
From: [REDACTED]
Sent: Friday, August 03, 2012 9:36 AM
To: Chief Brian Clark
Cc: Acone, Scott E NAE; Melissa G. Taylor; John D'Agostino; Michael P. Last; Garth Patterson
Subject: Re: EndCap Technology LLC Informational Meeting

Brian,

Good to hear from you.

Shpack Project Manager for Army Corps (Scott Acone) is on vacation until Aug. 6th. Their portion of the remediation is completed.

We are waiting for the 100% Design Report from ERM (contractor for the PRP Group) responsible for the next (and final) phase of cleanup (chemicals and heavy metals) under US EPA.

That 100% Design Report should address the volume of material they expect to transport from the Shpack Site, hopefully including the number of truck loads and time frame. I expect it will be significantly less than the Army Corps excavated and hauled off the Shpack Site.

In any case, the excessive number of trucks proposed for the EndCap Project would create a conflict in Norton, particularly on Union Rd.

Yes, the trucks for the Shpack Project used one route for both inbound and outbound. It was through Taunton, not Attleboro and that will be the case when activity resumes (likely Spring 2013).

EndCap also proposes to use those same Taunton roads for their inbound trucks from I - 495 to Rte. 140 and then Eddy St. in Norton.

I will get back to you later with the streets, which I listed in my first information

piece, sent to the Taunton Gazette etc. The route is through the Industrial Park.

I also reached out to some officials I know in Taunton, in an attempt to learn if Taunton had any knowledge of the EndCap Project, and their proposal to bring all the inbound loaded trucks through their city. But I have not had any response yet.

This is a terrible time to reach people!

I really have to go now. Wayne is off for the day and I am supposed to be as well.

More later, at least by Monday morning...Then perhaps you would inquire if the Taunton Police Chief has heard of the EndCap Project.

The City of Taunton should receive a 'Tipping Fee' as well.

Regards,

Heather

From: "Chief Brian Clark" <clark@nortonpolice.com>
To: [REDACTED]
Cc: "Michael Yunits" <MYunits@nortonmaus.com>
Sent: Friday, August 3, 2012 9:11:07 AM
Subject: RE: EndCap Technology LLC Informational Meeting

Heather,

Can you refresh my memory on how many trucks a day were used for SCHPACK site and how long it took?

And as I recall, the route they used was Union to S. Worcester to JS Blvd to the Instrustrial Park. No traffic went thru Attleboro. Is that correct?

Thanks,

Brian M. Clark

Chief of Police

Norton Police Department

From: [REDACTED] [mailto:[REDACTED]]

Sent: Friday, August 03, 2012 6:21 AM

To: Mark Dakers; Robert Johnson; Jennifer Carlino; Leon Dumont; Kevin Dumas; Chief Brian Clark; Chief Paul Schleicher; Keith Silver; Melissa G. Taylor; Scott E. Acone; Michael P. Last; John D'Agostino; Garth Patterson; George Spatcher; Frank Cook; Tara Henrichon; Ted Leach; c a adler; Paul Helmreich; lee tarantino; tomtre@comcast.net; Michael Thomas; Jackie Romanecki; Heather Harris; Ken Zanoni

Cc: Wayne A. Graf; Ron O'Reilly

Subject: Fwd: EndCap Technology LLC Informational Meeting

To All Interested Parties:

I am forwarding a message from Ron O'Reilly of Norton, which was sent to Town Manager Mike Yunits and members of the Board of Selectmen.

Ron who has lived on [REDACTED] for many years, is more familiar with Attleboro Landfill Inc. than anyone. He has also been involved with the many proposals for the capping of ALI.

Attached to Ron's e-mail message is an excellent piece outlining issues which EndCap's 2012 Proposal for the Capping of ALI should address, as well as provisions which should be included in a 'Mitigation Agreement'.

I am very grateful for Ron's professional approach and his ability to draft such a fine document which (if the EndCap project were allowed to move forward) would serve to protect the Town of Norton.

Wishing all a delightful weekend. I am planning to take a break from ALI, so you too may all enjoy a break from me.

Regards,

Heather

From: "Ron O'Reilly" <[REDACTED]> <mailto:[REDACTED]> >
To: "Michael Yunits" <MYunits@nortonmaus.com <mailto:MYunits@nortonmaus.com> >
Cc: "Tim Giblin" <[REDACTED]> <mailto:[REDACTED]> >, "Bob Kimball" <[REDACTED]> <mailto:[REDACTED]> >, "Bob Salvo" <[REDACTED]> <mailto:[REDACTED]> >, "Mary Steele" <[REDACTED]> <mailto:[REDACTED]> >, "Brad Bramwell" <[REDACTED]> <mailto:[REDACTED]> >, "Heather Graf" <[REDACTED]> <mailto:[REDACTED]> >
Sent: Thursday, August 2, 2012 7:46:35 PM
Subject: EndCap Technology LLC Informational Meeting

Mike,

I will be out of town for several days including August 14 so I will not be able to speak at the meeting. Although I have not seen the EndCap proposal, I have serious concerns about the cost to the Town in tax dollars and neighborhood disruptions with no benefit to the Town. Attached are my suggestions for provisions that should be included in the access agreement and/or the proposal. Both documents are obviously one sided; designed to minimize the cost of doing business in Norton and provide no protection for the Town.

Ron

Ron O'Reilly

[REDACTED] <mailto:[REDACTED]>

508-622-1500

Comments on EndCap Technology LLC's (EndCap) proposed assistance to
Attleboro Landfill, Inc. (ALI) capping the former ALI landfill

The only notice of the Project Informational Meeting was a small legal notice in the Sun Chronicle on July 31, 2012. I suggest sending certified letters to the following interested parties addressed to the appropriate officials.

1. Environmental Protection Agency
2. Army Corps of Engineers.
3. Massachusetts Department of Environmental Protection.
4. Norton School Department.
5. Perspective Responsible Parties involved in Shpack cleanup.

Not having seen the EndCap proposal for this project. I suggest that the Town of Norton ensure that the following mitigation suggestions are addressed in the proposal to avoid the costs of a project that has no benefit to the Town and should not become a burden to the taxpayers.

1. Additional busses that the School Department may recommend for transporting students on South Worcester Street, Union Road, Sturdy Street, and Sturdy Street Extension, who walk on Union Road to the corner of South Worcester Street to their bus stop.
2. Crossing guards at locations recommended by the School Department as a result of the truck traffic going to ALI.
3. Training, supplies, and manning for the Norton Fire Department to respond to accidents, hazardous material, oil and fuel spills along the truck route and also for the increase in mutual aid responses to ALI for fires or accidents.
4. Chartley Fire Station to be reopened to improve response time for accidents and hazardous material or chemical spills.
5. Charges incurred to videotape and photograph the condition of roads to be restored at completion of the project.

6. An insurance consultant to recommend insurance coverage and performance bonds to be purchased by EndCap to protect the Town for the duration of the project. The coverage proposed in the access agreement is woefully inadequate to protect the Town of Norton and its residents.
7. Costs incurred by the town of Norton Police Department for truck traffic enforcement and when necessary for traffic control.
8. A peer review of the access agreement and the proposal by a licensed site professional or wetland scientist to determine if the Phase B project will have any negative effects on the adjacent Shpack Site. The federal government has spent seventy-million-five-hundred-thousand dollars (\$70,500,000) for the nuclear cleanup and the Prospective Responsible Parties are about to commence the removal of heavy metals and other hazardous materials remaining at the site. The Army Corps of Engineers determined that contaminated leachate is flowing from ALI to the Shpack Site.
9. Legal costs incurred and to be incurred by the Town of Norton in reviewing and negotiating the terms of the EndCap agreements.
10. Administrative costs incurred by Town employees in reviewing, negotiating, monitoring and enforcing the terms of the agreement and proposal.

The proposal should address the following issues.

1. The source and nature of the material to be brought to ALI should be described in detail.
2. The procedures that will be implemented to prevent the disposal of hazardous materials. The individual who will be responsible for such determination should be named with the individual's experience and qualifications.
3. The type of truck covering to be used should be described in detail and of such a nature to prevent dust and contaminants from escaping during transport to protect students at bus stops, walkers, runners, bike riders and residents using the truck route.

4. The location of a staging area for EndCap's loaded trucks arriving with material, when Union Road is congested by school buses, and the trucks entering and leaving the Shpack Superfund Site. There is insufficient width on Union Road to accommodate large vehicles travelling in both directions. Note also: There is a new law regulating the idling of trucks.
5. The tipping fee should be no less than the tipping fee or aggregate amount to be paid to any other municipality in conjunction with this project.
6. I suggest that paragraph 5 of the access agreement be changed to the amounts of liability, property damage and bonds recommended by a professional insurance consultant, broker or agent to be engaged by the Town. EndCap is an LLC, which means that it is a limited liability corporation. The Town should be protected by adequate insurance and bonds for commercial general liability, automobile liability, property damage, environmental contamination and indemnification. The indemnification mentioned in the access agreement is useless without assets or insurance to pay potential claims
7. To further protect the Town of Norton, its employees, commissions, departments and committees the agreement should require bonds for the following.
 - a. Indemnification described in paragraph 6 of the access agreement.
 - b. Restoration of the roads in Norton used by the trucks.
 - c. Funding for completion of the capping of the project and future monitoring of Phases A and B. in the event EndCap defaults on the project or the projected revenue is not realized.

Other issues to be considered are the following.

1. ALI currently operates two diesel engines using methane as fuel to generate electricity which is being sold to National Grid. There has been no information as to the revenue generated at ALI from the sale of electricity and the reason it has not been considered as a source of funding for Phase A.
2. When ALI was operating as a large commercial landfill, the owners included other parties who should be considered Prospective Responsible Parties liable for the cost of monitoring of Phase A.