
From: [REDACTED]
Sent: Friday, September 07, 2012 5:01 PM
To: Garth Patterson; Senator James Timilty; Elizabeth A. Poirier; Jay Barrows; Steven Howitt; George Ross; Michael Yunits; Tim Giblin; Brad Bramwell; Bob Salvo; Mary Steele; Bob Kimball; Jennifer Carlino; Leon Dumont; Diane Battistello; Ron O'Reilly; Brian Clark; Paul Schleicher; Keith Silver; Stephen Wenzel; Tom Hoye; Richard Conti; Jonathan Weydt; Walter Thibodeau; Roxanne Houghton; George Spatcher; Ted Leach; Charles Adler; Tara Henrichon; Acone, Scott E NAE; Melissa G. Taylor; Garry Waldeck; Michael P. Last; John D'Agostino
Cc: Patrick Shield; Elaine Hyland; Meredith Rodman; Michelle Brown; Keith Carreiro; Kassmin Williams; Heather Harris; Jonathan Friedman; Kelly Mello; Michael Masone; Paul Helmreich; Richard Krumm; Bill & Elaine Maher; Joan & Dave DeCosta; Christiane Denkel; Denny Goodrich; Robert Keating; Susan & Ted Hallahan; Linda Kollett; Jeannie Shea; Phil & Kathleen Zawasky; Jackie Romanecki; Tricia Svendsen
Subject: ALI Capping Project, Third Comments 9-7-12
Attachments: ALI Capping Project, Third Comments 9-7-12.docx
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Shpack

Friends,

Please Find Attached My Third (And Hopefully Final) Comment Letter which was e- mailed to Mark Dakers, Acting Bureau Chief at MassDEP, Robert Johnson - also at MassDEP, Lakeville and Kurt Schulte, President of EndCap Technology LLC.

Hope everyone is getiing their letters in, even if they are just form letters supplied by CAST.

Stay Tuned,

Heather

September 7, 2012

Mr. Mark Dakers, Acting Bureau Chief
MassDEP, Southeast Region
20 Riverside Dr.
Lakeville, MA 02347
mark.dakers@state.ma.us

Re: EndCap Project Proposal for Attleboro Landfill Inc. (ALI)
Third Comment Letter from Heather Graf, CAST Coordinator 6 Pages

Mr. Dakers,

Please accept the following as my third and (hopefully) final comment letter on EndCap Technology's 2012 Plan for Capping of the ALI 'Phase B' Parcel.

First I would like to address the existing conditions at the ALI 'Phase A' Site which has been capped and certified by MassDEP.

Investigations conducted at the abutting Shpack FUSRAP/Superfund Site, prior to issuance of the Record of Decision (ROD), confirmed that there was leaching from the ALI 'Phase A' Site (Mound) into the Shpack Site. This was one reason why Norton accepted a lower level of cleanup for the Shpack Site.

Investigations conducted by GHR Engineers of New Bedford, MA back in March of 1980 stated that Volatile Organic Compounds (VOCs) had been detected in groundwater at Shpack and ALI.

[March 25, 1980 GHR Report: In samples collected from 10 observation wells on ALI Property on Peckham St., plus 2 samples of contaminated soil from the Shpack Property – 15 volatile chemicals were detected in 1 or more observation wells. Eight of the volatile organics exceed human health criteria. They are as follows: Vinyl Chloride, Methylene Chloride, Chloroform, 1, 2 Dichloroethylene, Bromodichloromethane, Trichloroethylene, Benzene and Tetrachlorethylene. These volatile organic compounds are considered to be potential carcinogens if consumed in drinking water, fish or shellfish. If a chemical is suspected of being a human carcinogen, there is no recognized safe concentration in drinking water or food which will provide absolute protection of human health except Zero.']

Also it was determined that the groundwater flow from ALI (Phase A) was towards the west, north and east. The Northeastern groundwater flow was discharging into Chartley Pond and Chartley Swamp.

Keeping in mind that this GHR Engineering report is from 30+ years ago, and science has advanced since then in sounding alarms for many more contaminants at much lower concentrations, there is legitimate cause for concern regarding exactly what VOCs are present at the ALI 'Phase A' Site, and to what extent they may be leaching into the surrounding areas including: The abutting Shpack Site, Chartley Pond & Chartley Swamp, and Peckham St., and may also be migrating even further in the groundwater.

CAST would like to know what steps MassDEP has taken: To determine what contaminants are buried in the Attleboro Landfill 'Phase A' Mound, and gauge where they may be migrating to...

What are the: past, present and future monitoring activities at the ALI 'Phase A' Site (at existing onsite wells, the boundary with Shpack and at Peckham St.)?

In a US EPA sampling of residential wells (2001 – 2003) on Peckham St., Attleboro and Union Rd. & Maple St., Norton: VOCs were detected in 4 out of 6 wells tested, with the highest levels of MBTE (methyl-tert-butyl-ether) found in a house on Peckham St. (House #2).

MassDEP should be monitoring the entire periphery of the ALI 'Phase A' (Mound) Site - to determine what leaching is occurring, and further: What corrective actions may need to be taken at that site.

CAST had previously requested that MassDEP document the conditions at the ALI 'Phase B' Site. This should include: Existing Groundwater Data for the 'Phase B' Site.

The notion that: Hauling in One Million, Two Hundred Thousand Tons of Contaminated Debris (equal to/or worse than what you propose to cover), creating another noxious Mound (where a low and level relatively benign overgrown wetlands parcel now exists) will somehow 'Protect Groundwater'-flies in the face of reason.

The 'Citizens Advisory Shpack Team' also concurs with a request by the Norton Board of Selectmen (Letter dated August 27, 2012) that this EndCap Project be addressed through the MEPA Process.

CAST also reiterates the Norton Board of Selectmen's insistence that: 'Prior to any approval for work on ALI, DEP seek written response from all parties involved with the Shpack cleanup. We want complete assurance from the engineers, involved in this \$70.5 million dollar (so far) Superfund cleanup, that the integrity of the site will not be compromised by any work at the Attleboro Landfill.'

Contacts for the Shpack FUSRAP/Superfund Site:

Scott Acone – Project Manager, US Army Corps of Engineers

Melissa Taylor – Project Manager, US Environmental Protection Agency

Garry Waldeck – Project Manager, MassDEP Bureau of Waste Site Cleanup

The 'Citizens Advisory Shpack Team' also requests that MassDEP thoroughly investigate how/why the ALI financial reports can (honestly) be so dismal. In the early years, Al Dumont did quite well (along with his neighbor Isadore Shpack) taking in all manner of materials for profitable gain with little expense. Later as ALI, this private/for profit enterprise made millions of dollars accepting Waste Management Trash. Additional monies came from scrap metal etc. etc. etc. Currently there is a methane gas burning operation on the landfill which is profitable.

Rainbow Land Inc. (aka – Al Dumont) did quite well with its developments in the area. And in 2012 The PRP Group for the Shpack Superfund Site (Dumont at the top of the PRP List) negotiated a settlement with Dumont – giving him some relief in exchange for release of ownership on his Union Rd. Property (that would have required extension of the new water main to the Dumont owned house in Norton).

There is Dumont's huge brick home at #1 Rathbun Willard Drive in Attleboro, where (to add insult to injury – literally!) the very large wooden statues were all recently refinished, even a couple new ones added...

And the man is bragging about the purchase of his brand new truck.

Does this sound like someone IN Need of A Bailout?!

If Al Dumont had not spent so much on legal fees, and squandered the taxpayers' monies appealing every DEP enforcement action, well you get the picture...

Perhaps Michael Last, Esquire (of Rakemann, Sawyer & Brewster – Boston, MA) who is counsel representing the 'Shpack Steering Committee' (AKA - PRP Group) could advise DEP attorneys how to force Al Dumont to cooperate. The Union Rd. house/property exchange for water main issue was only resolved with Dumont when Attorney Last threatened to litigate.

What is it I read in the MassDEP Enforcement Action about 'liquidating of assets'?

There is also the requirement of 'Financials for the Project Proponent' which need to be documented.

EndCap must produce a 'Financial Model' and make it available – not just to MassDEP for review, but also to be shown at the Public Information Meeting. At the August 14, 2012 Meeting in Norton, Attorney Richard Nylan for EndCap asserted there was no such information available for this project.

And what is this business of EndCap offering a 'Host Community Tipping Fee' of 25 Cents Per Ton to Norton and Attleboro, when the Standard Fee (Mass. General Laws - 1981) was \$1.00? According to Attleboro City Councilor Richard Conti: That fee (which should increase based on the Boston Consumer Price Index) in 2012 would amount to approximately \$2.50 per ton.

And the City of Taunton is expected to accept all of EndCap's Inbound Loaded Dump Trucks on their residential roads and through the Taunton Industrial Park, with no compensation? I don't think so! Taunton held up a Waste Management Project in Norton due to the trucking issue. And they won, with WM agreeing to a very beneficial agreement for Taunton.

In a June 7, 2012 letter to Norton Town Manager Mike Yunits, EndCap Attorney Richard Nylan estimated the total amount of money paid to the Town of Norton (after completion of the 4 year construction project) would be: \$162, 500. This is Crazy Math, even based on Empty Truck Weight. At any rate – that is chicken feed. It is Insulting. We are not all morons here!

Fortunately the Town of Norton has wisely chosen not to enter into any discussion of Tipping Fees. Norton's position is that all truck traffic entering and leaving the Attleboro Landfill Site shall use Attleboro roads.

For the record: CAST believes the whole rail issue is a 'red herring' – an option that never was seriously considered and never will be. EndCap is a trucking operation.

And this just in: Jay Cashman trying to make inroads (forgive the pun) in Norton to stem the opposition here, placed a call to a friend in the business with ties to Norton. When the person responded that Union Rd. was very narrow, the answer from Cashman was 'We Plan To Widen It'.

If Cashman (or anyone else) thinks that widening Union Rd. in Norton is a nice carrot to tempt acceptance of their project, they are way off base. Quite the contrary: Any talk of widening Union Rd. would create a Firestorm on all levels. The road has already been widened to the greatest extent possible. Homes up at the S. Worcester St. end have no frontage. Complications include: The CSX Rail Line, Chartley Pond and Chartley Swamp, The Shpack Superfund Site and Staging Areas. And finally, Ron and Janet O'Reilly - who own the lovely home and property closest to Shpack and ALI, plus 29 Acres of woods on both sides of Union (which come right up to the roadway). With 5 lawyers in the family - The O'Reillys would tie EndCap, Cashman (or whomever) up in court forever. They will not get one inch of O'Reilly Property!

There must be a humungus profit for Cashman/EndCap if they think they could afford additional costs associated with the widening of Union Rd.

CAST hereby requests EndCap include that in their Financial Model Statement.

This is the sixth time in twelve years that I have been involved in a 'Bail Out ALI Scheme'.

In 2012 EndCap put a whole new face on their project, with underhanded maneuvers meant to deceive, and achieve their goals by any despicable means.

The project this time has proven very divisive (especially for the City of Attleboro). Residents and Officials of this area deserve better, and we expect DEP to stand up for US.

It is time for the Massachusetts Department of Environmental Protection Agency to put an end to this nonsense.

Thank you for consideration of these additional comments,
Heather Graf, CAST Coordinator

CC:

Kurt Schulte, President EndCap Technology LLC

Robert Johnson, MassDEP SE Regional Office

Garth Patterson, Congressman Barney Frank's Office

State Senator Jim Timilty

State Representatives: Betty Poirier, Jay Barrows, Steven Howitt, George Ross

Mike Yunits, Norton Town Manager

Norton Board of Selectmen: T. Giblin, B. Bramwell, B. Salvo, M. Steele, B. Kimball

Jennifer Carlino, Norton Conservation Agent

Leon Dumont, Norton Health Agent

Diane Battistello, Norton Board of Health

Ron O'Reilly, CAST Assistant Coordinator

Mayor Tom Hoye, Taunton

DPW Commissioner Fred Cornaglia, Taunton

Norton Police and Fire Chiefs, Norton Highway Superintendent

Attleboro City Councilors: Richard Conti, Jonathan Weydt, Walter Thibodeau

George Spatcher, Roxanne Houghton, Ted Leach, Charles Adler, Jackie Romanecki

Tara Henrichon, Mass. Audubon

Keith Carreiro, Candidate for State Representative

Scott Acone, US Army Corps of Engineers (Shpack)

Melissa Taylor, US Environmental Protection Agency (Shpack)

Garry Waldeck, MassDEP, Bureau of Waste Site Cleanup (Shpack)

Michael Last Esquire, Shpack Steering Committee (PRP Group)

John D'Agostino and Tim Pac, ERM (Shpack)

Frances Shirley and Linda Kollett, Norton Land Preservation Society

Press: Kassmin Williams, Heather Harriss, Kelly Mello, Jonathan Friedman

END