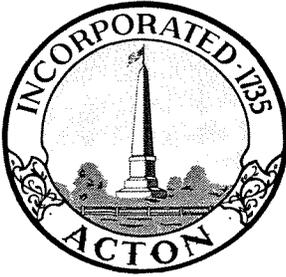


EPA



**TOWN OF ACTON**  
**Acton Board of Selectmen**  
472 Main Street  
Acton, Massachusetts, 01720  
Telephone (978) 264-9612  
Fax (978) 264-9630  
E-mail BOS@town.acton-ma.us

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August 4, 2005

**BY HAND AT PUBLIC HEARING**

Derrick Golden  
EPA Remedial Project Manager  
US Environmental Protection Agency  
Region I, HBO  
1 Congress Street  
Boston, Massachusetts 02114-2023

RE: Subject: Initial Public Comments  
Document: EPA's Proposed Plan for W.R. Grace Superfund Site  
Presented by: Town of Acton  
Acton Water District  
Acton Citizens for Environmental Safety

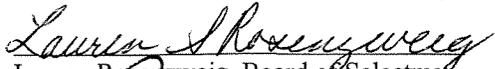
Dear Mr. Golden:

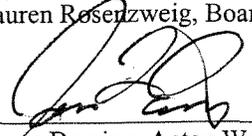
On behalf of the Board of Selectmen of the Town of Acton (the "Town"), joined by the Board of Water Commissioners of the Acton Water District (the "Water District") and the Board of Directors of Acton Citizens for Environmental Safety ("ACES"), I am writing to present the attached Press Release and Request for Extension of Time as the initial joint public comments of the Town, the Water District and ACES on EPA's Proposed Plan for the W.R. Grace Superfund Site dated July 2005.

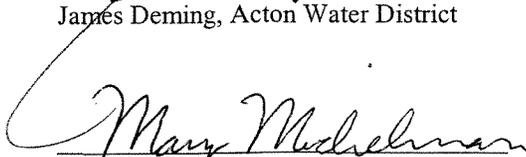
Please be advised that the Town, the Water District and ACES anticipate submitting extensive additional comments in this matter before the close of the public comment period.

Thank you for your consideration.

Assented to:

  
Lauren Rosenzweig, Board of Selectmen

  
James Deming, Acton Water District

  
Mary Michelman, ACES

cc: Senator Edward M. Kennedy  
Senator John F. Kerry  
Congressman Marty Meehan  
Governor Mitt Romney  
Senator Pamela Resor  
Representative Cory Atkins  
Representative James B. Eldridge  
Stephen L. Johnson, Administrator, USEPA  
Robert W. Varney, Regional Administrator, EPA Region 1  
Carl Dierker, Regional Counsel, EPA Region 1  
Board of Selectmen, Town of Acton  
Board of Water Commissioners, Acton Water District  
Andrew Cohen, DEP  
James Deming, Acton Water District  
Lydia Duff, Grace  
Doug Halley, Town of Acton  
Seth Jaffe, Foley Hoag  
Maryellen Johns, Remedium  
Michael LeBlanc, DEP  
Mary Michelman, ACES  
Michael Moore, Town of Concord Board of Health  
Chuck Myette, Brown & Caldwell  
Mitch Obradovic, Remedium  
Art Taddeo, ENSR  
Barbara Weir, Metcalf & Eddy  
James Okun, OTO  
Acton Public Library

**FOR IMMEDIATE RELEASE - PRESS RELEASE**

**ACTON BOARD OF SELECTMEN**

**ACTON BOARD OF WATER COMMISSIONERS**

**ACTON CITIZENS FOR ENVIRONMENTAL SAFETY**

July 19, 2005

RE: EPA Proposed Plan for W.R. Grace Superfund Site  
Acton and Concord, MA

The Board of Selectmen of the Town of Acton, Board of Water Commissioners of the Acton Water District, and the Board of Directors of Acton Citizens for Environmental Safety, today announced their disappointment with the United States Environmental Protection Agency's Proposed Plan, dated July 2005, to address widespread groundwater contamination from chemicals released at and from the W.R. Grace Superfund Site in Acton. Given the paramount importance of protecting the Town's present and future drinking water supplies, initial review of the Proposed Plan reveals a number of areas of significant concern to the Town, the Water District and ACES. For example:

**Northeast Plume**

- A significant plume of chemical contamination – measuring almost a mile in length and up to one quarter of a mile in width - has spread north east from the Grace Superfund Site, beneath dozens of single-family residential properties, to several of the Town's public drinking water supply wells.
- The plume of contamination has forced the Water District to utilize expensive and elaborate treatment to ensure removal of volatile organic chemicals from the Town's public drinking water wells before the water is distributed as part of the water supply. This plume has even prevented residents from using simple irrigation wells to water their lawns or for other legitimate purposes.
- Despite the carcinogenic potential of certain contaminants in this plume, and despite the fact that "successful groundwater cleanup" has occurred over the last 20 years for other contaminant plumes from the Grace site containing these very same chemicals (Plan at page 4), EPA's Proposed Plan provides that "groundwater extraction and treatment in the Northeast Area is not included as a component of this remedial alternative." (Plan at page 15).
- Instead, EPA relies on so-called "monitored natural attenuation" – a euphemism for doing nothing to actively remove the northeast plume of chemical contamination from the Town's aquifer – as its "remedy" of choice.

- EPA's selection of this "natural attenuation alternative" is disturbing for a variety of reasons.
- First, this alternative ignores the binding legal requirements of the federal Court Order and the State Administrative Order that govern the cleanup of this site,<sup>1</sup> including the following mandatory requirements governing aquifer restoration (emphasis added):
  1. Aquifer restoration involves "**aquifer cleanup and restoration to a fully usable condition, including a critical path time schedule for completion,**" not a laissez faire natural attenuation approach (Final Decree § XII.A).
  2. Aquifer restoration involves "evaluation of **alternatives for accelerated cleanup of the aquifer (as opposed to self-cleansing over period of time)**" (Final Decree § XII.A.2).
  3. Aquifer restoration involves a "plan of action and **critical path time schedule implementing one or a combination of the restoration alternatives which will ensure restoration of the aquifer to a fully usable condition**" (Final Decree § XII.B.4).

Under these requirements, relying on natural attenuation is simply not an option. Rather, reliance on "natural attenuation" is directly contrary to the express requirements of the federal Court Order governing the clean-up of the Grace site.

- Second, EPA justifies the selection of a "natural attenuation" alternative in part with the remarkable logic that,

"Groundwater from this northeast area is currently being treated with an air stripper system that is operated by the Acton Water District (AWD). The AWD continues to treat and provide safe drinking water to the residents of Acton." (Plan at page 1).

EPA has thus turned upside down both the "environmental protection" mandate and the "polluter pays" principle of the federal superfund law. Instead of requiring the polluter to clean up its chemical contamination before it hits the public water supply wells – as required by federal law, state law and the governing court and administrative orders – EPA takes the position that as long as the public drinking water supplier is treating the problem, EPA will not require the polluter to address the problem.

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<sup>1</sup> See the Final Decree entered by the United States District Court for the District of Massachusetts in October 1980 in Civil Action No. 80-748-C, and (b) the Amended DEP (f/k/a DEQE) Order to Grace dated April 15, 1981.

- Third, EPA admits that the “natural attenuation” model will not “reach drinking water standards for this area” for an estimated 25 years – and provides no indication as to when if ever the aquifer will reach the Town’s and the Water District’s stricter (that is, more protective) standards governing volatile organic chemical contamination of the Town’s water supply. (Plan at page 14).
- Fourth, EPA relies on incorrect assumptions to justify its avoidance of a real remedy for this area. In citing issues such as “management of the extracted and treated groundwater” and the “potential impacts on the Town’s water supply wells” (Plan at page 14), EPA has ignored the repeated requests of the Town, the Water District and ACES for a bona fide plan and reliable information on how best to extract and treat groundwater in this area without creating collateral problems for the aquifer and the water supply. Refusing to provide answers does not justify EPA’s decision to fail to require a meaningful remedy in this area. Similarly, by pointing to the time frame to obtain access agreements to perform work off of the Grace property (Plan at page 14), EPA fails to acknowledge the variety of obvious solutions to this make-weight problem – ranging from the use of a combination of Grace, Town and Water District properties for the remedial activities, on the one hand, to exercising federal, state and/or local powers of eminent domain to solve the access problem on the other.

#### **Obligation to Restore Fully Usable Aquifers**

- Acton residents are constantly reminded of the scarce and precious nature of Acton’s drinking water by the need for aggressive water conservation measures. The reason for this is simple: Acton relies solely on groundwater aquifers to meet all of its drinking water needs. As the Town grows, the need for additional supplies of potable water becomes more and more pressing.
- More than 25 years ago, chemical contamination from the Grace property became apparent when as the Water District explored possible locations for a significant new public drinking water well. Then and now, the optimum location for such a well – in the absence of the Grace contamination – is north of the existing Assabet wells and south of Sinking Pond. This area abuts the Grace property and is the site of the supply well known as WRG3.
- EPA has known of this critical interest of the Town and the Water District throughout the years the Grace contamination has persisted in the groundwater. Yet EPA’s Proposed Plan fails to make any provision for this well to come on line or to be protected from organic and inorganic chemical contamination caused by the Grace site when it does.
- For instance, the Proposed Plan fails to model or require Grace to model the effect that development of a public water supply well in this area will have if the main Aquifer Restoration System is modified or discontinued as planned.

Press Release

July 19, 2005

Page 4

- The Proposed Plan also fails to require that the polluter will pay to protect the well and its contributing aquifer from ongoing adverse effects from the organic and inorganic chemical contamination caused by the Grace site.
- In these circumstances, EPA's Proposed Plan again falls short of its mandatory obligation under the governing Orders to ensure timely and effective restoration of the affected aquifers to a fully usable condition.

### **EPA's "Rush to Judgment"**

- Given these and other problems with the Proposed Plan, the Town, the Water District and ACES question EPA's wisdom and motivation of rushing to issue a Record of Decision and select the final remedy by "this fall." (Plan at page 10). This arbitrary deadline appears driven more by EPA's desire to notch a Record of Decision in its bureaucratic belt by the close of its fiscal year on September 30, 2005, than by any pressing or rational environmental justification.
- Because of this arbitrary deadline, there are collateral consequences to the Town, the Water District, ACES, and the public in being deprived of a meaningful period to review and comment on the Proposed Plan and its underlying 5 volumes of technical data.
- The Town, the Water District, and ACES have jointly requested a modest 60 day extension of the public comment period on EPA's Proposed Plan from August 9, 2005, to and including October 7, 2005.
- This extension will result in no adverse consequence to EPA or to Grace. More important, given the passage of time to date, this extension will result in no material adverse environmental consequences.
- The reasons in favor of granting the extension are further delineated in the attached extension request.

END OF RELEASE

cc: Acton Beacon  
Boston Globe  
Boston Herald  
Lowell Sun  
Senator Edward M. Kennedy  
Senator John F. Kerry  
Congressman Marty Meehan  
Senator Pamela Resor  
Representative Cory Atkins  
Representative James B. Eldridge  
Board of Selectmen, Town of Acton

Press Release

July 19, 2005

Page 5

Board of Water Commissioners, Acton Water District  
Stephen L. Johnson, Administrator, USEPA  
Robert W. Varney, Regional Administrator, EPA Region 1  
Carl Dierker, Regional Counsel, EPA Region 1  
Derrick Golden, EPA Remedial Project Manager  
Andrew Cohen, DEP  
James Deming, Acton Water District  
Lydia Duff, Grace  
Doug Halley, Town of Acton  
Seth Jaffe, Foley Hoag  
Maryellen Johns, Remedium  
Michael LeBlanc, DEP  
Mary Michelman, ACES  
Michael Moore, Town of Concord Board of Health  
Chuck Myette, Brown & Caldwell  
Mitch Obradovic, Remedium  
Art Taddeo, ENSR  
Barbara Weir, Metcalf & Eddy  
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