

COMMONWEALTH OF MASSACHUSETTS
THE GENERAL COURT
STATE HOUSE, BOSTON 02133-1053

March 17, 2011

His Excellency Deval L. Patrick
Governor
Commonwealth of Massachusetts
State House, Room 360
Boston, MA 02133

Dear Governor Patrick,

We are writing to request your consideration to declare an environmental State of Emergency, Public Assistance Disaster Declaration, or designate another appropriate emergency relief program as a result of this week's release of millions of disks from the Hooksett, New Hampshire Wastewater Treatment Facility and ask for your Administration's continued support to ensure that our communities, beaches, rivers and other natural resources are properly cleaned and restored to their pre-event conditions.

Yesterday, the Massachusetts Emergency Management Agency (MEMA) and Department of Environmental Protection (DEP) Unified Command Center informed us that the disks contain only low levels of human waste bacteria and do not pose a significant risk to public health. Accordingly, beaches do not require closure and we anticipate their reopening immediately. However, we also learned that the estimated number of disks released was grossly understated. The Hooksett facility's most recently estimated 4 million to 8 million disks were released, widening the scope of recovery efforts.

As of today, disks have been sighted in 19 communities throughout Essex County – washing up from the river banks of Methuen, Haverhill and Merrimac to the beaches of Good Harbor in Gloucester and all along Cape Ann and moving towards the North Shore. As a result, the cleanup will not be an isolated event, but instead will require a continued and sustained effort by federal, state, and local officials to clean up the enormous volume of disks.

Although the community of Hooksett has stated that they are "at fault" for the accidental release and are exploring whether its liability insurance can cover our clean up costs, it is likely that we will need additional physical and monetary resources to recoup Massachusetts' expenses in containing this environmental disaster, both immediately and in the long term.

For your reference, we have included newspaper reports from the Newburyport Daily News detailing the spread of these bacteria-infected disks throughout the region.

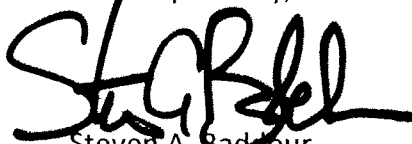
Accordingly, we are asking for your help to declare an environmental State of Emergency, Public Assistance Disaster Declaration, or designate another appropriate emergency relief program so that all state and federal resources will be available to assist our communities immediately without burdening the taxpayers of the Commonwealth.

We welcome the opportunity to speak with you about how your administration, along with our Congressional delegation, can assist us with mitigating this situation. We look forward to hearing from you as soon as possible.

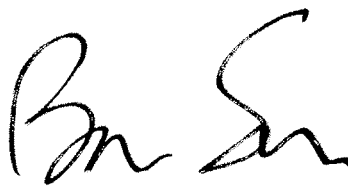
Respectfully,



Frederick E. Berry
State Senator



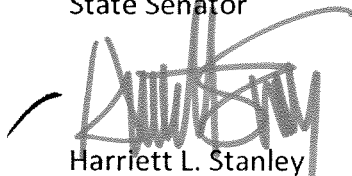
Steven A. Radtour
State Senator



Bruce E. Tarr
State Senator



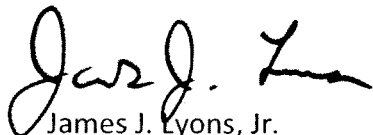
Michael A. Costello
State Representative



Harriett L. Stanley
State Representative



Ann-Margaret Ferrante
State Representative



James J. Lyons, Jr.
State Representative

cc: The Hon. John F. Kerry, US Senator; The Hon. Scott P. Brown, US Senator; The Hon. Niki Tsongas, MC; The Hon. John F. Tierney, MC; Attorney General Martha Coakley

NewburyportNews.com, Newburyport, MA

March 17, 2011

Test results for bacteria questioned

By *Dave Rogers*
Staff writer

NEWBURYPORT — How can state health officials not detect human waste bacteria on the plastic white disks that came from a Hooksett, N.H., wastewater treatment plant one day and then find bacteria the next?

In this case, it depends on how vigorously you shake them.

Last weekend, Massachusetts Department of Environmental Protection officials obtained samples of the half-dollar-sized disks, used to capture and consume *E. coli* and other potentially harmful bacteria from wastewater, from six different locations.

Scientists then ran water over the disks and conducted tests to determine if the exposed water contained bacteria. Those results, announced Monday, showed the water tested negative for bacteria.

A second test was conducted immediately thereafter, this time using what Mass DEP spokesman Ed Coletta called a more rigorous method. New disk samples were immersed in containers of water and then shaken vigorously until the water was fully agitated. Scientists then tested the containers of water for bacteria. Those tests, the results revealed yesterday, showed that low levels of bacteria had been embedded in the disks.

"But not at dangerous levels," Coletta said.

Despite the seemingly low-tech approach to bacteria testing, Coletta called the department's methods scientific and proven.

"These are not new techniques," Coletta said.

When asked about the state's methods of testing the disks, state Rep. Michael Costello, D-Newburyport, said he still had some questions.

"I'm still not sure of the testing procedure and protocol, and I want to understand them better," Costello said. "I don't feel comfortable with the information I'm getting as to what real danger they may or may not pose."

Upon learning of the state's recent results, state Rep. Harriett Stanley, D-West Newbury, sent an e-mail to her constituents yesterday.

"The disks do contain small amounts of human waste bacteria. However, they are not dangerous to handle with minor precautions," Stanley writes. "If the weather tomorrow (today) is spring-like as predicted, don't be alarmed if you come across these disks. You can ignore them, or you can dispose of them yourself as long as you're wearing gloves and wash your hands afterward."

NewburyportNews.com, Newburyport, MA

March 17, 2011

NH: Millions of disks in Merrimack

Dramatic increase in estimate of disks released from sewer plant

By *Dave Rogers*
Staff writer

NEWBURYPORT — New Hampshire officials now estimate 4 million to 8 million bacteria-eating white plastic disks escaped from a wastewater treatment plant on March 7 and into the Merrimack River, a dramatic increase from previous estimates.

"The town of Hooksett (N.H.) now believes 39 million disks were in the tanks, not the previously reported 9 to 10 million, and that 10 to 20 percent of the disks may have been released," New Hampshire Department of Environmental Services spokesman Jim Martin said yesterday.

A previous estimate by the state placed the figure in the "hundreds of thousands."

Four days after the discharge, the half-dollar-sized disks began washing up on Seabrook Beach, about 50 miles downstream. By Saturday, disks were spotted on Plum Island beaches, Salisbury Beach, Deer Island in Amesbury and Newburyport's shoreline. In response, officials in most of those communities closed beaches and waterfront areas.

As of yesterday, disks were being found on Beverly beaches, some 25 miles beyond the mouth of the Merrimack River.

The Massachusetts Department of Environmental Protection so far has conducted two tests on the disks and determined they do contain human waste bacteria, but at ranges not exceeding levels of concern.

"The low levels of bacteria are typical of those present in any form of litter or debris that washes up on beaches," said Massachusetts DEP Commissioner Kenneth L. Kimmell. "However, to be cautious, people should not pick up the disks without wearing gloves or allow children or pets to play with them since, like any beach litter, they should not be handled."

Word of the elevated disk count quickly reached elected officials in Massachusetts, many of whom wasted little time venting their frustration.

State Sen. Steven Baddour, D-Methuen, called the lack of accurate information "inexcusable neglect."

"We went from thousands, to hundreds of thousands, to millions," Baddour said. "The problem seems to escalate, and we're still not getting full and complete answers."

State Rep. Michael Costello, D-Newburyport, also expressed his disappointment over the way Hooksett officials have responded.

"I'm very disturbed with these new numbers and more disturbed that it took 10 days to get that number out of Hooksett," Costello said.

Martin said the previous estimate of 9 million to 10 million disks being in the tanks came from the town and is believed to have been the result of misinformation about the number of disks in each bag shipped to the plant by the manufacturer.

"Clearly, we weren't trying to mislead anybody," Martin said. "We're trying to get accurate information out the best we can so everybody can react to the situation appropriately."

New Hampshire state officials believe the accident took place when screens designed to keep the 39 million disks inside treatment tanks became clogged with the objects after days of heavy rain raised water levels inside the tanks. The tanks overflowed, sending millions of the disks along with an unknown amount of wastewater into the Merrimack. The precise number of disks released is not known.

Massachusetts officials expressed outrage over the lack of communication regarding the incident, with Baddour saying that Hooksett and New Hampshire officials could have prevented a massive headache for Massachusetts had someone simply picked up the phone.

In the days since the disks were discovered in Greater Newburyport, communities as far away as Ipswich, Rockport, Manchester-by-the-Sea and Gloucester reported finding the disks on beaches. And yesterday, disks were spotted on Dane Street Beach and West Beach in Beverly.

There are thousands of disks believed to be lodged along the Merrimack River's banks, and a steady stream of them continue to flow down the river. Yesterday, in the scope of five minutes, some 45 disks were seen floating by the Newburyport central waterfront boardwalk, and another 60 or so were trapped in the embayment.

On Tuesday, New Hampshire officials traveled to Plum Island to officially apologize for the state's failure to notify Massachusetts communities in a prompt manner. The apology apparently wasn't enough to satisfy officials, who formally asked state Attorney General Martha Coakley to investigate the events leading up to and after the March 7 incident.

The complaint asks Coakley's office to "take whatever action may be necessary and appropriate to ensure that our state and communities receive proper compensation for the costs they have incurred in addressing and cleaning up this dangerous situation."

In a written statement released yesterday, Coakley said her office recently received word that the town of Hooksett has indicated it will pay the cost of the response cleanup.

"Accordingly, we urge Massachusetts municipalities to adequately track and record their costs in responding to this event. The attorney general's office will work with the commonwealth and its municipalities to recover their respective costs and will determine what actions are required based on further developments and the responses of the environmental agencies, including U.S. Environmental Protection Agency."

Local cleanup

Yesterday afternoon, it was announced that the Executive Office of Energy and Environmental Affairs is coordinating disk cleanup efforts and is deploying staff of the Department of Conservation and Recreation to affected ocean beaches. DCR crews will be on the beaches today, working in coordination with the forecasted high and low tides.

In the immediate aftermath of the disks' arrival locally, the Massachusetts DEP hired contractors to remove as many of the disks as they could. Newburyport seems to have been hit the hardest, with large concentrations along Cashman Park, the North End Boat Club and other locations, according to local officials. More than 200,000 of the disks have been collected already with many more expected to be found.

Across the border in New Hampshire, volunteers have been busy removing disks from Hampton, North Hampton and Seabrook beaches. This afternoon, between 50 and 60 volunteers are expected to converge on Seabrook Beach to remove disks from there. The town of Hooksett has also leased Dumpsters to be placed at each beach.

But Massachusetts officials have been girding the public to expect the cleanup to take months and not to expect that every single disk will be removed.

Several officials, including those in Newbury and Amesbury, expressed serious concern on the accident's effect on coastal environments. While the disks may be relatively easy to remove from wide and straight beaches, collecting them from rocky shores, marshes and other hard-to-reach surfaces will be a significant and potentially dangerous challenge.

"Whether they have E. coli or not, they're an extreme environmental hazard," Costello said. "This isn't something Boy Scouts or prisoners can pick up."

Baddour said there has been little discussion on what the disks could do to sensitive ecological areas, including Joppa Flats and the Parker River National Wildlife Refuge. Part of the problem is that it's hard to properly respond when it has been a challenge getting current and accurate information.

"You can't have a good conversation with bad facts," Baddour said.