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PUBLIC HEARING
TOWN OF ACTON BOARD OF HEALTH
ACTON TOWN HALL
472 Main Street, Acton, Mass.
Monday, January 27, 2003, 7:34 p.m.

Board of Health

- William McInnis, Chairman
- Mark Conoby, Vice Chairman
- Robert Oliveri, Member
- Roxanne Hunt, Member
- Douglas Halley, Health Director

ALSO PRESENT: James D. Okun, LSP

Reporter: David A. Arsenault, RPR
Farmer Arsenault Brock LLC, Boston, MA

(617) 728-4404

1 PROCEEDINGS - 7:40 p.m.

2 MR. McINNIS: The meeting is called
3 to order. The first item of business is to reopen
4 the public hearing on the W. R. Grace petition for
5 the well moratorium. Tonight we are here to
6 receive a proposal from O'Reilly, Talbot & Okun. I
7 would ask since Mr. Okun is here, if you would
8 speak to your proposal.

9 MR. O'KUN: I'd be happy to. What my
10 proposal addresses is to take, in summary, to take
11 a look at all the materials that the board has
12 received at this hearing that are open relative to
13 the request for a moratorium on irrigation wells in
14 the area of the W. R. Grace plume area, as Grace
15 and the EPA have defined that area, to define
16 whether there's a way to design or site an
17 irrigation well within this area that might be
18 safe, and if so, to work with EPA to try to
19 convince them that there is a safe way to do that
20 and to get their buy-in.

21 Or alternately, if it is my
22 recommendation to you that there isn't a safe way
23 to install an irrigation well, then to try to
24 develop a mechanism by which we can -- I hate to

1 use the word ensure, but I will, public safety by
2 limiting wells going into the area of concern. And
3 then implementing that. If it is determined that
4 there is a safe way to do it and we convince EPA
5 that this is the case, then I would also work with
6 you to help review specific applications as they
7 arise.

8 That basically summarizes what my
9 proposal offers. I think the key component, maybe
10 the most important component is the first
11 component, doing a complete independent review of
12 all the information that you've received; and in
13 addition to the information you've received
14 probably having some personal communications with
15 the key players at EPA, DEP, with the members of
16 the board, with Doug, with other individuals that
17 may have special knowledge that would be useful to
18 us as we are assessing this situation.

19 MR. McINNIS: Thank you, sir.

20 If it would be useful at this time, I
21 would just ask one quick question. I believe the
22 reason why we are receiving a proposals from
23 O'Reilly, Talbot & Okun is that you have special
24 knowledge of the site as well as previous knowledge

1 of working with the town; is that correct?

2 MR. HALLEY: That's correct.

3 MR. McINNIS: Also, if it would be
4 helpful to you, Mr. Okun, I would like to explain
5 some of my previous comments I provided. There
6 were two issues that I would be interested if you
7 could take a look at. One had to do with the fact
8 that the DEP has not supported the moratorium.
9 They have indicated that it is unnecessary; in
10 particular, both the project manager, Mr. Keefe, as
11 well as their hydrologist, Jay Naparstek. So
12 that's why my original comments about was there a
13 way to have the irrigation wells without the
14 necessity of going to a moratorium, because
15 professionals in an agency that I would expect to
16 be extremely protective of the environment are not
17 in favor of it. They are not opposed, but they are
18 not in favor of it. That was one thing that I
19 would appreciate if you give me some insight in.
20 That's why I was specifically saying it would be
21 helpful if you would review the evidence. We are
22 in a quandary. We have experts on both sides
23 recommending opposite positions.

24 One other thing that I would be

1 interested in for me, the discussion about why a
2 well would be harmful to the environment had to do
3 with mingling of water between aquifers, between
4 the upper groundwater and lower bedrock aquifer. I
5 would be interested in knowing whether a shallow
6 well could be constructed in the upper aquifer and
7 used with treatment -- that's essentially what the
8 Acton Water District does -- that would avoid the
9 cross-contamination issue as a possibility.

10 At this time I would ask if there are
11 any other comments on the proposal from the members
12 of the board.

13 MR. CONOBY: The scope of work has
14 been reviewed by the department?

15 MR. HALLEY: Yes. We have another
16 revision. In terms of the fee schedule, there were
17 questions raised about how many meetings O'Reilly,
18 Talbot & Okun might attend. We have revised that.
19 And also, we've made sure that there was a
20 specification for evaluation of, site-specific
21 evaluations.

22 MR. CONOBY: Primarily, the
23 difference is in the first item for an additional
24 follow-up meeting?

1 MR. HALLEY: And a new item, 2.0 (a).

2 MR. CONOBY: For a site-specific
3 evaluation. So that would be for subsequent
4 potential applications review?

5 MR. HALLEY: Yes.

6 MR. CONOBY: Has the proposal been
7 forwarded to W. R. Grace?

8 MR. HALLEY: Yes. I've sent a copy
9 to Maryellen. But I won't officially ask her to
10 fund it until the board accepts the proposal and
11 then I'll write her tomorrow letting her know that
12 we've accepted the proposal and requesting that
13 they fund.

14 MR. CONOBY: They were advised about
15 tonight's meeting and the agenda item?

16 MR. HALLEY: Yes. I don't believe
17 they have any difficulty with the proposal. From a
18 paperwork point of view, they need an official
19 request to fund it.

20 MR. CONOBY: I was more concerned
21 whether she had seen a preliminary draft of the
22 scope of work technical comments.

23 MR. HALLEY: She did comment on the
24 first draft.

1 MR. CONOBY: I saw the email. I was
2 wondering if there are any additional comments.

3 MR. McINNIS: If there are no
4 comments, what I would propose is that we accept
5 the proposal and transfer it to W. R. Grace.

6 MR. CONOBY: I guess we would
7 recommend acceptance of the scope of work in line
8 with the prior meeting and solicit their response
9 to the proposal.

10 MR. McINNIS: Is that a motion?

11 MR. CONOBY: Yes. I would make the
12 motion to recommend acceptance of the proposal and
13 transmittal to W. R. Grace as previously noted.

14 MS. HUNT: Seconded.

15 MR. McINNIS: It is made and
16 seconded. I ask if there's further discussion by
17 the board.

18 MR. McINNIS: Members of the
19 audience? Mary Michelman?

20 MS. MICHELMAN: Looking at the
21 proposal, it says within 500 feet. I believe at
22 the December 9th meeting Grace changed the request
23 to be the survey area as currently mapped in 2001
24 as the defined area. And that was amended again in

1 a written communication where they included the
2 soccer field property out to Route 2.

3 MR. CONOBY: You are suggesting to
4 modify the title to reflect that?

5 MS. MICHELMAN: To amend this so that
6 instead of saying within 500 feet that it say
7 within the mapped survey area at its most recent --
8 in its most recent form. I don't remember the date
9 of that letter. It was after the December 9th
10 meeting where they defined the mapped area and made
11 that request in writing.

12 MR. McINNIS: I don't have the
13 reference either.

14 MS. MICHELMAN: I have it here.

15 MR. CONOBY: I think you're
16 requesting that we just amend the scope request
17 from the 500 foot to the previously defined mapped
18 survey area including the 500-foot radius area?

19 MS. MICHELMAN: I don't know if they
20 put 500 feet in the wording anymore. If you look
21 back to the December 9th transcript, you may find
22 what they exactly said. I think it was based on
23 generally 500 feet from the plume as it was mapped
24 in 2001. But it's that area that they have a map

1 of it. This area (indicating). This is called the
2 revised private well survey area. The date of the
3 cover letter that came with it is December 18th.

4 MR. HALLEY: That would be
5 appropriate. I see no reason --

6 MR. CONOBY: It's more inclusive than
7 the 500 foot. I would presume that the 500 feet
8 was for ease of description in the proposal. But
9 to review all the data presented would be certain
10 as they described it.

11 MS. MICHELMAN: I think their
12 request, they amended it to be specifically within
13 this mapped area.

14 MR. CONOBY: I think that was the
15 intention, review the information submitted to the
16 board, and that's what it was.

17 MS. MICHELMAN: I thought I would
18 clarify it. There was that whole discussion about
19 it at the last hearing.

20 MR. McINNIS: Do you feel you need to
21 revise your motion?

22 MS. MICHELMAN: I have another
23 question.

24 MR. CONOBY: I don't think so. I'm

1 going to ask for clarification. You had
2 information submitted to the board. Was that your
3 intention?

4 MR. O'KUN: My intent would be -- and
5 you might want to consider in your motion
6 specifically referencing the area identified on
7 this plan.

8 MR. CONOBY: I would prefer to say
9 all the information submitted to the board, which
10 includes that.

11 MR. O'KUN: That would be fine. My
12 intent would be to address this area as identified
13 on the plan.

14 MR. McINNIS: Very good.
15 You have another comment?

16 MS. MICHELMAN: I was wondering if
17 anybody knew what Jay Naparstek's position was, or
18 training.

19 MR. CONOBY: I do know him from prior
20 experience to be a hydrogeologist at the
21 Environmental Protection Agency.

22 MR. HALLEY: And I believe section
23 chief.

24 MS. MICHELMAN: I thought it was an

1 administrative role.

2 MR. HALLEY: It's in a group that
3 specifically provides DEP support on federal
4 Superfund sites, if I'm not mistaken.

5 MR. CONOBY: I'm not clear what his
6 specific job responsibilities are

7 MS. MICHELMAN: I was wondering. I
8 think I heard different depictions.

9 MR. CONOBY: He's a technical expert
10 at the DEP.

11 MR. McINNIS: Any other questions or
12 comments regarding the motion?

13 All those in favor say aye.

14 (Board: Aye.)

15 MR. McINNIS: The motion carries.

16 Any other business to conduct or
17 should we continue the hearing to a date after
18 Mr. Okun is likely to have his report available?

19 MR. CONOBY: When would that be?

20 MR. HALLEY: We need to continue it
21 to the next meeting when hopefully we will have a
22 response from W. R. Grace on the funding. Then we
23 will be able to direct Jim to start the work.

24 MR. McINNIS: Very good. When is our

1 next meeting?

2 MR. HALLEY: February 10th.

3 MR. CONOBY: We need to make a motion
4 to continue the hearing to the next meeting,
5 February 10th?

6 MR. HALLEY: Yes.

7 MR. CONOBY: So moved.

8 MR. OLIVERI: Seconded.

9 MR. McINNIS: Motion made and
10 seconded. Comments from members of the board,
11 comments from the public?

12 Hearing none, all those in favor say
13 aye.

14 (Board: Aye.)

15 MR. McINNIS: This hearing is
16 continued.

17 (7:55 p.m.)

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1 Commonwealth of Massachusetts)
2)
3 County of Suffolk)
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6 C E R T I F I C A T E
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9 I, David A. Arsenault,
10 Registered Professional Reporter and Notary Public
11 for the Commonwealth of Massachusetts, do hereby
12 certify that the foregoing record is a true and
13 accurate transcript of my stenographic notes taken
14 on January 27, 2003 in the above-captioned matter.
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19 _____

20 David A. Arsenault

21 My commission expires May 12, 2006
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