

EPA PUBLIC HEARING

SHAMROCK ELEMENTARY SCHOOL

60 GREEN STREET

WOBURN, MASSACHUSETTS

THURSDAY, NOVEMBER 17, 2005

7:00 P.M.

HEARING OFFICER: ROBERT CIANCIARULO

MS. BONARRIGO: My name is Angela Bonarrigo, community relations coordinator for the sites here in Woburn with the Environmental Protection Agency.

Thanks for joining us this evening. This is the second public hearing for the site plan released in July. I think a lot of you were here for our hearing during the summer.

I'd like to remind you that tonight we are listening to your comments, and we are not responding. We will be responding in writing.

Bob Cianciarulo, who is here for the Mass. Superfund sites, will be the hearing officer, and Joe LeMay, who many of you know, project manager for the sites, will be making a brief presentation.

I'm going to turn it to Bob to start the official hearing.

MR. CIANCIARULO: Good evening. My name is Bob Cianciarulo. I am the chief of Massachusetts Superfund section, EPA New England.

I'll be the hearing officer for tonight's hearing on the proposed remedy for the

Industri-Plex Superfund Site Operable Unit 2, which includes Wells G&H Superfund Site Operable Unit 3 in Woburn, Mass.

This is the second hearing on the proposed remedy. As you may recall, EPA released the proposed remedy, also called a Proposed Plan, on June 30, 2005. A public information meeting on that Proposed Plan was held that same night.

At that meeting, the information concerning the Proposed Plan was presented, and EPA responded to questions about the proposal and site.

EPA then held the first public hearing on its proposal on July 27, 2005, and extended the original 30-day public comment period an additional 30 days, which then closed on August 31, 2005.

EPA received numerous comments from over 40 separate parties. After evaluating those comments, EPA reopened the public comment period for an additional 30 days and released additional information about adding ammonia as a contaminant of concern at the site.

We have a stenographer here tonight. EPA

will record your public comments tonight, and the public comment period will close tomorrow, November 18.

The purpose of this second hearing is to formally accept additional oral comments you may have on the June 30th Proposed Plan and any new comments you have on the October 2005 information, which includes Technical Memorandum- Evaluation of Ammonia and Supplemental Soil Data, and October 2005 fact sheet supplementing the June 30, 2005, Proposed Plan, and the addition of ammonia as a contaminant of concern.

We will not be responding to comments tonight, but will respond to them and all previously-submitted public comments in writing after the close of the comment period.

Again, you were all here before, but let me describe -- not all of you -- let me describe the format for the hearing.

First Joe LeMay, project manager for the two sites, will provide a brief overview of both the October 2005 fact sheet supplementing the June 2005 Proposed Plan and the overall proposed

cleanup plan for the site.

Following the presentation, I will accept oral comments for the record. Those of you wishing to comment should have indicated your desire to do so by filling out the index cards available from Angela Bonarrigo.

Also available, if you didn't notice, on the front table are copies of the June 2005 Proposed Plan and the October 2005 fact sheet supplementing the plan. If you haven't filled out a card indicating a desire to make a comment, you can do so with Angela.

Right now I'm going to have Joe come up and provide a summary of the proposed cleanup plan.

MR. LE MAY: Thanks, Bob. As Bob just mentioned, I'm the EPA's project manager for the Industri-Plex and the Wells G&H Superfund site, and I'm going to give a little bit of an overview here.

As Bob just mentioned, we supplementally released some additional information to the public: The October 2005 Technical Memorandum-Evaluation of Ammonia and Supplemental Soil Data and the October 2005 fact sheet supplementing

the June Proposed Plan.

We also had a supplemental administrative record that is located on EPA's website and included all the public comments that we received by August 31, 2005.

We have identified ammonia as an additional contaminant of concern, and we have determined that there isn't any impact to our June Proposed Plan. As Bob mentioned, there is a couple of handouts that we had.

I'm going to be referring back to some of the figures in those handouts. So if you have them, I'll alert you to what the figures are when I get to them. This one in particular is Figure 2 on the October fact sheet, supplementing the Proposed Plan.

Outlined in magenta is the locations of the groundwater plume area presented in the Proposed Plan. The previously identified arsenic and benzene involved organic contaminant groundwater plumes also contain ammonia within those magenta areas.

The highest ammonia concentrations were found in buried animal hide waste at the

Industri-Plex site. This slide illustrates Figure 1 from the October 2005 fact sheet supplementing the June Proposed Plan.

This figure illustrates the migration of contaminants. The groundwater plumes migrate and discharge into the Halls Brook Holding Area Pond. Deep surface water in the Halls Brook Holding Area Pond also contained high concentrations of ammonia.

Shallow surface water contains elevated concentrations of ammonia in the Halls Brook Holding Area Pond as well.

This next slide illustrates Figure 1 of the June 2005 Proposed Plan. As mentioned earlier, the addition of ammonia did not impact the Proposed Plan. This figure in the highlighted legend illustrates the preferred alternatives and their locations within the area, the areas that are impacted.

What I'm going to do now is go over each of these preferred alternatives. GW-2: The pond intercept with monitoring and institutional controls.

This preferred alternative prevents or

controls potential exposures to contaminated groundwater through institutional controls.

Coupled with the preferred alternative, HBHA-4, this alternative also controls the downstream migration of contaminated groundwater by intercepting it at the northern portion of the Halls Brook Holding Area Pond.

Preferred alternative GW-4 for the west hide pile. This preferred alternative implements an in-situ enhanced bioremediation to be used and treat benzene contamination at the west hide pile. This alternative also includes institutional controls.

Preferred alternative HBHA-4 is a storm water bypass and sediment retention with partial dredging and providing an alternate habitat.

The southern portion of the Halls Brook Holding Area Pond, sediments will be dredged, disposed of off-site, and restored.

The northern portion will be incorporated in the cleanup plan for the site as a sediment retention area to minimize contaminant migration downstream. The northern portion will also intercept contaminated groundwater, maintain a

chemocline in the surface water to degrade and sequester contamination, and aerate surface water between cofferdams to enhance treatment.

Sediments that accumulate in the northern portion will require periodic dredging and off-site disposal.

A storm water bypass system will be constructed to divert storm water to flow from Halls Brook to the southern portion of the Halls Brook Holding Area Pond.

This slide is a closer look at the alternative HBHA-4 for the Halls Brook Holding Area Pond. As you can see, the groundwater contamination, arsenic, benzene, ammonia, is discharging into the pond.

It will be intercepted by this northern portion of the pond, and the high concentrations of contaminants will be kept at depths below the chemocline.

Lesser concentrations will be present in the shallow surface water above the chemocline, and then after the first cofferdam there will be a further treatment area to reduce contamination further. The southern portion of the pond will

be restored.

Preferred alternative HBHA-4 also includes capping and stabilizing sediments along 1,000 linear feet of the New Boston Street drainway with an impermeable cap; capping and stabilizing soils adjacent to the NSTAR and MBTA rights-of-way with a permeable cap; and wetlands losses will be compensated elsewhere in the watershed.

Preferred alternative NS-4, removal and off-site disposal, remove and dispose of shore-line contaminated sediments. This alternative removes and disposes of shore-line contaminated sediments from Wells G&H wetland and cranberry bog conservation area and restores the area.

Preferred alternative DS-2 includes institutional controls to prevent or control potential exposures to contaminated sediments during potential future dredging activities in the interior portions of the wetlands.

Preferred alternative SW-2 requires long-term monitoring of groundwater, surface water, and sediments to evaluate the status and

migration of contaminants and the overall effectiveness of the remedy.

Preferred alternatives SS-2 and SUB-2 control potential exposures to contaminated soil through institutional controls.

The next steps are the formal public comment period will end tomorrow, Friday, November 18. If you have written comments, you may mail them to me at my mailing address, which is US EPA Region 1 - New England, One Congress Street, Suite 1100, Mail Code HBO, Boston, Mass., 02114. My e-mail address is lemay.joe@epa.gov, and my fax number is (617) 918-1291.

Further steps: This winter EPA expects to have reviewed all the comments the agency received and signed a record of decision.

A summary of EPA's responses to public comments will be made available to the public at the information repositories, which include the Woburn Public Library and EPA's record center in Boston and on EPA's website.

With that, I'd like to turn the microphone back over to Bob Cianciarulo. Thank you.

MR. CIANCIARULO: Thanks, Joe. Again, what Joe just summarized really, sort of the high points that are outlined in much greater detail in that June 2005 Proposed Plan outlined in the EPA's preferred alternative for this cleanup and much more detail behind that that's been in the local repositories during this comment period.

The addresses that Joe mentioned as far as written comments and e-mail or fax are also on the front of that plan and on the front of the October fact sheet.

We are going to begin the formal part of the hearing now, and what I'm going to do is call on the people who expressed an interest in speaking in the order that they handed in their cards.

I would ask when you come up to the front microphone, state your name and address or affiliation for the record, as we are recording this verbatim for the record.

During the hearing you do not need to reiterate previous comments submitted during the prior comment period -- we have those on

record-- and instead encourage you to focus your comments on any new, additional information or any new comments you may have.

If you think your comments are going to take more than ten minutes, I'd ask that you consider summarizing your comments, and you can submit the full text of your comments in writing for the record.

After all the comments have been heard, I'll close the formal hearing. And again, as we mentioned, the deadline for comments, written comments, is basically postmarked tomorrow, the 18th of November.

At the conclusion, you can see EPA representatives if you have questions about how to submit comments. All oral comments received tonight and written comments during the comment period will be addressed in a responsiveness summary and will become part of the administrative record for the site and will be included in the decision document or the record of decision on the remedy for this project.

Any questions on the format of tonight's hearing before we begin with the first speaker?

Okay.

First speaker is Linda Raymond, Aberjona Study Coalition.

MS. RAYMOND: Again, my name is Linda Raymond, treasurer of the Aberjona Study Coalition. The Aberjona Study Coalition represents a broad group of citizens, more than 225,000 residents, in Woburn, Winchester, Wilmington, Medford, and Arlington, Massachusetts, who have diverse and long-standing interests in the Aberjona River and surrounding areas.

The Aberjona Study Coalition has three goals with respect to EPA's efforts: To ensure that the investigation is technically sound; to ensure that the investigation is complete; and most importantly, to ensure that the investigation is adequately protective of human health and the environment.

Our written comments emphasize the following five concerns: First, we want to restate our previous opinion that we consider EPA's Proposed Plan to border on the minimum acceptable level necessary to protect human

health and the environment.

In terms of protecting human health, EPA's proposed target risk criterion of 100 in a million as an acceptable incremental cancer risk is ten times less stringent than allowed under the Massachusetts Contingency Plan, and EPA could choose to be ten to 100 times more stringent, protective, and remain within its target risk range.

Second, the novel nature of EPA's Proposed Plan in conjunction with the choice of regulating at its least stringent level of risk, as described above, makes it imperative that EPA design robust, comprehensive monitoring programs to ensure that the Proposed Plan will work as designed and remain protective of human health.

Since EPA has not yet developed its monitoring plans, we cannot offer specific comment on this matter.

However, we expect that, consistent with their goal of human health protection, the Aberjona Study Coalition will be an active, interested stakeholder in evaluating monitoring plans.

Third, we note that various institutional controls are an integral part of EPA's Proposed Plan. Several comments on the Proposed Plan questioned the potential practicality and enforceability of EPA's intended use of institutional controls, many of which may extend to areas well outside of the control of parties responsible for the contamination from the Industri-Plex and Wells G&H sites. Measures such as restrictions on groundwater use are at odds with the MCP, which explicitly bars such actions.

Fourth, we concur with EPA's decision to include ammonia as a contaminant of concern in its Superfund investigation. We feel, however, that the last-minute nature of ammonia's inclusion has prevented EPA from evaluating the potential effects of ammonia, particularly as a contributing source to overall eutrophication of the Aberjona River watershed.

The Aberjona River is classified as an impaired stream on the Clean Water Act's Section 303(d), and two of the stated reasons -- unionized ammonia and nutrients -- receive

potential contributions from the Industri-Plex site.

We recognize that there are other potential sources of nitrogen loading to the Aberjona, but it is incumbent upon EPA to assess the role of the Industri-Plex site contamination as part of the total maximum daily load for the Aberjona River. Satisfying the 303(d) requirements of the Clean Water Act is an applicable or relevant and appropriate requirement.

We encourage EPA to further consider the role of ammonia as a nutrient source, potentially detrimental to the health of the Aberjona's ecosystems.

Fifth, we emphasize the critical importance of all of the elements of EPA's plan, which will allow levels of arsenic to remain in place in soils along the Aberjona River that exceed upper concentration limits, concentrations that indicate a potential significant risk of harm to public welfare and the environment as defined by the MCP.

It is imperative that when the EPA executes its Proposed Plan, that they make sure it works

and monitor the results for as long as necessary, perpetuity if need be, to ensure that human health and the environment are sufficiently protected.

MR. CIANCIARULO: Thank you. The next speaker is John Salemi.

MR. SALEMI: Good evening. Thank you for coming. It's great to see a lot of concerned people. I'm a concerned citizen of Woburn. I've been in the environmental business since 1983, and I just had an anecdote and a comment.

The anecdote is a little bit of research I've done. I've found that the tanning process in Woburn, which is basically causing a lot of these problems, was done, more than I'd say 500 percent of it, twice as much, was done during 1861 and 1865.

Woburn had tanned more leather for the Civil War for boots and saddles than any geographical location in the United States. They actually tanned more leather for saddles and boots in that four-year period than they did from 1835 till 1900, when it stopped.

So that one four-year period was where a lot of these hide piles come from. I'm not sure if many people realize that, but when you talk about reparations, I think the Union and the Civil War had a lot to do with the rush for leather boots and saddles, and this is what we end up with over 165 years later. That's just an anecdote.

The other thing I just wanted to mention was I want to thank the EPA and DEP and everyone here for their tireless work in this whole project.

But there's one thing I think that should be done, and I think there should be some type of a trust fund set up for the future for the water lines. I know the inside water lines, you get rust, you work on them, you get brown water, it's a problem. But because these water lines are underground and they are sitting in contaminated arsenic, ammonia, which is very corrosive, we are not going to get the life out of our water lines that a normal city would.

I think there should be something set up, monies by the federal government, because most

of -- I'd say 90 percent of the damage was done, it goes back a few years, but CIRCLA, which is the Superfund law, is both lateral and vertical going back in time to the responsible party, and that is the United States government.

I think because of the depreciation of all these water lines that are going to be -- the depreciation is going to be accelerated because they are going to be set in this polluted ground. They're not going to last as long and they're going to have to be replaced faster.

If they're not going to be replaced faster, they are going to have to be put in sort of like a double tank, double lines to protect the water lines from the underground source of pollution that's going to be there for a while. And that means that the City of Woburn is going to take the brunt of it on replacing water mains in time to come.

So I think there should be funds available set aside, not just for the City of Woburn, but any affected community down the line that the water mains are not going to last as long, and that burden should not have to fall on the

35,000 residents of Woburn and the residents of Winchester and however far down the plume goes in those areas, because it does add up to millions of dollars.

I think that this is something that I've not heard spoke of, and I think it's something that should be set aside for the future for our children and grandchildren, that they should not have to bear the cost. I don't think local towns should bear the cost from, what my research shows, and I'm still doing more, that most of all of this occurred during the Civil War; that the majority of this arsenic and the tanning process that caused this pollution was done then.

I just don't think it would be fair to clean up the site, and then Woburn and the surrounding communities have to replace their water lines more frequently than anyone else.

I think it's the Union, as it was called back then, but the United States government, there should be some sort of trust fund set aside for future reparations of these water lines.

That's about all I have to say. I'd like to thank everyone for working so hard on this project. It's been going on a long time, and it's nice to see it's finally getting somewhere. But that's one small thing that I think should be noted.

MR. CIANCIARULO: Bryan Clancy on behalf of MetroNorth Business Center.

MR. CLANCY: Bryan Clancy, National Development, representing MetroNorth Business Center, LLC. We are adjacent to the Industri-Plex site.

I have a brief statement to read tonight to give you a little bit of our perspective on the Proposed Plan. National Development has had limited time to review the volumes of data and reports that the EPA has had years to develop.

These same reports and studies led to the June 2005 Proposed Plan that is being set forth as the best recommended remedy for the groundwater and soil problems for the Superfund site or sites.

But clearly there are numerous unanswered questions raised in public comment letters that

predate the June 2005 plan, questions as to whether the assumptions that potential risk exposure scenarios are potentially overly conservative.

These questions raise further questions as to whether many of the properties are being needlessly brought under the jurisdiction of the EPA when there may be alternative, more appropriate ways to accomplish the protection of public health, while reducing the impact on property owners and the city.

From what we have been able to study from data in our possession that National Development commissioned prior to the purchase of our property and the data set forth in the EPA reports, we have concluded that the scientific evidence available does not support the estimated groundwater plume under our property and buildings shown on Figure 2 of the Proposed Plan.

In fact, the magnitude and location of the plumes has been overstated, especially with respect to MetroNorth Business Center. Attaching properties without sound scientific

evidence will be needlessly damaging to property values. It will create an unnecessary burden and expense on landowners and re-introduce Superfund stigma to an area that we have all worked so hard and invested so much in to eliminate.

In the absence of meaningful dialogue between ourselves and the EPA, we find that there is no explanation or technical basis to include our property in the plan or to impose federal institutional controls on our property.

In the spirit of cooperative conservation and not unilateral imposition, we ask the EPA to engage us in the dialogue we have been asking for repeatedly over the past several months prior to any further action being taken under the Proposed Plan that would so clearly damage many parties.

This is a reasonable request for a plan that proposes such far-reaching impact. Thank you.

MR. CIANCIARULO: Thank you. Paul Medeiros, City Council President.

MR. MEDEIROS: Paul Medeiros, I'm City

Council President with the Woburn City Council.

I have to make a brief apology for Alderman Gonsalves. She had a family emergency that she had to handle tonight, and Alderman Ciriello's mother is in ICU. He will not be in attendance tonight. They have both been very vocal in this project and involved in the project from inception.

My comment is basically going to be in a letter form that I will submit tomorrow, but I'm going to read it. Consistent with the City Council's correspondence to the EPA dated August 31, 2005, the Woburn City Council cannot endorse the original or supplemental proposals preferred by the U.S. Environmental Protection Agency for cleanup of the Industri-Plex Superfund site and Wells G&H site.

The City Council is very disappointed that the EPA has failed to respond to our numerous appeals for more time and technical support, or at the very least, sufficient time to arrange for the necessary technical support.

EPA's decision to issue a supplemental Technical Memorandum and reopen the public

comment period on October 18, 2005, for another 30-day period has only served to increase our disappointment and frustration with the EPA's approach to this cleanup.

It is obvious that the EPA could easily have listened to our pleas and kept the public comment period open from this past summer until November 18, 2005, and thus allowed the City Council a reasonable opportunity to find outside resources the city desperately needs to assist in providing meaningful review and comment on the Proposed Plan.

We believe that the agency's responses and actions to date suggest that EPA does not view the City of Woburn as a significant or important stakeholder in the Proposed Plan. In fact, the City of Woburn is one of the most critical stakeholders involved in the cleanup process, whose role must be recognized and respected for the following reasons.

We are elected individuals, and we represent and protect the citizens of Woburn. As such, we are responsible for making sure that such an important cleanup plan is the right plan

for our community. EPA is always promoting community involvement, and according to your own guidelines, you're supposed to work closely with state, tribal, and local governments to encourage, coordinate, and improve public involvement activities.

Again, community acceptance is one of the criteria EPA uses to select a remedy for any Superfund site. Therefore, the City of Woburn, by EPA's own guidelines and policies, should be regarded as a major, central stakeholder for the Proposed Plan and deserves to be recognized as such.

As a body, through existing and newly-created committees and subcommittees, the Woburn City Council has been actively involved in cleanup and redevelopment of the Industri-Plex Superfund site since it began in the early 1990s. We have created the Industri-Plex I-93 Committee and reviewed numerous aspects of the redevelopment from rezoning to special permits.

The Council has also hosted a number of special meetings to address ongoing questions

and concerns about various aspects of the cleanup, ranging from the use of clean fill from Deer Island to the status of the cleanup of the Aberjona River.

As individuals, we have also been intimately involved in such organizations such as FACE, For a Cleaner Environment; ASC, Aberjona Study Coalition; and WREN, Woburn Residents Environmental Network.

Our point is that we are a knowledgeable, informed, and involved group and have been so since the beginning. We are only asking for time and the resources to review this critical final step in this process that has spanned many years.

This seems reasonable. If EPA will not grant us the resources we have asked for, then at least give us the time to find the resources on our own. But please do not continue to deny us both.

EPA has proposed institutional controls as part of the Proposed Plan. As stated in our August 31 letter, the city has never been included in the EPA's discussions and

communications about these institutional controls, nor has the EPA taken the time to explain what, according to TOSC, will be complex land use restrictions that will necessarily involve local government.

Since it was incorporated in 1642, the City of Woburn has been responsible for regulating and enforcing land use within our community. Therefore, we ought to be included in any review and discussion about any major new land use restrictions.

Yet we have no information at all about the institutional controls that you have already completed for the Industri-Plex site. We fear negative impacts of more institutional controls included in the Proposed Plan, since two of our largest commercial landowners have said that these institutional controls will reduce their property values and hurt Woburn's tax base.

They also advised us that their properties need not be stigmatized with Superfund since the same land use restrictions could be implemented by working with the Massachusetts DEP, which the Woburn City Council supports.

In any case, the City of Woburn will be significantly impacted by and should have a major role in any decision or plan for institutional controls, and we deserve to be included in the process.

EPA's Proposed Plan calls for permanent land use restrictions that must be regulated and enforced. Having been here since 1642, the City of Woburn is going to still be here in 2042 and 2142. Even the EPA cannot make that guarantee.

As you are aware, the City of Woburn owns two of the parcels of land that EPA has included in the Proposed Plan: The Wells G&H wetland area and Cranberry Bog Conservation Area.

While we understand that EPA has committed to hold the city harmless from liability, as a landowner, we believe we are a significant stakeholder.

It seems clear that the EPA will not grant the city the external peer review it has been requesting for the last three years. And while we are grateful to the folks at the University of Connecticut, the TOSC program is not an independent technical review that in any way

approaches the level of scientific or technical support that we as a city need to assist us in evaluation of the Proposed Plan.

Clearly TOSC is just another example of an underfunded federal program, as evidenced by the fact that at times it takes more than a week to get a phone call returned from TOSC personnel. During a 30-day period, a full week makes a huge difference.

Also, the time TOSC has spent reviewing the proposal plans has been very limited, as is obviously reflected in their two pages of comments, compared to the 30 pages of comments from the Aberjona Study Coalition or the many private parties who have retained outside experts.

You, the EPA, said that TOSC is a resource that's inclusive of our Superfund process and there to help the city review and understand the documents. That's how the City of Woburn has used the TOSC group, which you characterized as an independent technical review.

Unfortunately, TOSC has never been able to help the city review and understand the, quote,

Proposed Plan because, at the very least, they have not had sufficient time or resources to do so.

The city has worked with TOSC because the EPA has given us only that choice, not because the program is in any way adequate for the job at hand. Therefore, since the EPA has not and is unlikely to give the City of Woburn the critical technical support it needs to review and understand the propose plan, the EPA must allow the city sufficient time to make arrangements for its own technical support.

There is clearly no justification for denying this request, since you have offered no credible explanation for closing the public comment period on August 31, 2005, or for closing it again on November 18, 2005.

These are arbitrary dates that do not relate to the protection of public health and the environment, and the City Council urges the EPA to stop setting these arbitrary deadlines and to sit down and talk to us because we are a major, important stakeholder and we need to be involved in how this whole cleanup process can

best proceed. We believe that this is the only way to make real meaningful progress.

Again, within the severe limitations on time and resources, the City Council has worked with TOSC on preparing limited comments on the Proposed Plan which we will attach to this letter when we receive it. Unfortunately, we haven't received it to this date, and that's one of the problems the City of Woburn has been faced with.

We respectfully request your consideration of all the points raised in this letter, and we look forward to meeting with you at the earliest possible opportunity so real progress can be made on the final cleanup for the Industri-Plex and Wells G&H sites. Thank you in advance for your time.

One last point I'd like to make is that if you're involved in local government, it takes you a little time to try to get funding. And if EPA had told us back in the summer that you have until November 18, at that point, had we known it was going to be that long, the City the Woburn could have made plans, approached Mayor

Curran, asked for an appropriation, put an RFP on the street, and got somebody on the board that had the technical expertise.

That's why we are very frustrated with this whole process. It's nothing personal with EPA. We are very frustrated that you're not giving us the time that we need, and we feel that we deserve to address these concerns for our citizens. Thanks.

MR. CIANCIARULO: Next speaker is Susan Brand from Cummings Properties and Dennis Clarke from Cummings Properties. Thank you.

MS. BRAND: My name is Susan Brand. I'm the general counsel for Cummings Properties.

Cummings Properties fully support the goal of the EPA to create a safe and healthy environment for everybody who lives and works in Woburn.

However, we are very new to this Industri-Plex process. We have only been involved in it for the last few months since we received our notice from the EPA, and we have some serious concerns about the procedures that

EPA has undertaken or appears to be undertaking in order to accomplish its goals.

We share in many of the comments that Alderman Medeiros and Mr. Clancy gave regarding the imposition of institutional controls and question the necessity of EPA getting involved with that level of real estate controls.

I'd like to just give you one example of why we feel that things might be a little misguided. One of the properties that we manage that's north of the Woburn Mall currently is part of the DEP program. After we bought the property, it was discovered that there was some pre-existing contamination.

We hired a licensed site professional, we filed the necessary reports with the Department of Environmental Protection, what's called a response action outcome, and we imposed activities and use limitations on that site against residential use and against day care use with restrictions on any kind of excavation.

And while we don't know what institutional controls the EPA is seeking to impose, we think that they're very much like what is already on

the property. So I think this is a concrete example as to why we think the DEP program is perfectly adequate to accomplish the goals of the EPA.

One other example I'd like to give as to why we feel that there needs to be maybe a closers look taken here by the EPA before rushing to come up with a final decision, one of the properties for which we received notice, which is adjacent to the Wells G&H lot, in fact, this property is in the Wells G&H Superfund site. It's not a source area, but it's found to have some contamination under it, and it's in the G&H site.

That property is already part of the consent decree that was entered into over ten years ago as part of the G&H site. And as part of that consent decree, there are various provisions for providing access to EPA.

We have been told that that's probably the reason that the owner of this property received notice to provide access to EPA. If that's already something that's part of the system that's been implemented, it doesn't seem

necessary to do it again as part of this program.

Thank you, and I turn the floor over to Mr. Clarke.

MR. CLARKE: Good evening. My name is Dennis Clarke, and I'm president of Cummings Properties.

I just want to supplement my colleague's comments very briefly. As Ms. Brand said, we represent five different property owners that are being proposed as newly-involved parties to this proposed cleanup. It's only been the past four, four and a half months that we have known anything about this at all.

We've had, like a number of other parties that have weighed in on this matter, we have had very little time to get our heads around it and understand what's being proposed and what the implications might be.

That being said, we do know that if additional properties are included in the Superfund site, that that is going to negatively impact the values of those properties. And if the values of those properties are impacted, for

sure Woburn's tax base is going to be equally impacted.

From what we do understand at this point, we believe that any types of environmental controls that might be warranted, to the extent any indeed are, but to the extent that's true, we believe that those can be accomplished in other ways without getting into a Superfund stigma for these additional pieces of land and the buildings thereon.

Unfortunately, the City of Woburn and some of its property owners have very real firsthand experience with the negative economic impacts of Superfund stigma. It's not theoretical, not abstract, not somebody's speculation. It's very real.

And third parties, including the Commonwealth's Appellate Tax Board, for example, have already weighed in on this issue and established that it does reduce property values.

I'd like to echo Mr. Clancy's request for some meaningful dialogue between the proposed affected property owners and officials of the

EPA so we can ask our questions and share our concerns and offer our suggestions and have a real two-way discussion about this issue.

Thank you.

MR. CIANCIARULO: Thank you. Next speaker is Tom McLaughlin, Alderman, Ward 7.

MR. McLAUGHLIN: Thank you for the opportunity to comment.

I would like to echo some of the concerns that were expressed by my previous speaker, President Medeiros of the City Council.

In order for the time necessary for the City of Woburn to have an independent review of the proposals recommended by EPA, we did recently have an election. We have a newly-elected City Council.

Some of the new City Council members are here tonight, and we have a newly-elected mayor, who was standing here tonight, and I think that we really need an opportunity to sit down and discuss a possible funding request to ensure, on behalf of the citizens of the City of Woburn, to ensure whatever proposals are made, whatever cleanup procedures are initiated, are

technically feasible, are proven, are in the best interest of all the parties that are concerned.

And so therefore I would make that request here tonight for the extension and for the opportunity to do that.

Thank you very much.

MR. CIANCIARULO: Next speaker, Kathy Barry, Concerned Citizens Network.

MS. BARRY: My name is Kathy Barry. I represent Concerned Citizens Network, which is actually a network of concerned citizens and citizens advocacy groups in Wilmington that work on environmental problems in our town.

We have provided a written comment pursuant to the notice issued on October 20, 2005, by the EPA to reopen the public comment period addressing ammonia exceedances within the Aberjona Study area.

The Concerned Citizens Network of Wilmington wishes to place into the public record its concern with this finding.

We also hope that our comments in written format will substantiate and support the need to

further expand the initial investigation of the Olin Corporation property located at 51 Eames Street, Wilmington, Massachusetts, as a potential and significant source of ammonia contamination within the Aberjona watershed north of the Industri-Plex.

Thank you.

MR. CIANCIARULO: Next speaker is Cynthia Brooks, Industri-Plex Custodial Trust.

MS. BROOKS: Thanks. My name is Cynthia Brooks. I am the president of Resources for Responsible Site Management, the named trustee for the Industri-Plex Custodial Trust.

The Custodial Trust respectfully reiterates our appeal for, one, sufficient time and resources for the City of Woburn to be able to meaningfully participate in a public review of the Proposed Plan and, two, more important, for a transparent, open, and meaningful pre-ROD dialogue with the ISRT, which is the Industri-Plex Site Remedial Trust, and the City of Woburn.

The city and the ISRT, along with EPA and the DEP, comprise the three beneficiaries of the

Custodial Trust. The Custodial Trust is even more certain than ever the success of this final stage of the cleanup critically depends on EPA's willingness to engage in a meaningful dialogue with the ISRT and the City of Woburn for several reasons.

First, it could potentially avoid adversarial and unnecessary litigation that would only lead to the worst-case outcome for all stakeholders, restigmatizing Woburn and pointlessly delaying cleanup of the Aberjona River.

Second, it could ensure that key stakeholders who are likely to have a role in the final cleanup both understand and buy into the Proposed Plan. Proceeding without that understanding or buy-in would eclipse the orders of a timely or successful cleanup and damage the good will that made possible the remarkable accomplishments at Industri-Plex to date.

Third, it would foster collaboration and therefore the most expeditious, efficient cleanup, resulting in greater protection of public health and the environment. It would

also affirm our understanding of EPA's true commitment to community collaboration and public-private partnerships and also dispel concerns that public comments might not be taken seriously because you have already made your final decision about the cleanup.

Fourth, there is no risk or downside to EPA's engaging in open, meaningful pre-ROD communications with the other beneficiaries of the Custodial Trust. In fact, it can only benefit all three stakeholders, if for no other reason than the good will that such a process would engender.

Fifth, we urge EPA to pursue an open dialogue with the city and the ISRT and the landowners and all other stakeholders that have asked for it, if for no other reason than because they have made such a request and apparently more than once. We don't think that these requests are unreasonable.

Finally, while we understand that EPA is fully vested under CERCLA, with the authority to proceed unilaterally, there is no obvious reason why you would choose that approach.

It would clearly run counter to prevailing agency practices and thinking, and worse, it would leave EPA open to questions about whether its decisions were made without meaningful stakeholder and community input, especially when that input was well within reach.

With deference, respect, and continued optimism, we thank the EPA for considering these recommendations, and we offer them in the spirit of cooperation that has characterized our collective achievements thus far.

Thanks.

MR. CIANCIARULO: Next speaker is State Representative Patrick Natale.

MR. NATALE: Thank you, Joseph. I won't take too long. I know most of the comments we have made here tonight were sort of the same comments we made at the last meeting.

I'm here to talk on behalf of not only myself, but on behalf of Senator Bobby Havern and Congressman Ed Markey.

We work fairly closely with the neighborhood association to try to move up those dates. Again, I'm hearing out of City Council

President Medeiros there is no downside to basically giving us the time we need.

One of the failures, going back to the 128/93 project, was lack of oversight, sort of input from the neighborhood groups and the organizations. And when the proposal was put forward by the state, it failed because there was no consensus on the part of all the groups.

So coming into this and having seen what happened there, I would urge us to maybe try to put a task force together in that manner and to look at all the different options; not propose, well, here is the best thing to do.

Let's sit down, let the City of Woburn have their opportunity to put up their proposal, not really their proposal, but this is what our guys think, the neighborhood association, Kathy Barry from Wilmington, her group, Jimmy Macella, Charlie Murphy.

We've got some serious issues, not only in Wilmington and Woburn, but it looks like we are spreading this continuing out further and further and affecting property values of people.

What are we going to have, EPA controlling properties for 30, 40 years and oversight on these things and maintaining them? We have no idea who is going to maintain them.

I won't belabor here. I think what we did with the task force, we brought everybody together, and we are working through the process step by step. Sure, there have been painful meetings. Lots of times it felt like we weren't getting anything done.

We are getting closer on this thing. I think when you have the consensus of the neighbors and communities and people, this is what we need to do.

And from my end, you know, I think my office is willing to meet any time anywhere down in Boston, I'm sure the congressmen and senators as well, and any of the environmental groups here. We have a new mayor coming in as well, and I think he is probably chomping at the bit to get going on this.

I think that, again, you need consensus of the city. We have seen this in the past when we don't have -- everybody feels the process isn't

going forward the way it should be going.

I know you guys are probably taking it a little tough. We have been hard on you, trying to get extra time. I know you are on a time line, money constraints with the EPA. This city is going to be here long after I'm gone and everybody else is gone here, and we want to make sure we get this done correctly.

That's pretty much all I have to say tonight. So if anybody wants to catch me afterwards, they can talk to me privately, but thank you from the EPA. I know you guys have a tough job, and we are here because we care.

Thank you.

MR. CIANCIARULO: Those are all the cards I had. I don't know if any others wish to make a statement for the record.

With that, I will close this public hearing. Again, written comments on the EPA's proposal will be accepted through tomorrow, November 18.

As we mentioned earlier, the address for submitting those comments is on the Proposed Plan from June and on the fact sheet that was

released in October.

Thank you all for coming. Have a good evening.

(Whereupon, the hearing was adjourned at 8:05 p.m.)

CERTIFICATE

I, Cindy Falcon, Certified Shorthand Reporter, hereby certify that the foregoing pages 1 through 48 constitute a true and accurate transcription of the above-captioned hearing to the best of my skill and ability.

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Cindy Falcon