

November 14, 2022

Denny Dart
U.S. Environmental Protection Agency, Region 1
5 Post Office Square
Boston, MA 02109-3912

Sent via email to: Dart.Denny@epa.gov

RE: Need for Multi-Sector General Permit (MSGP) at Grafton Upton Railroad's railyard located within a Zone II Water Protected area in Hopedale, Massachusetts

Dear Ms. Dart,

We are writing to highlight concerns regarding the contaminated soils from Nuclear Metals site and Residual Waste from the BASF site at the Grafton & Upton Railroad (GURR) Hopedale railyard. Specifically, we are unable to find evidence that GURR has obtained a Multi-Sector General Permit (MSGP) for their activities, and we are respectfully asking the U.S. Environmental protection Agency (EPA) to investigate.

Background. GURR's activities are centered on two different Hopedale sites, and as such, matters can be confusing (see Figure 1, below). First, there is the West Street location, which EPA is aware of and actively engaged in. Second, there is GURR's Hopedale railyard, which is located at 1 Fitzgerald Drive in Hopedale, Ma, and is within a Zone II water protected district.

Figure 1:
Upper left, 155 acre West St property, highlighted in green,
GURR's Hopedale railyard, lower right, highlighted in yellow.



The activities at GURR's Hopedale railyard are the focus of this letter. Specifically, we believe GURR is a land transportation facility that should be covered by the MSGP for the following:

1. BASF Catalysts LLC in Plainville, Massachusetts has begun transferring residual waste to the GURR railyard. This waste is in bags, and is transferred to railcars at the rail yard. The Mill River is roughly 30 yards from this facility where the transfer is taking place. It is our understanding that over 2,000 tons of material has been recently transferred, with more planned in the future.
2. The Nuclear Metals Inc. (NMI) site in Concord, Massachusetts was scheduled to transfer "contaminated soils" starting in the spring/summer of 2023. Discussions with the EPA NMI project team have assured the safety of the transport. However, the concerns related to the materials while within the Zone II water protected district are still outstanding and we were just notified that the transferring of these contaminated soils will begin this week.

Hopedale is concerned that there are no protections of the Zone II in place. It is our understanding that:

- No MSGP has been issued, despite the fact that the materials from BASF and NMI are exposed to the elements with the potential for runoff;
- No special permit has been granted, nor even requested;
- No ground level protective measures are in place;
- Systematic emergency procedures have *not* been established for the materials while at the site;
- No oversight procedures are in place while the materials are at the site;
- No notification procedures are in place for the transportation of the BASF materials;
- NNMI's Transportation plan is still not accurate, neglecting to include the town of Milford in the Community disturbance notifications. The truck route is through Milford's downtown; and
- NMI's two-week notification period was not honored for a delivery start date of Nov 17.

Conclusion. We are respectfully requesting EPA to confirm that the subcontractors involved in this transportation disclosed that the materials were planned to reside in a Zone II water protected district as part of the transport. Moreover, we want to ensure that adequate protections are in place pursuant to the MSGP.

Until the protective measures related to Hopedale's public water supply are properly addressed, we request that the delivery of these materials be halted. In the meantime, please understand that GURR continues to deny local oversight, which means the EPA will be assuming overall responsibility for the safety of the Hopedale railyard.

Thank you for your attention to this matter.

Sincerely,

Ed Burt, Hopedale Water & Sewer Commission, chair

Aerial view of the front of GURR's Hopedale Railyard, May 2022

