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[Town of Acton Letterhead]

September 23, 2013

Town of Acton Files Suit to Enforce Groundwater Cleanup Standards Bylaw

Acton, Massachusetts- On September 23, 2013, the Town of Acton and its Board of Selectmen filed a lawsuit against W.R. Grace & Co.— Conn. in Middlesex Superior Court seeking to enforce the Town's Groundwater Cleanup Standards Bylaw by prohibiting Grace from shutting down a groundwater pumping and treatment system currently in operation to remediate a plume of chemical contaminants allegedly extending from the Grace Superfund Site in southeast Acton toward the School Street Well Field.

The Town relies exclusively on groundwater for its public drinking water supply. The Bylaw, passed unanimously by Acton Town Meeting in 1997, requires that any groundwater cleanup performed in the Town of Acton must meet certain cleanup standards before the cleanup can be discontinued. The Town's lawsuit alleges that Grace is about to shut down the treatment system without meeting the Bylaw's groundwater cleanup standards in violation of the Bylaw, as concentrations of vinylidene chloride ("VDC"), a possible human carcinogen, exceed the Bylaw's cleanup standards in a plume about a mile long and 1200 feet wide extending from Grace's property toward public drinking water supply wells located northeast of the site.

The treatment system, which has been in operation since 2010 following federal EPA and state DEP enforcement actions against Grace, has successfully removed some chemical contaminants from the affected aquifer. Shutting down the treatment system would, the lawsuit alleges, prolong the time to restore the contaminated groundwater resource areas to a fully usable condition.

Despite the treatment system's relative success to date and the continued presence of VDC and other chemical contaminants in groundwater at and down gradient from Grace's site, the lawsuit alleges that Grace's consultants earlier this year asked EPA and DEP for permission to shut down the treatment system. On September 20, 2013, over the Town's objections, EPA, in consultation with DEP, issued a letter providing conditional approval for shutdown of the treatment system. The letter did not address whether Grace's proposal would violate the Bylaw.

"We are disappointed by Grace's choice to shut down the treatment system and disheartened by EPA's and DEP's willingness to conditionally approve this proposal," said Janet Adachi, Chair of the Town's Board of Selectmen. "Fortunately," Ms. Adachi added, "Town Meeting had the wisdom to pass the Bylaw to help protect the Town's groundwater resources against this sort of premature shut down of an effective remedy."

The Town is represented in the lawsuit by its Town Counsel, Stephen D. Anderson of Anderson & Kreiger LLP, and by Thomas Bean of Verrill Dana LLP.

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