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C E R T I F I C A T E

I, Marianne Kusa-Ryll, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on Wednesday, November 20, 1996.

*Marianne Kusa-Ryll*  
Marianne Kusa-Ryll, RPR

U.S. EPA SUPERFUND PROGRAM

INFORMATION SESSION RE:  
PROPOSED CLEANUP PLAN  
UPPER & LOWER NEW BEDFORD HARBOR  
NEW BEDFORD, MASSACHUSETTS

Before:

David Dickerson, Remedial Project Manager,  
U.S. Environmental Protection Agency

Frank Ciavattieri, Deputy Director,  
Office of Site Remediation & Restoration

Paul Craffey, Project Manager,  
Massachusetts Department of Environmental  
Protection

New Bedford Vo-Tech High School  
New Bedford, Massachusetts  
Wednesday, November 20, 1996  
6:00 p.m.

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SPEAKERS:

PAGE

Frank Ciavattieri

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David Dickerson

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Representative William Straus

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P R O C E E D I N G S

1  
2  
3 FRANK CIAVATTIERI: Good evening,  
4 ladies and gentlemen. I think we will get  
5 started. We are a little slow here. I want to  
6 give as many people as possible the opportunity to  
7 come.

8 My name is Frank Ciavattieri. I am  
9 Deputy Director of the Office of Site Remediation  
10 and Restoration for the EPA New England, and I  
11 welcome you here tonight.

12 The purpose of tonight's meeting is to  
13 provide an opportunity for interested parties to  
14 give their oral comments on the proposed Phase II  
15 remedy for the New Bedford Harbor Superfund  
16 Clean Up. These comments will be transcribed and  
17 made part of the official record of the site.

18 It is important that everyone  
19 understand the difference between the ongoing  
20 Phase I remedy and the proposed Phase II remedy.

21 The Phase I, or hot spot remedy,  
22 involves the dredging and treatment of the most  
23 contaminated five acres of sediment in the upper  
24 estuary. These sediments have been dredged and

1 are now being temporarily stored while treatability  
2 studies are being performed.

3 The Phase II remedy, the discussion  
4 for tonight, on the other hand, covers the entire  
5 upper and lower harbor, and would involve dredging  
6 about 170 acres of contaminated sediment.

7 As Dave Dickerson, the site manager  
8 for EPA will explain shortly, the EPA's proposed  
9 remedy for these Phase II sediments involves  
10 containment or isolation of the half a million  
11 cubic yards of dredged sediments in four sediment  
12 disposal facilities along the New Bedford  
13 shoreline.

14 All of those here tonight who wish to  
15 state their comments into the record  
16 tonight -- excuse me -- after all of those who  
17 wish to state their comments in the record tonight  
18 are finished, the formal portion of tonight's  
19 meeting will be concluded.

20 Administrative procedures require EPA  
21 to respond in writing to all of the oral comments  
22 received here tonight, as well as any written  
23 comments; thus, EPA will not respond to specific  
24 comments here tonight. We will, however, remain

1 after the meeting, the formal portion of the  
2 meeting is over, and clarify any questions or  
3 comments that you may have.

4           You may also provide any comments you  
5 have on the Phase II proposal in writing before  
6 the end of the public comment period. The comment  
7 period currently extends through Monday,  
8 December 9th; however, we have received a request  
9 for an extension of that deadline. We are  
10 currently taking this request under advisement;  
11 and should the comment period be extended, we will  
12 publicly announce the new comment period  
13 deadline.

14           The address for mailing any written  
15 comments is included in the proposed plan  
16 document, which was mailed out about two weeks  
17 ago. Extra copies of the proposed plan are  
18 available here tonight at the back table, should  
19 you not have one. That is this document here  
20 (indicating). It's also available in Portuguese.

21           Once we have received all of the  
22 verbal and written comments, EPA will prepare a  
23 document that responds in writing to all these.  
24 The document is called a Responsive Summary and

1 will be included with the record of decision for  
2 this Phase II clean up. EPA expects to issue the  
3 record of decision later this winter, or early in  
4 the spring of 1997.

5 Before I proceed any further, I would  
6 like to introduce our Portuguese translator,  
7 Mr. Domingos Paiva, who is available for anybody  
8 who doesn't speak English, or would like to have  
9 some assistance in understanding the procedures.

10 Mr. Paiva, would you like to say a few  
11 words?

12 (Mr. Paiva spoke in Portuguese.)

13 DOMINGOS PAIVA: In other words, if  
14 any of you don't understand what I just said, what  
15 has been said in English, I will be available to  
16 translate in Portuguese. I will be sitting right  
17 over there in the corner, and I will be  
18 translating in the center.

19 Thank you.

20 FRANK CIAVATTIERI: Before we proceed  
21 with the introduction of comments from the public,  
22 we are going to give you a brief synopsis of the  
23 proposed plan.

24 To my right is David Dickerson, who is

1 EPA Project Manager for the site; and to my left  
2 is Paul Craffey, who is the Massachusetts  
3 Department of Environmental Protection Site  
4 Manager, and Dave will open up with some comments  
5 about the proposed plan.

6 David.

7 DAVID DICKERSON: Thank you, Frank.

8 Again, thank you all for coming out  
9 tonight. I appreciate your interest. I want to  
10 take just a few short minutes to summarize both  
11 the nature of the problem in New Bedford Harbor  
12 and EPA's proposed solution to the problem. I  
13 suspect that most of you here have heard this  
14 spiel before, but I will do it again because there  
15 are some new faces out there.

16 Essentially, the problem is that there  
17 are still high levels of PCBs in the sediments,  
18 especially in the upper harbor. We have finished  
19 dredging of the hot spot sediments, about five  
20 acres worth, but there is still about 170 acres of  
21 contaminated sediments that we feel are necessary  
22 to remove from the harbor.

23 The highest level of PCBs in the upper  
24 harbor, about four to five thousand parts per

1 million, are as a result of decades of industrial  
2 pollution. Because the sediments are so highly  
3 contaminated, PCBs also get transferred both to  
4 the water column and to the food chain through a  
5 process called bioaccumulation. The levels of  
6 PCBs in the water column at the Coggeshall Street  
7 Bridge are about ten times higher than EPA  
8 standards, for protection of marine organisms.  
9 The levels of PCBs in the seafood in the area are  
10 well above the Food and Drug Administration level,  
11 the FDA level of two parts per million for  
12 interstate transport of seafood. So because of  
13 those high levels of PCBs <sup>in</sup> ~~and~~ sediments, water and  
14 seafood, the site presents <sup>in</sup> ~~some~~ acceptable risks  
15 both to the marine ecosystem and to human health.  
16 The highest risk that we have calculated to human  
17 health is as a result of routine ingestion of  
18 contaminated seafood.

19 So moving to EPA's proposed solution  
20 or remedy to those problems, essentially we are  
21 proposing to remove the PCB contaminated sediments  
22 and to isolate or contain those sediments in  
23 shoreline sediment disposal facilities so that the  
24 exposure to both marine organisms and human health

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1 is drastically reduced.

2 The poster behind me, the red shaded  
3 areas show the areas that are above EPA's proposed  
4 clean up levels.

5 North of Coggeshall Street, in the  
6 upper harbor or estuary area, we are proposing to  
7 use a ten parts per million clean up level.  
8 Except for the Upper Harbor Salt Marsh, there is  
9 over here on the Acushnet/Fairhaven shore, we  
10 propose to use a 50 parts per million clean up  
11 level to minimize the adverse impacts to the salt  
12 marsh.

13 As you can see, most of the entire  
14 upper harbor is contaminated to a degree that  
15 would require clean up. About the top two feet or  
16 so of sediment would have to be removed in the  
17 upper harbor.

18 In the lower harbor, you can see  
19 there's a few miscellaneous areas that are above  
20 our proposed clean up level of 50 parts per  
21 million to the lower harbor, including two small  
22 areas just south of the hurricane barrier.

23 The process of clean up would take  
24 about eight years or so of dredging. It is a

1 long-term proposition. We might be able to do it  
2 faster than that, but that is one estimate we have  
3 at this point.

4           Essentially, we would put a dredge in  
5 the water. The poster to Paul's left there shows  
6 a schematic of the dredge in the water.

7 Essentially, that dredge is a high-powered vacuum  
8 cleaner that removes sediment along with a lot of  
9 water, pumps it to one of the four shoreline  
10 CDFs. This poster shows the various CDFs along  
11 the New Bedford shoreline.

12           We would have to remove the water from  
13 the -- or drain off the water from each CDF on a  
14 continuing basis, treat those to very low levels,  
15 and discharge it into the -- back into the harbor,  
16 after testing, of course.

17           Ultimately, once each CDF were to  
18 reach its capacity, we would put an interim cap on  
19 while the underlying sediments consolidate or  
20 settle. That would take about three years or so.  
21 Once that process of settling was completed, we  
22 would put a final impermeable cap on top of each  
23 CDF to finish the process of isolating the  
24 underlying dredged sediment.

1           Ultimately, once each CDF is completed  
2 and has been tested and proven to be operating and  
3 functioning successfully, a long-term inspection  
4 and monitoring and maintenance program would be  
5 initiated.

6           Ultimately, we also think that there  
7 is a potential for some kind of beneficial reuse  
8 for each CDF, as a result of discussions to date  
9 with the City of New Bedford.

10           For example, CDF D in the North  
11 Terminal area has been conceived to be a  
12 commercial marine facility; so that going into the  
13 design process, we can design the facility with  
14 that in mind.

15           The three other CDFs along the upper  
16 harbor shore, I suppose, are open to discussion  
17 within the community for some kind of decision  
18 making about what type of ultimate reuse would be  
19 appropriate, shoreline open space, for example,  
20 but we would have to work with the abutters of  
21 those facilities, as well as those, you know, the  
22 local community in general, to decide what the  
23 most appropriate and best use for those CDFs would  
24 be.

1           So that is my thumbnail sketch of the  
2 situation we are here to talk about. I know it's  
3 a lot to put in five or ten minutes, but I will  
4 hand it back to you, Frank.

5           FRANK CIAVATTIERI: Thank you, David.

6           Before I turn it over to comments from  
7 the audience, a couple of requests.

8           First of all, in order to help our  
9 recorder over here know who you are, I ask that  
10 you come up to the microphone to my right here on  
11 the chair and give her your name, spelling it out  
12 for her, please, and address or title. That way  
13 we will better keep track of who has comments.

14           I would like to start off the comments  
15 by recognizing Ms. Trudy Coxe, who is the  
16 Secretary of the Massachusetts Executive Office  
17 of Environmental Affairs.

18           I thank her for coming out tonight.

19           TRUDY COXE: I have written comments,  
20 too, if you would like, which we will pass in  
21 later, and thank you very much for giving us the  
22 opportunity to be here, and I will very quickly  
23 read these. They won't take very long, but I'm  
24 very glad to see that the clean up is moving

1 forward so that the vast majority of PCBs can be  
2 finally removed from New Bedford Harbor. This  
3 will greatly reduce the risks to human health and  
4 the marine ecosystem, and I think the reason that  
5 I am here tonight is really to laud, not just the  
6 EPA, but all of the people in the New Bedford  
7 region, who have worked for what I consider to be  
8 far too long, but still have come up with a  
9 solution that I think is going to have a very,  
10 very important impact for many decades to come.

11 I think it is important to keep our  
12 momentum going.

13 In Phase I of the clean up, the hot  
14 spots were dredged and placed in the lined  
15 shoreline facility. EPA is now reviewing possible  
16 ways to destroy the PCBs stored in the Phase I  
17 dredging.

18 Following a long public process, we  
19 are tonight considering proposals that will get  
20 Phase II of the clean up going.

21 EOEPA and Governor Weld supports the  
22 proposed general strategy to dredge the PCB  
23 contaminated sediments and store them in confined  
24 disposal facilities. Admittedly, this is not the

1 perfect solution, because it doesn't destroy the  
2 PCBs in the sediments. It is, however, the best  
3 one that technology allows us right now.

4 Hazardous waste clean up technology is  
5 developing rapidly. If a feasible and affordable  
6 PCB treatment technology were to become available  
7 before the final capping of the CDFs, we hope that  
8 EPA will continue to agree to consider destroying  
9 the PCBs stored as part of Phase II. I very  
10 strongly support that. So does all of the members  
11 of our environmental agencies, and we urge EPA to  
12 continue to look at new technologies and to review  
13 them with the New Bedford Harbor Forum.

14 The State's commitment to long-term  
15 monitoring of the CDFs is extremely important. In  
16 order for us to carry out this responsibility, we  
17 think that EPA must ensure that the facilities  
18 constructed as part of the remedy will effectively  
19 contain the PCBs.

20 If no means is found to destroy the  
21 PCBs, EPA is encouraged to consider the maximum  
22 beneficial uses of the disposal facilities. You  
23 talked about that. We are very hopeful that they  
24 can be designed and built to provide water related

1 economic or community uses. The biggest  
2 opportunity for this may be with the proposed CDF  
3 D just north of the North Terminal.

4 EOEAs agencies are now working with  
5 New Bedford and Fairhaven on a harbor planning  
6 process in this area. In fact, just last month,  
7 Governor Weld awarded \$325,000 worth of money to  
8 New Bedford and Fairhaven. We hope that the two  
9 communities will look for beneficial uses for the  
10 CDFs in the surrounding area and work with all of  
11 us to find beneficial uses.

12 There is no question that marine  
13 economic development of New Bedford Harbor has  
14 been impeded by the presence of PCBs and metals.  
15 As part of the proposed remedy, the most  
16 contaminated sediments in the upper estuary will  
17 be dredged. That leaves the less contaminated  
18 sediments now in the New Bedford Harbor navigation  
19 channels.

20 I am talking about this, because there  
21 is some discussion going on about the need for a  
22 navigational dredging of the harbor. It is  
23 discouraging to think that that may not occur for  
24 another eight years. I think that over the next

1 few months we need to find ways to not only think  
2 in terms of dredging for PCB removal, but also to  
3 move dredging of navigation so that the harbor can  
4 become the kind of harbor that all of us in Boston  
5 are trying to make it become.

6 Finally, EOE staff are prepared to  
7 work with the EPA to ensure that dredging and  
8 sediment storage is completed with the least  
9 environmental damage possible, and I am going to  
10 just draw to your attention three things that when  
11 we review it, as it goes through the DEP and the  
12 Fish and Wildlife process, we are going to be  
13 looking at carefully.

14 (1) Dredging technologies have to  
15 minimize escape of contaminants and particulate  
16 matter when the dredging is occurring;

17 (2) That the impact on fisheries be  
18 limited. It's our hope that we can overcome the  
19 days that fishing and eating fish from New Bedford  
20 Harbor is a reality; and

21 (3) That care is taken to ensure that  
22 the salt marshes in New Bedford Harbor continue to  
23 function in a normal, healthy manner. They are  
24 the breeding grounds for fish in the future. We

1 need to make sure that our salt marshes are as  
2 well protected as they can be so that we can  
3 guarantee that the fish are around in the next  
4 decades to come.

5 I want to conclude by again  
6 recognizing the tremendous work of EPA, the work  
7 of New Bedford, Fairhaven and Acushnet, the  
8 citizens organizing -- organizations such as Hands  
9 Across the River, Concerned Parents of Fairhaven,  
10 and the Downwind Coalition, and all of the  
11 community leaders and elected officials who have  
12 worked very, very hard on probably one of the most  
13 controversial clean-up issues anywhere in the  
14 country; and I hope that over the next months we  
15 can work very closely together to really get this  
16 project off the ground, not just for the benefit  
17 of our health, but also for the benefit of the  
18 environment of this region.

19 Thank you very much, and I will hand  
20 these over to you, so that if you need them,  
21 you've got them.

22 FRANK CIAVATTIERI: Thank you very  
23 much.

24 I would now recognize -- do we have

1 any other state or local officials in the audience  
2 that would like to make a statement?

3 Bill.

4 WILLIAM STRAUS: My name is William  
5 Straus. I am the State Representative for the  
6 10th Bristol District. I represent the  
7 harbor-abutting community of Fairhaven, and some  
8 of the so-called downwind communities of  
9 Mattapoissett, Marion, and Rochester; and I wanted  
10 to speak with regard to the proposed Phase II  
11 plan, which I am in favor of, and that comes as a  
12 result of the participation of myself, along with  
13 many, many others in the Citizens' Forum, which  
14 the EPA, the DEP, and other agencies, local  
15 community officials, government agencies, and  
16 citizen groups have participated in for nearly  
17 two years or more.

18 And what I want to point out is that  
19 the remedy, at this point, for the CDFs, is a very  
20 different kind of decision. It resulted in a very  
21 different kind of decision than the original Phase  
22 I remedy of the government involving incineration,  
23 and I think that the different way in which the  
24 EPA and the DEP came to this Phase II clean up, by

1 involving the community in the discussions, the  
2 modeling of the CDF designs that you see in front  
3 of you tonight, is probably what -- if there is to  
4 be success with this Phase II -- is probably what  
5 caused it, because rather than having a decision,  
6 which was then offered to the public and over time  
7 lost viability, this Phase II document enjoys, I  
8 think, a greater degree of public support.

9 I would only point to -- I don't know  
10 whether it goes in your record or not, the Forum's  
11 statement, which is a several paragraph statement,  
12 which covers many of the issues as to why;  
13 although, for the reasons that the Secretary  
14 identified, may not be the best thing. If we  
15 could dream of the ideal solution, it is one that  
16 does contribute greatly to the public health, and  
17 also has other enhancements for the harbor.

18 On that latter point, it's in the  
19 plan, the possible linkage of navigational  
20 dredging as an enhanced remedy requested by the  
21 state. That is a topic that came into discussion  
22 in the Citizens' Forum, involved a subcommittee  
23 discussion of the Forum, and it was recommended  
24 that the government consider linkage. I think

1 that that provides not just an economic benefit,  
2 but initially there is a public health benefit.

3 As Mr. Dickerson has pointed out, PCB  
4 levels in the lower harbor and in the navigational  
5 channel may reach levels of up to 50 parts per  
6 million. Although that is below the clean up  
7 level for this phase, it certainly does represent  
8 a potential threat to public health and to natural  
9 resources.

10 To the extent that it is sediment in  
11 the navigational channel which tends to be  
12 disturbed and churned up by ships going in, and  
13 then sent throughout the harbor, it does provide  
14 a -- old habit -- it does provide a public health  
15 asset to have those sediments taken out of the  
16 navigational channel. The only thing I would  
17 suggest perhaps is a quite slightly different  
18 statement from the statement on enhanced -- on the  
19 navigational dredging is that it's suggested here  
20 that implementation is dependent on Commonwealth  
21 funding. The only thing I would add to that is to  
22 the extent that there is a possibility of Army  
23 Corps of Engineer funding for navigational  
24 projects, I would rather have that identified now

1 so that to the extent either the agencies or the  
2 community look to another agency of the Federal  
3 Government for funding, I wouldn't want that  
4 opportunity foreclosed, since -- although the  
5 Commonwealth may have some money, like everyone  
6 else, the resources are not unlimited. So I would  
7 only offer that slight change to it; and  
8 otherwise, I do think that this does present an  
9 opportunity should technologies develop later,  
10 there is that possibility out there; otherwise,  
11 the CDFs could become an enhancement to the  
12 community in harbor development.

13 Thank you.

14 FRANK CIAVATTIERI: Thank you,  
15 Representative Straus.

16 Any other members of the audience that  
17 would like to make a statement?

18 AUDIENCE PARTICIPANT: Can you ask  
19 questions, or just make statements?

20 FRANK CIAVATTIERI: This part of the  
21 meeting is basically to statements. We will be  
22 available to answer questions or clarify after I  
23 close the record; but in terms of interpreting  
24 questions, I am going to ask that that is not the

1 purpose of this meeting.

2 I'm not trying to put you off, but we  
3 want to close this formal record; and then if  
4 there are no more statements, I will hang on here  
5 for a minute, I will close the meeting, and then  
6 we will open it up to general questions.

7 Nobody?

8 I think, as has been pointed out, this  
9 remedy -- proposed remedy represents the  
10 culmination of over two years worth of ongoing  
11 dialogue with a group known as the New Bedford  
12 Harbor Forum, which includes a lot of  
13 representatives from the four surrounding  
14 communities, your peers we hope, and I trust that  
15 their input -- their input has been significant in  
16 how this remedy has been formulated. I trust that  
17 it has represented the interest of the public at  
18 large here.

19 At any rate, seeing no more requests  
20 for comments, I will hereby officially close the  
21 proceedings for tonight with a reminder, again,  
22 that should you choose to put comments, and you  
23 still can do so, that the public record will be  
24 open for written comments until at least Monday,

1 December 9th. The address to send those comments  
2 to is included in this proposed plan, which is  
3 available to everybody when you came in; and if  
4 you can't get one, Kristen at the back of the room  
5 will give you one as you leave.

6 If that comment period is extended, we  
7 will notify you through the radio, newspapers,  
8 etcetera, of the possible extension, which we have  
9 under consideration.

10 Thank you all for coming tonight, and  
11 we will now close the record, and open it up now  
12 to any questions or comments you may have. The  
13 interpreter may draw questions.

14  
15 (There was a discussion off the  
16 record.)

17 (Whereupon, at 6:32 p.m., the public  
18 hearing was adjourned.)

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C E R T I F I C A T E

I, Marianne Kusa-Ryll, Registered Professional Reporter, do hereby certify that the foregoing transcript, Volume I, is a true and accurate transcription of my stenographic notes taken on Wednesday, November 20, 1996.

*Marianne Kusa-Ryll*  
Marianne Kusa-Ryll, RPR