(b) *Provide the date on which the property was acquired.*

12/29/1939

(c) *Identify whether all disposal of hazardous substances at the Site occurred before you acquired the property.*

Yes, all disposal of hazardous substances at the site occurred before the City of Lowell acquired the property.

(d) *Affirm that you have not caused or contributed to any release of hazardous substances at the site.*

The City of Lowell has not caused or contributed to any release of hazardous substances at the Site.

(e) *Affirm that you have not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site.*

The City of Lowell has not, at any time, arranged for the disposal of hazardous substances at the site or transported hazardous substances to the Site.

### **13. Cleanup Authority and Oversight Structure**

a. The site is a known MassDEP-listed Disposal Site (Release Tracking Number 3-34464), currently enrolled in the voluntary Massachusetts Contingency Plan (MCP) cleanup program. The proposed cleanup activities will be communicated directly to the MassDEP before, during, and after the cleanup under a remedial action plan known as a Phase IV RIP. The work plan will be documented in the Phase IV RIP, the cleanup progress will be documented at regular intervals in Phase IV Status reports, and the outputs and outcomes will be documented in a Phase IV Completion report at the conclusion of the work. The cleanup will be overseen by a Massachusetts Licensed Site Professional (LSP) / Qualified Environmental Professional (QEP) procured by Lowell to design, monitor, oversee and document the cleanup. These services will be solicited using competitive procurement practices and in accordance with all federal (2 CFR §200.317 through 200.327) and state requirements. Lowell has established procedures include seeking statements of qualifications and price. Professionals with previous EPA Brownfields experience will be encouraged to compete. This technical expertise will be in place prior to beginning any cleanup activities. The LSP/QEP will comply with and submit all required state and federal requirements to ensure that the cleanup project protects human health and the environment. The Site will be monitored during cleanup activities to ensure that off-site migration of contaminants does not occur as a result of remedial activities. The LSP/QEP will also develop necessary design and/or institutional control plans, as needed. All reports will be publicly available on the MassDEP and Lowell websites.

b. The City of Lowell has ownership with complete access to the Site and the St. Louis Playground located opposite the VFW Highway. Lowell does not anticipate that access to any off-site properties will be required. If access becomes necessary for other properties, Lowell will work with the property owners to develop an acceptable access agreement for completing any necessary activities.



#### **14. Community Notification**

Lowell published a notice of intent to apply for an EPA Brownfields Cleanup Grant, including a notice of a public meeting, and request for comments on the draft application and draft Analysis of Brownfield Cleanup Alternatives (ABCA) on October 26, 2023. The notice was posted on the City of Lowell website: <https://lowellma.gov/728/Brownfields-Redevelopment> and in the Lowell Sun Newspaper. The request for comments, draft ABCA, draft narrative, and other supporting documentation were also posted on this website.

The public meeting was held on November 2, 2022, at 6:30pm at the Lowell Department of Planning and Development JFK Civic Center. Details about the site, draft application, and ABCA were presented. No residents or members of the public attended the meeting.

Attached to the proposal are:

- A copy of the draft ABCA;
- A copy of the public notice notifying the public and soliciting comments
- A summary of the public meeting; and
- A meeting sign-in/participants list.

No public comments were received at the meeting or during the comment period. Therefore, a summary of comments is not included as part of this application, as it is not applicable. In addition, because no public comments were received at the meeting or during the comment period, a response to comments is also not included as part of this application, as it is not applicable.

#### **15. Contractors and Named Subrecipients**

- Contractor(s): Not applicable. Contractor(s) will be selected in compliance with the fair and open competition requirements in 2 CFR Part 200 and 2 CFR Part 1500 subsequent to award. Lowell will follow public procurement best practices including EPA's Best Practice Guide for Procuring Services, Supplies, and Equipment Under EPA Assistance Agreements, Massachusetts public procurement law, and City of Lowell guidelines and ordinances, including equitable procurement practices.
- Named Subrecipients: Not applicable.



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

November 3, 2023

*Via Email*

Thomas A. Golden Jr., City Manager  
City of Lowell  
375 Merrimack Street  
Lowell, MA 01852

**RE: STATE LETTER OF ACKNOWLEDGMENT**  
City of Lowell – Brownfields Cleanup Grant  
432 W Sixth Street, Lowell [RTN 3-34464]

Dear Mr. Golden:

I am writing to support the application submitted by the City of Lowell under the Fiscal Year 2024 U.S. Environmental Protection Agency (EPA) Brownfield Cleanup Grant Program. We understand that the City of Lowell is proposing to undertake cleanup activities, including remediation of the parcel proximal to Beaver Brook and the VFW Highway at 432 W Sixth Street. This site is the future location of Riverview Park, a public, riverfront park that will provide the residents of Lowell with access to the Merrimack River.

Based on information provided by the City, the property is enrolled in the Massachusetts voluntary cleanup program and the level of assessment conducted to date is sufficient to design and initiate the proposed cleanup activities.

In Massachusetts, state and federal agencies have developed strong partnerships and work together to ensure that parties undertaking Brownfield projects have access to available resources and incentives. The Massachusetts Department of Environmental Protection (MassDEP), through our regional offices, provides technical support to Brownfield project proponents when regulatory issues arise. If this proposal is selected, MassDEP will work with our state and federal partners to support the City of Lowell to help make this project a success.

We greatly appreciate EPA's continued support of Brownfield efforts in Massachusetts.

Sincerely,

David Foss, CPG, LSP

Statewide Brownfields Coordinator, Bureau of Waste Site Cleanup

cc: Dorrie Paar, US EPA  
Sarah Brown, Chief Design Planner - Department of Planning & Development  
Joanne Fagan, MassDEP Northeast Regional Office