

W.W.C.

Wilmington-Woburn Collaborative
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November 29, 2016

Submitted via Electronic Mail

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

Docket No. 34797 (Sub-No. 1)

Re: Construction, Acquisition, and Operation Exemption in Wilmington and Woburn, MA , June 24,2016 by New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway.

Dear Ms. Gosselin:

The Wilmington-Woburn Collaborative (WWC) is an organization with combined memberships of the Concerned Citizens Network of Wilmington and the Woburn Neighborhood Association, Inc. of Woburn. Organized in 2003, the WWC has been extensively involved in, and has been concerned about, the Olin Chemical Corporation's property at 51 Eames Street, Wilmington and its long sordid and notorious history of contamination and migratory chemical impacts to two major watersheds; the Ipswich and Aberjona.

The WWC wishes to comment on the above referenced docket as this project will have significant environmental impact and therefore cannot be in the public interest. We understand that the Surface Transportation Board's Office of Environmental Analysis (OEA) will be preparing an Environmental Impact Statement and has written a Draft Scope of Study. We wish to thank The Board for the opportunity to comment on this project and specific elements within the Draft Scope of Study.

RE: New England Transrail's (NET's) Proposed Construction, Acquisition and Operation Exemption in Wilmington and Woburn, MA

We strongly feel, despite The Board's decision to lift the deferral of environmental review and allow NET's project to move forward, that this proposed project further threatens the security and welfare of the public, a fear that was quelled by the Environmental Protection Agency (EPA) when the site of this operation was listed on the National Priorities Listing as a highly contaminated and complex Superfund Site. It is the Board's own opinion that this site has a "troubled history... which is a notorious, environmentally contaminated "Superfund" site.

<https://www.stb.gov/decisions/readingroom.nsf/WebDecision>

We feel that the EPA should complete its environmental investigation and submit their Record of Decision before any redevelopment and land use decisions are made. Presently, the EPA has not completed their investigation. The Remedial Investigation/Feasibility Study (RI/FS) is only partially complete. In fact, the RI of the groundwater contamination has yet to be completed. Ironically, it is this groundwater contamination, that initially compelled the Massachusetts Department of Environmental Protection to ask for Superfund status in 2005. There has been no Feasibility Studies proposed and thus no Record of Decision issued.

Since it is the pleasure of the Surface Transportation Board, to prematurely continue with the environmental review process, the WWC wishes to express that we have grave concerns regarding the havoc this operation will raise on this sensitive environment and the remediation activity eventually to be determined in the EPA's Record of Decision.

On the EPA's superfund website, <https://www.epa.gov/superfund> it states in part as its mission; "To protect public health and the environment, the Superfund program focuses on making a visible and lasting difference in communities, ensuring that people can live and work in healthy, vibrant places".

NET's proposed project not only defies this vision, it makes a mockery out of the extensive work of the EPA to date on the site. We are in absolute agreement with Wilmington's Attorney Daniel Deutsch, as stated in his comments to this board on November 4, 2016. He questions the wisdom of locating the proposed facility atop this troubled and unresolved Superfund Site. He goes on to say that the "residents have experienced huge environmental impacts, dislocations, and expense because of the industrial activities at this Site by Olin Chemical and its predecessors".

What is not detailed in the Town of Wilmington's comments is another fact that has largely gone un-noticed and seldom referenced. The Massachusetts Department of Public Health's (MA DPH) Bureau of Environmental Health (BEHA) in collaboration with Tufts University professor Dr. John Durant is currently studying higher than expected childhood cancer rates in Wilmington.

This study commenced in 2001 at the behest of the residents of Wilmington who noticed a cluster of childhood cancers and took their concerns directly to Representative James Miceli and the Department of Public Health. [1] In 2004, as the DPH neared completion of their public health study, it became evident with the discovery of NDMA (N-nitrosodimethylamine), a known carcinogen, in drinking water wells sourced from the Olin Site, that it needed to include this finding in the study.

It was decided that the Childhood Cancer Study should include an analytic study of groundwater contamination of NDMA, using sophisticated water modeling and a detailed water distribution study. Dr. Durant after completing the refinement of the groundwater and distribution models, validating model assumptions and estimating model uncertainties, has recently given the BEHA his work. The BEHA is now ready to link these complex modeling results to the interview data to yield estimates of cancer risks. The MA DPH expects to release its findings in early 2017.

Attached is a letter from one of the residents of Wilmington who was diagnosed with cancer when she was 14 years old. Jennifer Earls states, "having suffered much physical and emotional pain from having cancer as well as complications later in life, and the constant fear that I'll get sick again, it concerns me to know that the heavily contaminated Olin site may be redeveloped and thus could put others in my community at risk...I see that NET's proposal as a major risk to the environment and human health". [2]

Jennifer is aware that the MADPH is carefully studying the groundwater from the Olin site, modeling NDMA in the subsurface and in the water distribution system. She talks about the havoc this Site has caused, and invokes a vision of a planet that protects its environment "so as to lay the foundation for a healthy, bright future" for generations. This invocation sounds an awful lot like the EPA's Superfund mission statement and purpose to protect public health and the environment by making a visible and lasting difference while ensuring that people will live in healthy and vibrant places.

NET's proposed operation is in direct opposition to the mission of the EPA and to the health and welfare of our community.

The Wilmington-Woburn Collaborative understands that this project is not a federal government-proposed or sponsored project, and that you must look at the project's purpose and need and decided whether it is in the public interest as stated in 49 U.S.C. § 10901.

http://www.newenglandtransraileis.com/documents/45469_NET_EIS_NOI.pdf

We feel, as we have stated in previous comments to the STB on NET's multiple filings, that this company seeks your preemption only to usurp local and state oversight authority. We ask that you not let NET use the federal exemption process to contravene our stringent environmental state and local laws designed to protect our health and our welfare.

1. <http://www.mass.gov/eohhs/docs/dph/environmental/investigations/wilmington.pdf>

2. Earls, J.; Letter to the STB- November 6, 2016 (see attached)

We submit to you that this project is not in the public interest, that this site has enormous environmental issues that make this site incompatible for NET's proposed operations and that these operations will further exacerbate and imperil the community, our environment and health.

RE: Draft Scope of Study

1. Land Use:

The Olin Site: Background:

The Olin Chemical Site is a 53-acre facility at 51 Eames Street in Wilmington, Massachusetts. Wastewater disposal practices by several predecessor companies were a major source of the contamination. Before 1970, all liquid wastes were discharged directly into several unlined pits and ponds in the central portion of the property, as well as into a manmade excavation called Lake Poly. On-site waste disposal practices have resulted in groundwater contamination both on and off the Olin Chemical property.

www.epa.gov/superfund/olin

Dense Aqueous Phase Liquid (DAPL) originated from dumping chemical wastes into the unlined lagoons. The contamination plume extends .75 miles and consists of 25 million gallons of DAPL. In 2008, according to the Executive Office of Environmental Affairs, "there are hundreds of millions of gallons of this liquid in the subsurface at the site".
[2008: memorandum update: to MA DPH from C. Pyott, Office of the EOEA, MA DEP]

As detailed in The Town of Wilmington's comments to the STB in August 2016, this highly contaminated site contains sensitive wetland receptors with unresolved contamination issues, a containment structure integrity issue, ongoing discharges to surface water. The site is hydro-geologically connected to the Maple Meadow Brook Aquifer and is responsible for the closing of municipal drinking water wells due to NDMA, and is tied to private water supply wells contamination.

NET's proposed operation will sit directly on top of this extensive and complex Superfund Site; a Site that has not been completely evaluated. Commodities include biofuels, liquid natural gas, biofuel production materials such as newspaper, vegetable oils, wood chips, sand and gravel. These commodities will be trans-loaded from rail cars directly onto the site, into holding tanks, into warehouses and onto trucks.

The WWC believes that the transloading of these materials pose significant harm to the Site's already sensitive environment. We also feel that this operation once up and running may interfere with the ongoing Superfund study.

2. Safety:

The WWC is especially concerned about the transloading and rail transport of Liquid Natural Gas (LNG). In a recent safety risk analysis for rail transportation of LNG, it was determined that there is a higher risk for rail transportation than for road and it is likely due to the larger volumes of tank cars relative to highway tankers” . [3]

NET proposes to enhance this risk of road transportation by trans-loading 40 foot intermodal containers from rail to truck. These large volume containers pose a hazardous and dangerous risk. Derailments due to poor infrastructure and rail conditions are well documented and there is an increased risk of a disastrous explosive event with road transportation as well, for there is no route that will safely accommodate these large container vehicles.

3. Environmental Justice:

“Environmental justice is the **fair treatment and meaningful involvement** of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” <https://www.epa.gov/environmentaljustice>

Fair treatment means:

No group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

The community of Wilmington and Woburn has a disproportionate number of negative environmental impacts and consequences. The neighborhoods off of Woburn Street, Main Street, Eames Street and Cook Avenue have been impacted disproportionately by this Site’s contamination. The Site abuts the North Woburn Landfill and is within a ½ mile of the Maple Meadow Landfill, the Industrial Plex Superfund Site, and many 21 E contaminated industrial sites.

Meaningful involvement means:

People have an opportunity to participate in decisions about activities that may affect their environment and/or health; The public's contribution can influence the regulatory agency's decision; Community concerns will be considered in the decision making process; Decision makers will seek out and facilitate the involvement of those potentially affected. <https://www.epa.gov/environmentaljustice/learn-about-environmental-justice>

3. Hart ,Ph.D., P.E., R. and Morrison, Ph.D.,P.E., D. 2015 : “Bulk Transportation by Road and Rail: Relative Risk of LNG Versus LPG”: from Exponent Oil & Gas; Vol.2; www.exponent.com

In Conclusion:

Under the Congressional Declaration of the National Environmental Policy Act 42 USC, Sec. 4321. it is the purposes of this act (NEPA), in part to" encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation..." The policy also states that in order to carry out the policy set forth [in NEPA] it must assure for all Americans a safe, healthful, productive and aesthetically and culturally pleasing surrounding.

https://www.faa.gov/about/office_org/headquarters_offices/ast/licenses_permits/htm/nepa/

These statements are consistent across the continuum of environmental protection and analysis.

Keeping with these assurances, we implore you, the Surface Transportation Board, to deny New England Transrail, LLC, d/b/a Wilmington & Woburn Terminal Railway's Updated Petition of June 2016 as Non-Compliant and Dismiss this proceeding.

I respectfully thank you for the opportunity to provide useful comment to these proceedings.

Kathleen M. Barry

Kathleen M. Barry, Chair
Wilmington-Woburn Collaborative

Attachments/Enclosures:

Letter from Jennifer Earls to the Surface Transportation Board, November 8, 2016

Letter from Susan Earls to the Surface Transportation Board, November 21, 2016

Cc:

US Senator Edward Markey

US Senator Elizabeth Warren

US Representative Seth Moulton

State Senator Bruce Tarr

State Representative James Miceli

ATTACHMENTS:

November 6, 2016

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

Docket No. 34797 (Sub-No. 1)

Dear Ms Gosselin:

My name is Jennifer Earls, and I am a survivor of childhood cancer from Wilmington, MA. I'm writing because it deeply concerned me to learn that NET is proposing to move forward with operations on the Olin site, the source site of the NDMA which is being examined carefully as the source of my cancer through the MADPH Wilmington Childhood Cancer study. Having suffered much physical and emotional pain from having cancer as well as complications later in life and the constant fear that I'll get sick again, it concerns me to know that the heavily contaminated Olin site may be redeveloped and thus could put others in my community at risk. I see NET's proposal as a major risk to the environment and human health; I find it unacceptable that NET would want to use the site at all, and furthermore that they want to be exempt from local and state oversight. Allowing any organization to use the site without inspection could perpetuate the hazardous nature of this site. Having suffered myself and witnessed the death of at least three other children whom were friends of mine from childhood cancer in Wilmington, I felt it incredible important to share these thoughts with you on behalf of those who can no longer speak out. I implore you to reconsider NET's request in order to protect the future generations. Even though the damage caused by Olin and the predecessor companies can never be reversed and our community is still dealing with the after effects, we still have a choice to change direction. At this time in our nation's history, it is even more important to take steps that cultivate transparency to end any possible corruption and to take steps to protect our planet so as to lay the foundation for a healthy, bright future for those to come. Thank you very much for considering my thoughts and for standing up for me and my fellow community members.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Earls". The signature is written in black ink and is positioned below the typed name.

Jennifer Earls

November 27, 2016

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

Docket No. 34797 (Sub-No. 1)

To Whom It May Concern,

My name is Susan Earls and my husband and I have lived in Wilmington for over 30 years. We have followed what has been going on with NET for years and want to state that we strongly oppose allowing a transfer station on the Olin site. Our daughter was diagnosed with cancer when she was 14 years old. Around the time that she became ill, a large number of Wilmington children were also diagnosed with cancer. When high levels of NDMA (a known carcinogen) were found in the water and the town wells were shut down, it became clear that our daughter and these children had become ill as a result of the Olin site contamination poisoning our water supply. It was incredibly difficult to see our child battle a life threatening disease and for the rest of her life she will have to deal with the emotional and physical consequences of the disease and treatment. Yet we consider ourselves fortunate since some of the children who became ill did not survive. Unlike ordinary citizens, NET has deep pockets and is able to hire lawyers to do their bidding. They have all the time and resources in the world and never give up trying to get what they want. To them it's just business but the individuals running the company are not the ones who will have to suffer the very real consequences of their actions. The residents of Wilmington have suffered enough at the hands of unscrupulous companies. NET should not be permitted to move forward with a transfer station at the Olin site and they most definitely should not be granted an exemption from state oversight. Environmental regulations were enacted to protect citizens and we are expecting our government to adhere to these regulations so that nothing like this ever happens again.

Susan Earls

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