



Project

We help client win first-ever EPA approval in New England for residential redevelopment on Superfund site

1st

EPA reclassification of
Superfund site in New England
for residential use

\$500,000+

saved on remediation costs

Summary

- Cabot, Cabot & Forbes (CC&F) did the unprecedented with our help: the company convinced the U.S. Environmental Protection Agency (EPA) to reclassify a Superfund site in New England for residential development, when the agency had previously only approved the land for commercial and industrial use.
- Drawing on our familiarity with the site and the EPA's requirements, we knew that CC&F could safely and responsibly redevelop its part of the site for residential use. We also determined that CC&F didn't need to remediate before construction, saving the client money and time.
- Facilitating the first dialogue between a residential redeveloper and the EPA in Region 1 (New England), we negotiated a compromise between the required EPA process and the most straightforward path forward to redevelopment.

- The landmark project can lessen the stigma associated with residential redevelopment on Superfund sites.

Client challenge

Boston-based real estate firm [CC&F](#) had a vision to do something unprecedented. The firm hoped to develop a suburban multi-unit residential community in a location that is close to mass transit stations with easy access to several highways. However, the property was part of the Industri-plex Superfund site in Woburn, Mass., and the EPA had categorized the property as Class B and C land — commercial and industrial redevelopment only. Haley & Aldrich was familiar with the site conditions and advised CC&F that their part of the site could be redeveloped for residential use in a safe and environmentally responsible way.

Given the soaring demand for residential real estate in the Boston area, CC&F leaders felt it was worthwhile to approach the EPA about a property change-of-land use from commercial to residential. The EPA had never before engaged in a change-of-land use for a Superfund site in New England — and this would be one of only a few in the entire country. There was little precedence for what CC&F wanted to accomplish.

Because Haley & Aldrich has extensive experience in both [real estate development](#) and [Superfund site remediation](#), we were uniquely qualified to combine these areas of expertise to advocate for CC&F and help EPA understand CC&F's vision for the Superfund site.

Our approach

Although meeting EPA's Superfund site requirements for transitioning land use was mostly uncharted territory, Haley & Aldrich brought an unconventional approach that turned CC&F's ambitious goal into an unprecedented reality. We first leveraged our intimate knowledge of the EPA's Comprehensive Environmental Response, Compensation, and Liability Act ([CERCLA](#)) requirements and EPA Region 1 to anticipate and prepare for processes and procedures. As we worked with the EPA, we advocated for CC&F to help the agency understand the developer's key issues while having a strong understanding of what EPA needed to facilitate approval.

To streamline processes for CC&F, we anticipated the EPA's needs and knew what to deliver to get the quickest approval. This, in addition to our site investigation and risk assessments, allowed us to create workable solutions that EPA could approve quickly — setting the groundwork for future residential redevelopment on Superfund site redevelopment.

Using our deep understanding of the EPA, the regulatory process and our proactive and collaborative approach, we determined CC&F did not need to remediate before construction. We were also able to eliminate the Class C land designation from the property.

With this approach, CC&F saved time and is able to proceed with its highly anticipated residential redevelopment plans. As the project moves into construction, the EPA will be reviewing reports and overseeing activities — and Haley & Aldrich will continue to work with both parties to avoid roadblocks that could delay construction.

Value delivered

- Partnered with the EPA to create a new standard model for how future redevelopment projects will proceed under CERCLA
- Obtained EPA's first-ever residential redevelopment approval on a Region 1 Superfund site
- Substantiated that the site was safe for residential use without the need for remediation
- Demonstrated that the Class C land restriction could be removed from the property, eliminating the need for long-term legacy management of a protective cover
- Collaborated with the EPA to allow for residential use of the property, with no restrictions on shallow soils, and no remediation burden through an Explanation of Significant Differences determination, as opposed to a Record of Decision amendment
- Saved our client more than \$500,000 on remediation costs
- Negotiated a compromise between the required EPA process and the most straightforward path forward to redevelopment
- Facilitated the first-time dialogue between residential redevelopers and the EPA in Region 1

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Photo courtesy of CUBE 3 Studio, LLC