



CITY OF NEW BEDFORD

MASSACHUSETTS

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NEW BEDFORD
10.1
296009

September 10, 1993

Paul G. Keough
Acting Regional Administrator
United States Environmental Protection Agency
Region 1
J.F.K. Federal Building
Boston, MA 02203-2211

Dear Mr. Keough:

The City Council voted at a meeting held September 9, 1993, to send the enclosed correspondence to you. The vote was 8 to 3, with Councillors Kruger, Hodgson and Kalisz opposed.

Yours very truly,

Janice A. Davidian, City Clerk
Clerk of the City Council

JAD/jhc

Enclosure





City of New Bedford

OFFICE OF CITY COUNCIL

133 William Street • New Bedford, Massachusetts 02740 • (508) 979-1455

George Rogers
Councillor at Large

CHAIRMAN
Committee on Ordinances

VICE-CHAIRMAN
Committee on Recreation
Tourism and Historical Objects

To: All Councillors
From: Councillor at Large George Rogers
Date: September 8, 1993
Subj: LETTER FROM PAUL KEOUGH CONCERNING THE PCB INCINERATOR ISSUE

I am going to suggest at the Council meeting on September 9 that the following response be adopted by the City Council as our reply to Mr. Keough's demands as follows:

Dear Mr. Keough:

Not only has the Council been asked by your own Regional Representative Gayle Garman to meet with us to go over the issue that has generated your letter to the Council, which meeting has not as yet been held, but the CERCLA regulations in 42 U.S.C. 9604 (CERCLA sec. 104) state that the court (emphasis ours) may assess a civil penalty not to exceed \$25,000 for each day of non-compliance against any person who unreasonably (emphasis ours) fails to comply with the provisions of paragraphs 2, 8, or 4 or an order issued pursuant to sub-paragraph A. of this paragraph which seem to recognize that there are circumstances under which a city, for example, might reasonably fail to comply with that which is requested pursuant to the remediation sought by the EPA.

We contend that our refusal to allow the EPA to move forward with incineration is, indeed, reasonable and is, in fact, a mandate from the very ones for whom this government exists, namely the people of the area, specifically the voters who, at a public referendum, voted against incineration of the PCBs and heavy metals at the incinerator in our city.

For the City Council to now comply with the demands of the bureaucracy, turning our collective backs, so to speak, on the express will of the people would be an abdication of our responsibility.

Response would be signed by the City Clerk on behalf of the City Council.

QR/jhc