



LAWSON & WEITZEN

October 21, 2022

VIA FIRST-CLASS MAIL AND EMAIL

Bernard Hayes, Esq.
Department of Environmental Protection
8 New Bond Street
Worcester, Massachusetts 01606

*Re: Immediate Response Action Public Involvement Activities
Release Tracking Number 2-0021866
65 Bean Porridge Hill Road, Westminster*

Dear Attorney Hayes:

I write in follow up to the Immediate Response Action Public Involvement Activities as described in the July 14, 2022 IRA Plan Modification and Status Report, and as conditionally approved by the Department on August 18, 2022. As you know, Massachusetts Natural Fertilizer Co., Inc. ("MNF") and Otter Farms, Inc. ("Otter Farms") have been actively involved in public outreach and in facilitating public participation with respect to the above-referenced Release Tracking Number and the 65 Bean Porridge Hill Road, Westminster site. The IRA Plan further describes public outreach, and at the time of the July 14, 2022 IRA Plan Modification and Status Report, we stated that we had held several public meetings via Zoom, and at that time, planned to continue holding periodic Zoom conferences.

As part of our public outreach efforts, and since the July IRA Plan Modification, we have developed and launched a dynamic website (<http://westminsterpfas.com>) with an actively-updated Frequently Asked Questions section. The website hosts a wide range of relevant documents, including all filings made with the Department. We have responded to numerous public comments (also posted on the website), and respond appropriately to inquiries directed to our office. Our Licensed Site Professional similarly responds to technical public queries. The Town has also held relevant Board of Health proceedings with public involvement, some of which the Department attended. Finally, we have held several successful Zoom meetings with Westminster residents.

Since the July IRA Plan Modification was filed, however, two class action lawsuits have been filed against, *inter alia*, MNF and Otter Farms. The existence of these lawsuits, of course, curtails our ability to respond to certain questions and comments, such as the type typically raised at public meetings.



As such, we do not believe that further Zoom meetings will be *at all* useful. We will not be able to respond to questions due to pending litigation. Further, all information that we could speak to is already available across a wide variety of other sources, as noted above. There is great redundancy throughout our already-available material, much of which was implemented after our early Zoom meetings. With the advent of this widely-disseminated material, the Zoom meetings are simply not necessary.

Please note that we are not requesting that all public involvement be stopped, whatsoever. We will still be responding to written comments and will continue to update the website routinely. We will also continue to respond to questions and comments received in our office or through the general email account that has been established for this site.

We request, however, that public meetings be suspended for the time being. We do not believe that a modification to the IRA Plan is necessary, in that we are not stopping public involvement, only suspending one element. Further, the reasons for suspending public meetings are legal, not technical, to which we do not believe our LSP could opine. Therefore, we request that this letter be considered our request to suspend public meetings in the Public Involvement Plan.

Thank you for your attention to this matter.

Sincerely yours,

Handwritten signature of Kristina A. Engberg in black ink, followed by the initials 'EF'.

Kristina A. Engberg

cc: client (via email)
Joseph Brendel, Esq. (via email)
Lawrence Lessard, Lessard Environmental, Inc. (via email)