

June 29, 2020

Pam,

I wanted to follow up with you and the Hudson Conservation Commission regarding my comments at the June 17th meeting regarding the known presence of PFAS contamination on the MBTA right of way (ROW). At that meeting, Eversource stated that they were unaware of the PFAS contamination in Hudson and therefore did not sample for their presence in soil and groundwater testing conducted on the MBTA ROW. As you are aware, both you and Tom Moses submitted letters to the EFSB on the PFAS problem in March 2019 informing the EFSB of the PFAS contamination. Eversource as a party to that proceeding was therefore well aware of the PFAS situation in Hudson and could have proactively taken steps to assess the threat posed by this contamination. Yet, the problem was not even acknowledged by Eversource until Protect Sudbury raised the question regarding PFAS contamination in the questions we submitted to the Hudson Conservation Commission prior to the June 17th hearing.

At the June 17th meeting, I pointed out that ample reports and data have existed since January 2018 and were readily accessible by Eversource through the Mass DEP website. Eversource filed their Notice of Intent with the Hudson Conservation Commission to conduct soil and groundwater testing in Hudson on February 17, 2018. The actual testing was performed later in 2018. Had Eversource accessed this readily available information, they would have found that their proposed construction could exacerbate the existing PFAS problem and further threaten both the Town of Hudson's drinking water supply as well as the private potable wells nearby. In my opinion, Eversource's failure to proactively conduct these tests when made aware of this situation, represents grossly negligent behavior both on their part and on the part of their sub-contractors.

All of the DEP documents filed to date that could have been accessed by Eversource are available here:

<https://eeaonline.eea.state.ma.us/EEA/fileviewer/Rtn.aspx?rtn=2-0020439>

On June 15, 2020 an update on the PFAS situation was filed by Precision Coating's LSP with the DEP. While mitigation was put in place in March 2020 for the Town of Hudson's drinking water supply, many of the private wells within the contamination plume continued to be impacted with unacceptable levels PFAS. These Hudson residents continue to received bottled water since their own water is no longer safe.

It is clear in this recent report and in the attached file that PFAS problem still exists, on, in and around the MBTA ROW. In this file/picture you will see that there are two monitoring wells adjacent to the MBTA ROW; MW-109 and MW-110. The test results in the report indicate that the PFAS detected there remain above the threshold in the new Mass (Draft) Standard for PFAS in Drinking Water.

<https://www.mass.gov/lists/final-pfas-related-revisions-to-the-mcp-2019>

Based upon the responses provided by Attorney Foley at the June 17th Hudson Conservation Commission hearing, rather than conducting its own sampling on the ROW, Eversource is trying to shift the responsibility for any exposure caused by its proposed construction and for the cleanup of these toxic chemicals to Precision Coatings and away from itself and the MBTA. While property owners who are “downgradient” from a 21E site may seek to obtain “Downgradient Property Owner Status” under the 21E regulations, this is a different case since Eversource and DCR plan to do work within the known plume of contaminants. In doing so, they may expose their workers and the environment to PFAS and are abdicating their responsibility to mitigate any potential for drinking water supply contamination. The EFSB in their decision was clear that Eversource had testified that they were responsible for protecting the water supply, no other parties. Further, the SWPPP is an integral part of protecting the water supply. Eversource was ordered to develop a SWPPP to “minimize the potential for spills and other sources of groundwater contamination.” Eversource should be held to the highest standard for treatment of stormwater. Anything less opens the door for further contamination.

Thank you for your consideration in this matter.

Regards,

Ray Phillips

President, Protect Sudbury Inc.

www.protectsudbury.org

