7.6.24

STEPHEN D. ANDERSON
ATTORNEY AT LAW
33 MOUNT VERNON STREET
BOSTON, MASSACHUSETTS 02108

617 523-1624

February 25, 1986

By Hand

Mr. Kenneth Wenger
Program Coordinator
Enforcement Division
U.S. Environmental Protection
Agency
JFK Federal Building
Room 2103
Boston, Massachusetts 02203

Express Mail

Mr. Edmond Benoit
Regional Environmental Engineer
Massachusetts Department of
Environmental Quality Engineering
Central Regional Office
75 Grove Street
Worcester, Massachusetts 01605

Re: W. R. Grace and Co.

Dear Mr. Wenger and Mr. Benoit:

Enclosed are the Town of Acton's comments on W. R. Grace's second and third quarterly reports concerning aquifer restoration.

Sincerely yours,

Stephen D. Anderson

SDA:kt

Encl.

cc: Willard R. Pope, Esq.
Mr. Bernard T. Murphy, Jr., Town Manager
William J. Cheeseman, Esq.
Mr. John E. Ayres
Erik Lund, Esq.
Mr. James F. Murphy, Jr.
Mr. Gilbert Joly
Ms. Carol deGroot

PRELIMINARY COMMENTS OF THE
TOWN OF ACTON REGARDING
W.R. GRACE & CO./CDM
SECOND QUARTERLY REPORT (OCTOBER 1985)
AND THIRD QUARTERLY REPORT (JANUARY 1986)
ON AQUIFER RESTORATION

The Town of Acton submits the following comments on the W.R. Grace & Co./CDM Second and Third Quarterly Reports on Aquifer Restoration.

I. Detection Limits

Despite the position taken by EPA and DEQE in their response dated October 10, 1985, to Grace's First Quarterly Report on Aquifer Restoration that "[a] detection limit of 10 ppb is unacceptable since levels from 1-10 ppb are not reported" (Comment 2-17), and despite the position taken by the Division of Water Pollution Control in its letter of May 24, 1985, regarding Grace's permit that "[u]nder your discharge permit your limitation is 10 ug/l for Total Volatile Organic Compounds, therefore your detection limit of 10 ppb is unacceptable" (Comment 8), Grace continues to assert that "the officially proposed detection limit of 10 ug/l (Fed. Reg., Dec. 3, 1979) should be used for enforcement of permits" (3rd Q.R. p. 2-10; 2d Q.R. p. 3-15; Grace/CDM Response (11/1/85) Q. 17.2; Grace/CDM Response (6/13/85) Comment 8). Indeed, "W.R. Grace and CDM have specified that all analyses performed for permit compliance be done with detection limit of 10 ppb" (Grace/CDM Response (11/1/85) Comment 4.1).

The Town believes that Grace's adherence to the detection limit of 10 ppb in the face of the governments' orders to the contrary is untenable. This artificially high detection limit is capable of masking meaningful results necessary for a full understanding and elimination of the contamination problems associated with the Grace site. As Grace is well aware (see Grace letter to EPA and DEQE dated 12/6/85, page 7), EPA has recently promulgated final RMCL's and proposed MCL's for a number of volatile organic chemicals including some detected at or in the vicinity of the Grace site. These are as follows (50 Fed. Reg. 46880, et seq. (11/13/85):

Contaminant	Final RMCL (mg/l)	Proposed MCL (mg/l)
Benzene	0	.005
Vinyl Chloride	0	.001
Carbon Tetrachloride	0	.005
1,2-dichloroethane	0	.005
Trichloroethylene	0	.005
1-1-dichloroethylene	.007	.007
1-1-1-trichloroethane	.20	.20
p-dichlorobenzene	.75	.75

In each case, the attainable detection limit, the final RMCL and the proposed MCL are well below the 1979 detection limit of 10 ppb to which Grace continues to cling despite the advent of the federal and state superfund statutes and despite several years of intervening analytical development. Nor is this distinction merely one of academic concern: the five constituents listed above as having RMCLs of zero have been officially found to have "strong evidence of carcinogenicity" (50 Fed. Reg. 46886). Indeed, vinyl chloride, a contaminant recently detected in the vicinity of the Assabet Wells in concentrations ranging from 14 to 57 ppb (PT well series, 3rd Q.R. page 2-7), has been "shown to have carcinogenic effects in humans and animals" (50 Fed. Reg. 46886). And benzene, detected in the vicinity of the Assabet Wells in concentrations ranging from 1 to 6 ppb (PT well series; 3rd Q.R. page 2-7), has been described as having "documented carcinogenic effects in humans" (50 Fed. Reg. at 46886). Further, 1-1-dichloroethylene ("VDC") has itself been described as showing "equivocal evidence of carcinogenicity" as distinguished from "no evidence of carcinogenicity" (50 Fed. Reg. at 46886).

Moreover, it is official EPA policy that a superfund clean-up shall "attain or exceed applicable or relevant and appropriate Federal environmental and public health requirements" including "Maximum Contamination Levels (for all sources of drinking water exposure)" (50 Fed. Reg. 47946-47949).

Since the RMCLs state worthwhile attainment goals, since the MCLs, when finalized, will provide enforceable standards, and since the Grace site is listed in the top echelon of superfund sites throughout the nation, there can no longer be any excuse for Grace failing to provide data having a meaningful detection limit. Grace should be ordered to meet a detection limit of 1 ppb for every sampling round from this point forward, or, at a minimum, the Practical Quantitation Levels established by EPA (50 Fed. Reg. 46904).

II. DEEP CONTAMINATION PROBLEM IN THE VICINITY OF THE ASSABET WELLS

Based on deep level readings from Wells B6, PT-2 and PT-3, there is a significant contamination problem at depth in the immediate vicinity of the Assabet Wells that is not currently addressed by Grace's recovery wells. This is readily apparent from the following results (1st Q.R. Table 3-3; 2d Q.R. Tables 3-2, 3-4; 3rd Q.R. Tables 2-2, 2-4):

WELL	DATE	VDC(ppb)	V-Chl(ppb)	Benz(ppb)
B-6(B5)	3/26/85	1200		
	4/11/85	980	580	
	5/24/85	1100		40
	6/28/85	1700	560	
	7/10/85	740	120	30
	8/13/85	1600	330	20
	9/06/85	1500	420	40
	10/08/85	1100	220	10
PT-2B1	9/30/85	190	49	3
	12/05/85	200	57	6
PT-3B1	9/30/85	49	17	1
	12/05/85	56	14	

The Town strongly recommends that Grace be required to address this problem immediately by installing appropriate deep level recovery wells at suitable locations in the vicinity of Wells B6, PT-2 and PT-3.

III. PROBLEMS IN THE MASSACHUSETTS BROKEN STONE PIT AREA

Based on the results from Wells R-5, B-9, and AR-15, there continues to be a significant contamination problem in the vicinity of the Mass. Broken Stone pit contemplated as the source for additional public drinking water wells. This is readily apparent from the following results (1st Q.R. Table 3-3; 2d Q.R. Table 3-2; 3rd Q.R. Table 2-2):

WELL	DATE	VDC (ppb)	V-Chl (ppb)	Benz (ppb)
R-5	3/27/85	1100		
	4/12/85	680	570	30
	5/31/85	270	60	20
	6/14/85	90	30	
	7/17/85	130		
	8/13/85	310	50	10
	9/06/85	1100	290	30
	10/08/85	440	80	20
	11/20/85	730	130	
B-9 (B4)	6/07/85	330	120	10
	9/06/85	1000	100	10
	12/05/85	650	250	10
AR-15 (B1)	6/07/85	1100	280	10
	9/04/85	2100	250	
	12/03/85	1300	220	

Restoration of this area may have been retarded by the alteration of the pumping scheme attributed by Grace to the Agway situation. The Town urges that the Agway matter be promptly addressed and that, if necessary, the Grace restoration plan be suitably modified to enable accelerated restoration of the Mass. Broken Store area without degradation from the Agway site.

IV. CONTAMINANT FLOW TO THE NORTH

Grace's protestations notwithstanding (e.g. Grace letter to EPA and DEQE (12/6/85)), a significant contaminant potential exists for Fort Pond Brook and the Lawsbrook and Scribner wells north of the Grace site. For instance, well AR-8 (B2) has shown high levels of VDC contamination in July 1985 (550 ppb), and September 1985 (350 ppb) as well as benzene levels of 20 ppb in September. Further to the north, well AR-16A has shown high levels of VDC contamination in July 1985 (150 ppb), September 1985 (1000 ppb) and December 1985 (70 ppb), as well as vinyl chloride and benzene concentrations of 50 ppb and 10 ppb, respectively in September 1985 (2d Q.R. Table 3-2; 3rd Q.R. Table 2-2). Grace's continued unwillingness to perform additional field work respecting the northerly flow of contaminants (Grace letter to EPA and DEQE (12/6/85)) provides inadequate assurance that public drinking water supplies will be protected. Moreover, Grace's observation that "[t]he analytical data that we are aware of from certified laboratories for the Lawsbrook well field show that, for more than six years, VDC has never been above 2 ppb" (Id., Response 17), does not eliminate the potential for contamination in this area and may, to a certain extent, simply be a reflection of the detection limit choice as discussed above.

The Town therefore continues to insist, as it has throughout this process, that contamination and potential contamination problems to the north be fully investigated and remedied.

V. SINKING POND PROBLEMS

Certain data indicate that Grace continues to experience problems with its treatment system that may adversely affect the quality of Sinking Pond. For instance, on September 26, 1985, the inlet to Sinking Pond showed a VDC concentration of 20 ppb (3rd Q.R. page 2-7). In addition, Grace continued to experience "higher color, turbidity and dissolved iron at ISP in October and November samples..." (Id., Inorganic Analyses for Permit Compliance). The Town urges that Grace be required to take all steps necessary to protect Sinking Pond from itself becoming degraded as a result of the aquifer restoration program.