



## TOWN OF HOPEDALE

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Hopedale, Massachusetts 01747

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Board of Water & Sewer  
Commissioners

Christine Burke, Chair  
Janice Morin  
Ed Burt

To: Surface Transportation Board  
Office of Environmental Analysis  
395 E Street, SW  
Washington, DC 20423-0001

Attn: Victoria Rutson

Dear Ms. Rutson:

I am writing on behalf of the Hopedale W&S Commission to request your assistance in a matter affecting our Zone II Wellhead Protection Area.

In the course of a dispute between two abutting landowners in the Town of Hopedale Massachusetts: one being the owner of the Draper Mill; the other being the tenant/railroad, Grafton & Upton Railroad Company, it has been brought to our attention and to the attention of the Hopedale Board of Health and Hopedale Conservation Commission that silos were constructed purportedly containing fly ash; vegetation has been removed; and a small culvert running to the Mill River has been buried all within both the wetland area and our Zone II Wellhead Protection Area. In addition, it has been alleged that the presence of certain contaminants including PCBs has increased over the past few years.

Our concern as a Water and Sewer Commission is the protection of the Town's public water supply from contamination. We are aware that federal preemption will apply to certain state and local regulation of rail "transportation", however, it is our understanding that a municipality can impose reasonable and nondiscriminatory environmental restrictions which do not unduly burden the railroad's commerce.

In this regard, we would appreciate your guidance and direction with respect to the following specific questions:

- 1.) To what extent can the Town require environmental testing of the soil on private property within a Zone II Wellhead Protection Area? Or can the Town request the assistance of Federal regulators to do the same?; and
- 2.) To what extent can the Town require the tenant/railroad to take action to address the risk of pollutant leaks?

3.) How does the Water & Sewer Commission enforce our right to know of the existence of a potential threat to our water supply?

Respectfully submitted on behalf of  
The Water & Sewer Commission

A handwritten signature in black ink, appearing to read 'Timothy J. Watson', written over a horizontal line.

Timothy J. Watson, Manager  
Town of Hopdale  
Water & Sewer Departments

CC: Mass. Department of Environmental Protection  
Mass. EPA