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**New Bedford Harbor Superfund Forum  
Meeting  
December 7, 1995  
6:00 p.m.  
Greater New Bedford  
Vocational High School**

**AGENDA**

- Status of treatability studies
- Report from the remedial dredging coordination subcommittee
- Report on Sea Change follow-up
- Discussion of Phase 2 issues and potential points of agreement (see attachment)
- Next meeting

Summary of Meeting Held December 7, 1995  
of the New Bedford Harbor Superfund Forum

In attendance at the session were:

Facilitators

Michael Keating  
Jane Wells

Concerned Parents of Fairhaven

Claudia Kirk

DEP

Paul Craffey  
David Janik  
Andrea Papadopoulos  
Helen Waldorf

Downwind Coalition

Neal Balboni  
Diana Cobbold  
Carol Sanz

EPA

Cindy Catri  
Frank Ciavattieri  
David Dickerson  
Harley Laing  
Kristine Laumeyer

Town of Acushnet

Roland Pepin

HARC

Steve Cassidy  
Jim Simmons  
Barry Starr

New Bedford City Council

Paul Koczera  
George Rogers

New Bedford Harbor  
Development Commission

Martin Manley

New Bedford Mayor's Office

Molly Fontaine

NOAA

Jack Terrill

State Elected Officials

Rep. Bill Straus

Waterfront Businesses

Joe Fornis

Town of Fairhaven

John Haaland

Approximately 14 members of the public observed the meeting, which was videotaped for subsequent broadcast on cable television.

Paul Koczera, newly elected New Bedford City Councilman from the ward that includes the Sawyer Street site, was welcomed to the Forum.

Dave Dickerson reported briefly on the status of the treatability studies. The bench scale study, fully underway, saw the marriage of sample hot spots sediments with the solidifying admixtures to be tested. The results of this aspect of the bench scale studies should be available within the next four to six weeks. There have been complications and delays in Ebasco's selection of vendors for the pilot scale contracts. The choice of vendors is now expected to occur within the next two weeks, with the pilot scale work occurring from mid-March through June. There was some discussion of a local press report that Molten Metals had been selected as a subcontractor on the Phase 1 project. Molten Metals apparently obtained a permit to test some of the

hot spot sediments, but that undertaking has nothing to do with the Phase 1 remediation. Elsie Souza from Rep. Barney Frank's office reminded the Forum of the Congressman's 1993 citation of Molten Metal as an index of developing technologies that offered possible alternatives to then current plans to incinerate the sediments from the hot spots.

Diana Cobbold reported that on the day following the Sea Change panel's presentation to the Forum on November 14, some of the panel members met with officials from the City of New Bedford and local business people to discuss and explain some of the key issues involved in the Phase 2 remediation. Apparently some of the scientists from the Sea Change panel also remain available to meet and discuss bioremediation with the citizens groups.

The Forum next turned to the main business of the night, consideration of issues central to decisions on the Phase 2 clean-up. The facilitators had prepared a list of 13 issues and potential points of agreement to help guide the discussion (attached). The Forum concurred on 11 of the draft points of agreement with only minor language clarifications, which the facilitators were directed to incorporate into a draft text for the next meeting of the Forum.

There was a more extensive discussion of bioremediation. While the agencies were willing to look at bioremediation as a possibly applicable technology for the treatment of Phase 2 sediments, there was no emerging agreement about the precise form such evaluation might take. The agencies agreed to examine this issue further, and the citizens groups were also urged to refine their suggestions relative to the possible use of bioremediation.

By far the most perplexing problem presented to the Forum in developing an acceptable plan for the Phase 2 remediation is the location of the proposed CDFs, although even here there is major agreement. The Forum approved the use of CDFs 1B and 7, subject always to the continuing search for treatment alternatives already agreed to.

There continues to be, however, opposition to the potential use of CDF 1, primarily because of its location in a residential area of the City of New Bedford and the impact of its creation on the surrounding neighborhood. Councilmen Paul Koczera and George Rogers reiterated the City Council's, the Mayor's and their own personal concerns about CDF 1, and HARC strongly urged the agencies to look once again at any possible alternatives that might be considered to eliminate the need for converting the present lagoon or cove into a CDF. The agencies, in response, stressed the health risks currently posed by the contaminants in the cove which, after the removal of the hot spots, constitute the highest levels of contamination in the estuary. They also argued that the dredging of this area for removal of the sediments elsewhere would create further health risks. Finally, they pointed out that a carefully constructed and thoughtfully capped CDF might, instead of damaging the neighborhood, substantially enhance it.

Examination of other possible CDF sites around the river and harbor seemed to offer little relief. Suggested CDFs 10 and 10A were

discounted because their use would involve the further contamination of a relatively clean area, and it also became clear that these potential CDFs were being considered as possible sites for the storage of navigational dredging spoils. The potential CDF sites identified on the eastern shore of the Acushnet River similarly would involve the further contamination of less spoiled areas and represent a threat to an already fragile ecological resource. They do not, moreover, begin to provide enough storage space to replace the loss of 270,00 cubic yards represented by CDF 1.

It became clear that this issue would not be resolved at this meeting. There was considerable discussion about the need to focus the Forum's immediate attention on the CDF 1 issue. The Forum agreed to the establishment of a subcommittee on CDF 1, whose task would be to reach out to the Sawyer Street neighborhood both to gather input from the local community about its concerns over the CDF, and provide education on the risks involved in retaining the present cove and those associated with any CDF that might be built at the site. In addition, the subcommittee was directed to examine a wide range of options that might be developed to meet the objections of the local community. The facilitators were directed to coordinate the activities of this subcommittee.

The Forum meeting concluded with the sharing of a cake presented by the culinary arts department of the Greater New Bedford Vocational High School to mark the second anniversary of the first meeting of the Forum.

The next meeting of the Forum is scheduled for Wednesday, January 24, 1996 at 6:00 p.m. at the Greater New Bedford High School.

ISSUES FOR DISCUSSION  
AND  
POTENTIAL POINTS OF AGREEMENT

The following statements, propositions and questions are designed solely to ferret out potential areas of agreement among members of the Forum, identify issues on which there is disagreement and help shape ways to narrow whatever differences remain. Each point is derived from the various written proposals that have surfaced during the past five months' discussion of the Phase 2 ROD or from discussions of the proposal during Forum meetings. They simply express the Facilitators' efforts to distill some order out of a far-ranging debate over extremely complex issues. All of the propositions listed here, as well as the language in which they are couched, are extremely tentative and, again, are designed simply to promote and guide focused discussion.

- The PCBs and heavy metals need to be removed from the river and harbor as quickly as possible. The health risks associated with their continued presence are unacceptable.
- Everyone would prefer to treat and destroy the PCBs and heavy metals rather than store them in long-term or permanent storage facilities along the shore of the river and harbor.
- While it does not destroy the PCBs and heavy metals, use of CDFs for storage of the dredged and contaminated sediments accomplishes their removal and reduces the risks to human health and safety.
- Use of CDFs for permanent storage of the dredged and contaminated sediments, however, involves risks associated with leakage and the long-term durability of the containers, as well as issues of long-term cost allocation for their maintenance.
- Treatment alternatives currently available for so large an amount of sediments with such high levels of contamination are neither technically nor economically feasible.
- The agencies are committed to a continuing review of the applicability of treatment alternatives developed during Phase 1 of the remediation process to the materials stored in the CDFs.
- The agencies also agree to continue the search for viable treatment alternatives during the early stages of the Phase 2 remediation, before the CDFs are permanently capped.
- One of the treatment alternatives to be evaluated will be bioremediation; there has been some discussion of the merits of the application of bioremediation *in situ* and within CDFs, with no emerging agreement as yet.

- If no technically or economically feasible alternative treatment is developed prior to the permanent capping of the CDFs, the agencies pledge to review, no less frequently than every five years, developments in alternative technology that, in the future, may become technically and economically feasible for application to the stored materials.
- There is unanimous support for the utilization of some portion of the remediation CDFs to store navigational dredging spoils from the harbor.
- There is agreement on the utilization of CDF 7; there is some tentative agreement to the use of CDF 1B, with the use of either or both being subject to the provisions listed above.
- There is disagreement over the utilization of CDF 1; while proposals have been made for the use of other sites identified during EPA's feasibility study as potential CDF sites, no consensus has emerged. There have been suggestions that CDFs 10 and 10A might serve as substitutes for CDF 1, since their capacity is roughly equivalent to that of CDF 1 and they are located in a non-residential, heavily industrialized area of the harbor. One objection raised has been a general principle of remediation, which militates against the placement of more contaminated materials in less contaminated areas. Another concern is that the additional dredging required to clean out the area designated for CDF 1 in the proposed ROD will increase the volume of materials requiring dredging and storage beyond the capacity of CDFs 1B, 7, 10 and 10A.
- There is a strong commitment to the continuance of the Forum to participate actively in the development of the engineering design of any CDFs, the design and implementation of monitoring plans, the planning and implementation of dredging activity; the development of appropriate uses for any capped CDFs, the review of alternative treatment developments, and all other aspects of the development of the Phase 2 remedy.

mediation/bedford/p2memo.doc

10-14-1993 02:10PM

FROM

# Frank presses for an alternative to PCB burning plan

By Pamela Glass  
Outaway News Service

WASHINGTON — Rep. Barney Frank has come up with a plan that could give opponents of PCB incineration in New Bedford more time to argue their case for a more environmentally friendly alternative to burning the toxics.

He wants the Environmental Protection Agency to dredge PCBs from the harbor and store them safely on land. This would take care of the EPA's concern that PCBs in the harbor pose a daily threat to public health and safety.

He suggests that the agency examine whether new alternatives to incineration, such as a method for destroying toxic wastes developed by Molten Metal of Waltham, would be feasible.

"This gives us a chance to prevent any ongoing environmental damage while giving us some time to consider alternatives to incineration," he said in a letter sent Tuesday to EPA Administrator Carol Browner.

Rep. Frank said yesterday that he got the idea after reading an article in last Thursday's New York Times, which touted Molten Metal's innovative technology in handling hazardous wastes.

Molten Metal is attracting a lot of attention, the story said, because its "approach, if it works on a commercial scale, will allow customers to dispose of problem substances much more economically than if they had to treat them as hazardous waste."

Rep. Frank said such a glowing report should assuage the EPA's doubts about the technology's promise. Other methods also could be explored.

The EPA says incineration is the most effective and safe way to dispose of PCB-laden sediment from the harbor. Next year, the EPA plans to start burning sediment from the harbor's "hot spots" in a mobile incinerator at the foot of Sawyer Street. Burning would last about four months.

EPA officials in Boston and Washington are reluctant to change this decision, saying it is too much of a risk to public health to delay the cleanup to research unproven alternatives. Officials also say delays cost the government about \$1,000 for each day it cannot fulfill a contract with the Pennsylvania company that is supplying the incinerator.

Passed out by  
Elsie  
at 12/7/95 Forum

Standard Times  
10-14-93  
Pg. B1

12/7/95

John DeVillars  
Regional Administrator  
United States Environmental Protection  
Agency  
J.F.K. Federal Building  
Boston, MA 02203

Dear Mr. DeVillars:

We are writing to you as area residents and officials with regard to the next phase of the cleanup remedy for the New Bedford Harbor.

The local Forum, which has met on a regular basis for two years, has engaged in a participatory process which advanced the dredging of the hot spot material and the treatability studies for that sediment. The Forum has also undertaken the evaluation and exchange of information with regard to the phase II remedy and the difficult question of handling the approximately 500,000 cubic yards of contaminated material deposited over a geographically broad area of the harbor.

We remain hopeful and committed to the goal of ultimately seeing an available technology for the permanent treatment of the PCB laden sediment; however, after more than a decade of evaluation and study, the region is in need of a solution now which isolates the PCBs and heavy metals from exposure to the environment, and permits progress on other harbor related projects such as navigational dredging which are so important.

Confined Disposal Facilities (CDFs), although perhaps not a perfect solution, do offer immediate advantages to public health and the beginnings for environmental restoration of the natural resources of the harbor. The current preferred option proposed by the EPA is for the placement of contaminated sediment in three CDFs to be located near the present North Terminal (CDF #7) and further north at the cove near Sawyer Street (CDF #1) and further north (CDF #1B). On a qualified basis we wish to express our support for the formal pursuit of this option. Any Record of Decision (ROD) must, nevertheless, include a formal obligation upon the government to evaluate available technologies for the permanent treatment of these sediments prior to the placement of a permanent cap on the CDFs; but in any event, this review must take place no more than five years after the beginning of the project and in five year increments thereafter.

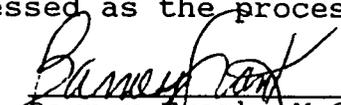
We do believe, however, that within any proposed plan of the EPA, leading up to the formal adoption of a ROD, your agency should evaluate and seek public comment on the feasibility for use of

alternative CDF sites #10 and #10A located in the lower harbor adjacent to the hurricane barrier and the New Bedford shoreline. In addition, the plan should call for the evaluation of bio-remediation technologies in sediment within the CDFs; if feasible, such an approach could lead to a reduction in the volume of PCBs within the sediment.

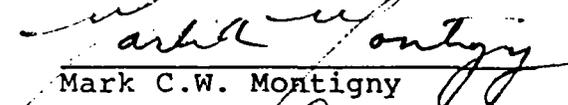
As an enhancement of the remedy, we also believe that the EPA should include the linkage of the proposed cleanup in the upper harbor with the Army Corps of Engineers dredging plan for the balance of the harbor. The navigational dredging plan also involves sediment with PCB deposits above federal action levels and would make available temporary cover material needed for the CDFs. The evaluation of sites #10 and #10A would also provide needed technical information for the disposal needs of the remaining navigational dredging spoils after the cover material needs are met by the EPA.

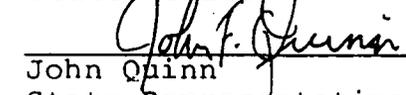
On a continuing basis, we expect that the EPA will work with the Forum on design, monitoring and evaluation questions which will occur in pursuing the CDF option as a remedy for the next phase of the harbor cleanup. This letter attempts to reflect a consensus position of the signers; however, there will continue to be aspects of this approach which may be subjects for differing views to be expressed as the process continues.

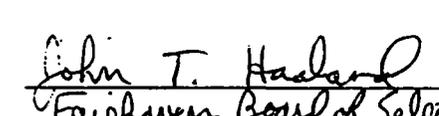
Sincerely,

  
Barney Frank, M.C.

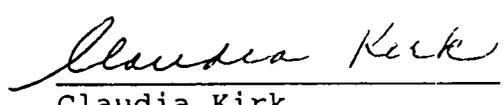
  
William Straus  
State Representative

  
Mark C.W. Montigny  
State Senator

  
John Quinn  
State Representative

  
John T. Hasland  
Fairhaven Board of Selectmen

  
Joseph McIntyre  
State Representative

  
Claudia Kirk  
Concerned Parents of  
Fairhaven

  
Mayor Rosemary S. Tierney

  
TOWN of ACUSHNET  
PCB Representative





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David Cabral, Secretary Treasurer  
Teamsters Union Local #59

Robert J. Alves  
Robert J. Alves, President  
International Longshoremen's Ass  
Local 1413-1465



*The Commonwealth of Massachusetts*

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Commerce and Labor

ROOM 167  
TEL (617) 722-2692

December 7, 1995

Mr. David Dickerson  
EPA Project Manager  
U.S. Environmental Protection Agency  
Waste Management Division (HRS-CAN2)  
JFK Federal Building

Dear Mr. Dickerson,

I am writing with respect to the cleanup of New Bedford harbor. While I remain committed to the goal of identifying a technology to permanently treat PCB contaminated sediments, I join with other officials and many members of the New Bedford Harbor Superfund Forum in offering qualified support for your agency's proposal to bury contaminated sediments.

Such support is contingent upon an agreement with your agency to periodically evaluate available technologies for the permanent treatment of these sediments and to ensure the location of confined disposal facilities away from residential and recreational areas. The CDF's should be monitored regularly by your agency for an indefinite period, with an immediate plan of action to correct any problem arising from such a facility.

Our region is in need of a solution to the PCB problem. Such a solution would facilitate economic development projects involving New Bedford harbor. Accordingly, your agency should consider the linkage of the proposed cleanup with the Army Corps of Engineers plan for the navigational dredging of New Bedford harbor.

I expect the agency to continue to work with the Forum in addressing issues of concern during this next phase of the harbor cleanup.

Sincerely yours,

Handwritten signature of Robert M. Koczera in cursive script.  
Robert M. Koczera



## *Bay Coalition endorses use of Confined Disposal Facilities in Cleanup of New Bedford Harbor*

The Coalition for Buzzards Bay endorses the Environmental Protection Agency's preferred alternative to dredge and store PCB contaminated marine sediments in the upper Acushnet River estuary in selected Confined Disposal Facilities (CDFs). The toxic contamination in New Bedford Harbor represents the most impacted portion of the Buzzards Bay environment and a significant, ongoing public health threat. Three years ago, the Coalition joined area residents in their opposition to the incineration of sediments contaminated with PCBs and heavy metals. Since that time, we have closely monitored the progress of the Superfund Forum and commend the EPA, state and city agencies, and citizen groups such as Hands Across the River and Concerned Parents of Fairhaven for their ability to work together on this difficult matter.

The use of CDFs presently represents the only viable alternative for the dredging and responsible disposal of the 475,000+ cubic yards of contaminated sediment in the estuary and lower Harbor portions of this site. However, we are very interested in the pilot testing of PCB destruction technologies that will occur this Spring and strongly favor the treatment of the sediments prior to capping in the CDFs if a technology proves capable of handling this volume of material. While we agree with scientists organized by SeaChange earlier this month that in-situ bioremediation is highly experimental and currently inadequate to deal with the concentrations and mix of contaminants present in New Bedford Harbor, we encourage EPA to pilot test it for treatment of either the ROD II material disposed of in the CDFs or for isolated Harbor locations.

CDFs have been successfully used elsewhere and can be designed to reduce leakage of contaminated effluent to the harbor to negligible levels. Indeed, over the course of the past few decades many areas of the New Bedford waterfront have been constructed with contaminated harbor sediments and amount to unlined, unmonitored CDFs. Nevertheless, we cannot repeat those mistakes and must pay significant attention and closely scrutinize issues such as detailed longterm monitoring, provisions for a high-level of decanted water treatment, use of a sufficient amount of clean material on the CDF surface, as well as other aesthetic and environmental concerns. The design phase for the CDFs will be extremely important.

While we are open to a discussion of all potential CDF locations, we do endorse the use of proposed CDFs 7, 1, and 1b at this time. The cove located behind the Pierce Mill on Belleville Avenue which is proposed for filling as CDF 1 is one of the most easily accessible areas of contaminated sediments. The public health risk this area poses now will be effectively eliminated by capping and impermeably sealing the area beneath a lined CDF. We believe with proper design and monitoring this area possesses great reuse potential as recreational open space and can become an asset instead of a liability to the neighborhood. The site proposed for CDF 1b is largely isolated behind mill complexes but poses many of the same risks for direct human contact and harm. Finally, CDF 7 is a prime location for docking facilities at the North Terminal and will eliminate the discharge of at least two city Combined Sewer Overflows and prompt the cleanup and reuse of the Herman Melville Shipyard.

The finalization of the Record of Decision (ROD) for this phase of the Harbor cleanup should be viewed as a dynamic process - open to further developments in both PCB treatment and disposal options. We look forward to the development of a community consensus on this important matter and an end to the threat currently posed to residents and marine life from toxic contamination in New Bedford Harbor.

Contacts: Mark Rasmussen, Issues & Policy Director  
Robert Rocha, New Bedford Project Coordinator

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