



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

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Boston, MA 02109-(3912)**

To: Coakley Site File

From: Michelle Lauterback

CC: Gerardo Millán-Ramos

Date: June 5, 2014

RE: Conference Call with Anne Crotty, Esq.
AMC Law Group
55 Main St, Suite 230
Newmarket, NH 03857
(603) 380-0748

The purpose of this memo is to document a November 12, 2013 discussion that Michelle Lauterback and Gerardo Millán-Ramos had with Anne Crotty, Esq. concerning the proposed installation of drinking water wells at the proposed residential development located on Breakfast Hill Road in Greenland, NH (Lots 10 and 10A-10G on tax map R1) which abuts the Coakley Landfill Superfund Site ("Site"). On September 25, 2013, EPA sent a letter to Stu Gerome, Chairman of the Town of Greenland Planning Board and to Christian O. Smith, P.E., Principal of Beals Associates, PLLC ("letter"). The letter discussed EPA's concerns that extracting the groundwater in the proposed residential development will eventually expose residents to contaminants associated with either the Site and/or the nearby Rye Landfill. The letter also advised the recipients of potential liability under CERCLA if the proposed drinking water wells cause or contribute to the expansion of the contamination at the Site (see attached letter). This letter prompted the call from Ms. Crotty, who represents the developer of lots R1-lots R10, R10 A-F in Greenland, New Hampshire.

During the November 12 call, Gerardo and I spoke with Ms. Crotty and communicated the following points:

1) EPA does not object to the development of the subdivision, EPA's objections are solely limited to the installation of groundwater wells, especially for drinking water purposes.

2) While substantial groundwater data exists, EPA has not sampled the groundwater with the specific purpose to determine whether it could support the private wells for the subdivision. Based on the existing groundwater data and a recent evaluation of the Groundwater Management Zone performed by the PRP Group's consultant, however, EPA and NHDES believe it is "more likely than not" that extracting the groundwater in the proposed location would eventually pull the contaminated groundwater plume to the residential subdivision and thereby expose residents to contaminated water. Therefore, EPA and NHDES sent a letter to the town of Greenland objecting to the installation of groundwater wells at the proposed subdivision development.

3) Ms. Crotty's client could be liable under CERCLA if the installation of groundwater drinking water wells pulled the contaminated groundwater plume into the residential subdivision, thereby exposing people to contaminated drinking water. The developer, Chinburg Properties (President is Eric Chinburg) was therefore "put on notice" that he "would not be coming to this with clean hands" should drinking water wells be installed and the wells expose residents to contaminated water.

4) Ms. Crotty's client could further be liable if the proposed groundwater drinking wells interfere with the remedy set forth in the Consent Decree that EPA and NHDES entered in with a group of Settling Defendants. The Consent Decree aims to achieve, through natural attenuation, cleanup levels of the contaminated groundwater and to protect human health by preventing the use of or ingesting of contaminated groundwater. If the installation of groundwater wells impact the flow of contamination or interfere with the remedy in any way, Ms. Crotty's client would be potentially liable under CERCLA.

5) Ms. Crotty also raised the issue of her client's use of the property being limited by requiring the proposed residential development be connected to a public water supply and argued that this requirement violates his 5th Amendment rights. I told her that it is not acceptable for people to drink contaminated water and any argument she has about limited use on the property can be raised with the PRP Group.