

Kim DelNigro

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From: Roland Bartl
Sent: Friday, April 21, 2006 3:24 PM
To: Kim DelNigro
Subject: FW: Official Notification Of Unhealthful Exposure to Perchlorate

Supplemental
emails

More e-mail correspondence from the managers' office regarding perchlorate. Please include this and 5 other e-mails that will be coming shortly in this regard in the Planning Board package.

Roland Bartl, AICP
Town Planner, Town of Acton
472 Main Street
Acton, MA 01720
978-264-9636

-----Original Message-----

From: Maryjane Kenney
Sent: Friday, April 21, 2006 2:50 PM
To: Roland Bartl
Subject: FW: Official Notification Of Unhealthful Exposure to Perchlorate

-----Original Message-----

From: Don Johnson
Sent: Friday, April 14, 2006 1:47 PM
To: Board of Selectmen
Subject: FW: Official Notification Of Unhealthful Exposure to Perchlorate

Forwarded for your information. Two points:

1. Doug mistakenly wrote 2 parts per "million" in his 4th paragraph. It should have been 2 parts per "billion". 2. We have apparently never seen any of the pre-test information.

Regards,
Don

-----Original Message-----

From: Doug Halley
Sent: Friday, April 14, 2006 8:55 AM
To: Don Johnson
Cc: Roland Bartl; Garry Rhodes
Subject: FW: Official Notification Of Unhealthful Exposure to Perchlorate

As you can see below I have been in conversation with the residents on Brabrook regarding the recent finding of perchlorates in their private wells. This email seems to contemplate potential legal action against the Town so I would appreciate guidance regarding interaction with these residents. They will most likely be requesting a hearing with the Board of Health on this issue. As background to this issue the Planning Board in their decision required Fenton to pre-test and post-test the private wells if blasting material that was used had perchlorate. Prior to any blasting Fenton provided the Health Department with Material Safety Data Sheets. Based on that material the Planning Board was informed that "The Health Department has confirmed that perchlorate is not a listed ingredient for the, explosives, blasting caps or the detonators". Fenton did not perform pre-testing but some of the residents did. They have now also followed up with post-testing. The Health Department has received post-testing from two properties indicating the presence of perchlorates. We have not been provided with the results of any of the pre-testing. We have encouraged the neighborhood to provide both. Currently perchlorate is not a regulated substance and therefor does not have a standard that has to be achieved in terms of water quality. Massachusetts is currently conducting

hearings to establish a standard and potentially could have something in place by June of this year. The suggested limit at this time is 2 parts per million. However, the regulatory limit will apply to public water supplies not private wells. The Board of Health will have to decide if they will apply the standard to private wells. Historically they have used public water supply standards for private wells. Fenton did bring the public water supply down Brabrook Road and provided services to the property line of each home. The Water District re-imbursed Fenton for the services and will charge each home that cost when they connect. If the Board of Health determines that the private wells are unsafe to drink they will most likely order them to connect to the public water supply. I don't believe the Board has the authority to make Fenton do anything regarding the contaminants found in the private wells.

-----Original Message-----

From: Chapin . Chip [mailto:CChapin@drc.com]
Sent: Thursday, April 13, 2006 9:59 PM
To: Board of Selectmen; Manager Department; Board of Health; Planning Board; Roland Bartl; Authentic Homes Inc
Cc: lindachapin53@comcast.net; tom.lemire@comcast.net; surprcj@rcn.com; rjb9flag@aol.com; levi@glozman.com; ilana@glozman.com; etighe@stadlerviega.com
Subject: Official Notification Of Unhealthful Exposure to Perchlorate

To the Town of Acton and James Fenton & Son General Contracting:

Pursuant under Massachusetts Tort Claims Act, I am hereby providing official written notice to the Town of Acton and James Fenton & Son General Contracting, that due to actions directly related to the Town of Acton's approval of James Fenton & Son General Contracting request to build Ellsworth Village and then due to James Fenton & Son General Contracting resultant actions to build Ellsworth Village, specifically the blasting of bedrock to install a water main adjacent to my property: my family and I have been exposed to serious, unhealthful circumstances.

Numerous members of the Brabrook/Flagg Neighborhood Association conducted pre and post blasting testing of our well water. We provided official notice to the Acton Board of Selectman on Monday 27 March that one of our neighborhood wells had tested positive for perchlorate, a volatile organic toxin and that the neighborhood was retesting many of our wells at our own expense. We also informed the Acton Board of Selectman that we are working directly with the Massachusetts Department of Environmental Protection to document our findings.

I hereby notify you, that the Brabrook/Flagg Neighborhood Association received the results of our wells being retested on 29 Mar 2006. The testing was performed by Alpha Analytical Laboratories 8 Walkup Dr, Westborough, 01581 - (508) 898-9220.

The results show for my family's well: a perchlorate count of 5.36 parts per billion.

I hereby notify you that because of this test result, our family is no longer able to drink the water from our well and that we are burdened by the additional expense of buying water to drink. We can no longer use ice from our refrigerator's ice maker. We are retaining all receipts from these actions. I hereby notify you that due to a conversation today with Doug Halley, Acton Board of Health, that he raised unhealthful concerns over our using the water from our well to take showers due to the release into the air of volatile organic toxins.

It is imperative; we get on a safe supply of water, as soon as possible. We request

immediate action from the Town of Acton and James Fenton & Son General Contracting to provide us with a corrective action plan to resolve these unhealthful circumstances. We expect reimbursement for having to test our well water to date as originally specified within the Acton Planning Boards decision to allow blasting in our Brabrook/Flagg Neighborhood, should perchlorate be a blasting compound.

Sincerely,

Henry (Chip) Chapin

4 Brabrook Rd

Acton MA 01720