



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

5 OCT '17 PM 3:37

October 4, 2017

Hampshire Public Utilities Commission  
21 S. Fruit St, Suite 10  
Concord, N.H. 03301-2429

Attention: Debra Howland, Executive Director

RE: DW 17-114 Aquarion Water Company of New Hampshire and Eversource Energy Request  
for Approval of Acquisition.

Dear Ms. Howland,

Attached please find a filing of INFORMATION CONCERNING EVERSOURCE'S RESPONSIBILITY  
FOR CONTAMINATION OF COAKLEY SUPERFUND SITE AND POTENTIAL CONFLICT OF  
INTERESTS AS A POLLUTER IN SAFEGUARDING AQUARION WATER FROM COAKLEY  
TOXINS

Thank you for your attention to this filing.

Respectfully,

Rep. Robert Renny Cushing  
395 Winnacunnet Road  
Hampton, NH 03842  
603 926 2737  
[reprennycushing@gmail.com](mailto:reprennycushing@gmail.com)

**STATE OF NEW HAMPSHIRE  
BEFORE THE  
NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION**

**Aquarion Water Company of New Hampshire, Inc. and Eversource Energy  
Request for Approval of Acquisition**

**Docket No. DW 17-114**

**INFORMATION CONCERNING EVERSOURCE'S RESPONSIBILITY FOR CONTAMINATION OF  
COAKLEY SUPERFUND SITE AND POTENTIAL CONFLICT OF INTERESTS AS A POLLUTER IN  
SAFEGUARDING AQUARION WATER FROM COAKLEY TOXINS**

By this filing Representative Robert Renny Cushing gives notice to the parties of his position in this matter that the existence of a potential conflict of interests between Eversource's liability for the Coakley Superfund Dump and the need to protect Aquarion drinking water from toxic contaminants leaking from Coakley Superfund Dump is an additional reason why the acquisition of Aquarion by Eversource is not in the public good or public interest, exposes both Eversource and Aquarion customers to potential harm and should be rejected by the commission.

In support of that position Representative Cushing says as follows:

- 1) Representative Cushing and other lawmakers are drafting legislation to clarify that the Coakley Landfill Group, an organization of parties responsible for a Superfund site in North Hampton, NH, is subject to the New Hampshire Right to Know Law, RSA 91-A. In the course of doing research for the bill, Representative Cushing obtained a copy of the Coakley Landfill Group Participation Agreement

("CLG Agreement"), dated September 21, 1991. A copy of that agreement is attached to this filing.

- 2) The CLG Agreement confirms that Eversource (formerly Public Service Company of New Hampshire) has acknowledged it is a Potentially Responsible Party (PRP) for the dumping of toxins and hazardous materials in the Coakley Superfund Site.
- 3) Under the CLG Agreement, Eversource, as a waste generator, is responsible for approximately two percent of the costs of cleaning up Coakley. (See Exhibit 3 of CLG Agreement)
- 4) On information and belief, environmentally persistent and bioaccumulative toxins are migrating from Coakley Dump and threaten private and public drinking water in the towns of Rye, Greenland, North Hampshire and Hampton.
- 5) On information and belief, toxins that persist in the environment are migrating unmitigated from Coakley Dump into the towns of Rye, Greenland, North Hampton, Hampton and Portsmouth and are known to accumulate in the flesh of fish, birds, and wildlife and threaten recreational and commercial fishing and the food chain of the seacoast.
- 6) On July 7, 2017, the New Hampshire Department of Environmental Services informed a group of seacoast legislators, including Representative Cushing, that the "migration of contaminants' from the Coakley Superfund Site was "unacceptable and need to be addressed." A copy of that letter is attached to this filing.
- 7) The letter concluded:

**“NHDES believes that actions need to be implemented at the site to provide additional removal or containment of the contamination, in order to mitigate these surface water quality impacts. In the long run, this will be the most reliable way to limit exposure to site contaminants via the surface water pathway.”**

- 8) On information and belief, a copy of the NHDES letter was given to the Coakley Landfill Group whose member Potentially Responsible Parties, including Eversource, must bear the costs of cleaning up and mitigating the Coakley toxins in order to protect the fish, shellfish, private and public drinking water sources and surface water of the seacoast.**
- 9) If the acquisition of Aquarion by Eversource is allowed to go forward, it will in all likelihood lead to a situation where a polluter of the Coakley Superfund site takes control of an entity polluted by the Coakley Superfund site. A quarter century ago Eversource joined with the other polluters in a clean-up plan for the Coakley Superfund site which was, at the time, one of the two most expensive options proposed, but which the NHDES has now acknowledged has failed to completely contain the toxins.**
- 10) Eversource’s choice to cut corners on Coakley clean-up costs instead of protecting drinking water, surface water, fish, wildlife and food chain. may have been in the best interest of its stockholders and electric customers. But it is not in the best interest of 9400 water customers in Hampton, North Hampton and**

Rye to become captives of a utility whose only experience with water is in polluting it, not protecting it for us all to drink. This situation represents an imminent and substantial threat to the environment and public health posed by unmitigated migration of highly persistent and bioaccumulative toxins from Coakley Dump.

For the foregoing reasons, as well as the reasons outlined in Representative Cushing's Petition to Intervene, the proposed acquisition of Aquarion by Eversource will adversely affect rates, terms, service, public health and safety, and other operations of the public water utility and its 9400 customers in Hampton, North Hampton and Rye, will do net harm to Aquarian customers and does not meet the legal requirements for commission approval under RSA 369:8, II(b)(3) and is not lawful, proper and in the public interest and is inconsistent with RSA 374:33.

Respectfully submitted this 3rd day of October 2017, by



Rep. Robert Renny Cushing  
395 Winnacunnet Road  
Hampton, NH 03842  
603 926 2737  
[reprennycushing@gmail.com](mailto:reprennycushing@gmail.com)

I hereby certify that I have today submitted seven copies of this Petition to Debra Howland, Executive Director of the Commission, a copy to Aquarion Water Company of New Hampshire, and a copy to other parties on the listserve of Docket DW 17-114.



Rep. Robert Renny Cushing

October 3, 2017

MUNICIPAL MEMBERS (63.077%)

City of Portsmouth (53.553%) 351  
Town of North Hampton (4.062%) 463  
Town of Newington (5.462%) 463

~~53.553  
4.062  
5.462  
63.077~~

GENERATOR MEMBERS (20%)

Booth Fisheries Corporation (5.03%)  
Custom Pools, Inc. (0.481%)  
J. Edwards, Inc. (0%)  
Erie Scientific Company  
Division of Fybron (1.389%)  
Gary W. Blake, Inc. (0%)  
Goss Lincoln Mercury Isuzu (0%)  
GTE Products Corporation (0%)  
Gypsum Haulage, Inc. (0.302%)  
Jet-Line Services, Inc. (4.241%)  
John Iafolla Company, Inc. (0%)  
K mart Corporation (0.481%)  
Mobil Oil Corporation (0%)  
Montgomery Ward & Co., Incorporated (2.219%)  
Newington Midas Muffler Shops (0%)

New England Telephone and Telegraph Co. (0%)  
Northern Utilities, Inc. (0%)  
Pike Associates, Inc. (0.302%)  
Post Machinery Company, Inc. (0%)  
Public Service Company of New Hampshire (1.978%)  
K.J. Quinn & Co., Inc. (0.302%)  
S&H Precision Manufacturing Co., Inc. (0.302%)  
Sanel Auto Parts, Inc. (0%)  
Seacoast Volkswagen, Inc. (0%)  
Simplex Wire and Cable Company (2.973%)  
United Technologies Corporation (0%)

10  
11

Public Service Company of New Hampshire (1.978%)  
K.J. Quinn & Co., Inc. (0.302%)  
S&H Precision Manufacturing Co., Inc. (0.302%)  
Sanel Auto Parts, Inc. (0%)  
Seacoast Volkswagen, Inc. (0%)  
Simplex Wire and Cable Company (2.973%)  
United Technologies Corporation (0%)

EVERSOURCE

TRANSPORTERS (16.923%)

Browning-Ferris Industries of New Hampshire, Inc. and Seacoast Trucking and Moving Co. (12.308%)  
Waste Management of Maine, Inc. and Waste Management of New Hampshire, Inc. (4.615%)



The State of New Hampshire  
Department of **Environmental Services**



**Robert R. Scott, Commissioner**

**EMAIL ONLY**

**July 7, 2017**

**The Honorable Mindi Messmer  
Health, Human Services & Elderly Affairs Committee  
Legislative Office Building, Room 205  
Concord, New Hampshire 03301**

**The Honorable Martha Fuller Clark  
Senate Energy Committee  
Legislative Office Building, Room 102-A  
Concord, New Hampshire 03301**

**The Honorable Mike Edgar  
The Honorable Henry Marsh  
The Honorable Dennis Malloy  
The Honorable Becky McBeath  
The Honorable Pam Gordon  
The Honorable Tamara Le  
The Honorable Phil Bean  
The Honorable Laura Pantelakos  
The Honorable Renny Cushing  
New Hampshire House of Representatives  
Legislative Office Building  
Concord, New Hampshire 03301**

**SUBJECT: Coakley Landfill Superfund Site**

**Dear Representative Messmer, Senator Fuller Clark, et al.:**

Thank you for your letter of June 29, expressing concerns relative to surface water impacts from the Coakley Landfill Superfund site. The New Hampshire Department of Environmental Services (NHDES) shares these concerns, and believes that the migration of contaminants from site groundwater to surface water and the resultant impacts on Berrys Brook are unacceptable and need to be addressed. Acting in its support role, NHDES has communicated these concerns to the U.S. Environmental Protection Agency (USEPA), which serves as the lead agency for management and oversight of the Coakley site. Our concerns can be divided into three areas.

First, and in the near term, NHDES believes that signage to alert the public to the presence of contaminants in the adjacent wetlands, seasonally flooded railroad bed, and the uppermost reach of Berrys Brook is appropriate. We have discussed this issue with USEPA and are working with them to determine how to best accomplish this.

[www.des.nh.gov](http://www.des.nh.gov)

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Telephone: (603) 271-2905 Fax: (603) 271-2456 TDD Access: Relay NH 1-800-735-2964

Rep. Messmer, Sen. Fuller Clark, et al.  
July 7, 2017  
Page 2

Second, with regard to the expressed concerns about potential impacts to fish in Berrys Brook, NHDES believes that additional work needs to be completed, in concert with NH Fish & Game (NHFG), to determine whether the surface water quality in the lower reaches of the brook poses any risk to recreational anglers who catch and consume the stocked brown trout or other species from the brook. Since early May, NHDES has been engaged with USEPA on this topic. NHFG is currently working to address a number of relevant questions developed by USEPA about the fisheries. Once that information is received, we will work with USEPA and NHFG to determine how best to address this question.

Third, NHDES believes that actions need to be implemented at the site to provide additional removal or containment of the contamination, in order to mitigate these surface water quality impacts. In the long run, this will be the most reliable way to limit exposure to site contaminants via the surface water pathway.

NHDES and USEPA are meeting during the week of July 10 in order to determine action items for each of these areas of concern. Following those discussions, I will be prepared to provide further details.

Thank you again for your letter and your interest in this topic. If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Michael J. Wimsatt, P.G., Director  
Waste Management Division  
Tel. (603) 271-1997  
Email: [michael.wimsatt@des.nh.gov](mailto:michael.wimsatt@des.nh.gov)

Waste  
Management  
Division

Digitally signed by Waste Management  
Division  
DN: cn=Waste Management Division,  
o=Waste, ou=ORCE,  
email=michele.legan@des.nh.gov,  
c=US  
Date: 2017.07.07 15:14:37 -0400

ec: Paul Sanderson, Selectman, Town of Greenland  
Karen Anderson, Town Administrator, Greenland  
Martha Wassell, Health Officer, Town of Greenland  
Andrew Hoffman, NHDES  
Gerardo Millan-Ramos, USEPA  
Jim Murphy, USEPA  
Doug Grout, NH Fish & Game Department  
Patrick Carroll, Office of Rep. Carol Shea Porter  
Maddie DeSantis, Office of Rep. Carol Shea Porter  
Liz Wester, Office of Sen. Jeanne Shaheen  
William Hinkle, Office of Sen. Maggie Hassan