



NBH South Terminal Comments from Clean Water Action

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to:

Group South-Terminal-Draft-Comments

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1 Attachment



NB - Clean Water Action.doc

Please find attached, and pasted below, comments from Clean Water Action. Thanks very much for your time!

Best,

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Joel Wool

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## Comment from Clean Water Action

The restoration of New Bedford Harbor carries immense promise. This historic, and highly toxic, area has for too long borne a heavy burden, harming marine life, local economic growth, the environment and human health. Pollution in the harbor warrants immediate, consistent and thorough attention by local, state, and federal agencies. More notably, it deserves a full, complete remediation and restoration process that will “do right” by the community and address outstanding issues of environmental justice. By advancing the cleanup of this site, the EPA can do the community a great service.

Nevertheless, there are definite concerns with the South Terminal project. Many of these concerns relate to public process as much as the proposal itself. Clean Water Action would like to preface these comments by noting that we appreciate that the EPA and other parties have sought creative methods to address the harbor’s massive and burdensome pollution, including pollution in areas where the specific PPM count falls beneath that which would normally be addressed. We also appreciate the EPA’s willingness to engage in dialogue around the numerous issues raised by residents of New Bedford and environmental advocates statewide.

With that said, several concerns follow:

(1) Lack of transparency in the EPA’s negotiations with AVX – corporate descendant of Harbor polluter Aerovox – puts residents at risk of decisions brokered by a private body likely striving for minimal cost and minimal compliance. What is being negotiated is public health; confidentiality aside, it’s alarming that the public play such a small role in this specific arrangement.

(2) A similar lack of information and transparency is currently inhibiting the Buzzards Bay Coalition, which has been funded to participate in a technical working group for the project, from performing crucial analysis of the process. Without schematics and full documentation of the EPA’s proposed Confined Aquatic Disposal cells, how can they assess the viability of the on-site burial method? There seems to be a mismatch between the timetable on public comment and the availability of essential information, and we ask for clarity on this issue.

(3) Clean Water Action is a strong supporter of renewable energy generation and offshore wind, and applauds EPA for encouraging clean energy within the Commonwealth of Massachusetts. **Nevertheless, it is unclear if the viability of remediation of the polluted harbor should be determined under the basis of supporting offshore wind.** The EPA’s prime directive in cleaning the harbor should be just that: remediating a polluted site, thereby protecting public health and the environment. Framing the discussion at any point under an exclusive lens of “will renewable power work?” warps the issue.

Operating under this frame of facilitating renewable power, the draft determination highlights, under Appendix E, several (unviable) alternatives to New Bedford Harbor. CWA would like to see an equally detailed breakdown of alternatives to on-site burial that details specific cost estimates and a rationale for viability or unviability of these alternatives.

It is worth noting that we fundamentally oppose an *unsafe* offsite disposal method that would result in “exporting harm” to another community. However, if a cleaner method of disposal is possible, it seems reasonable to investigate the possibility of doing so and investigating funding sources for achieving this. If such an analysis has already taken place, please indicate where and how it has taken shape.

(4) Clean Water Action has worked to address PCB pollution in areas across the country, from the Housatonic River to San Francisco Bay. The New Bedford Harbor project seems in many ways unique: we are concerned that the proposed remedy is not, in fact, fully tested to succeed.

Personal correspondence with EPA staff suggests that – although the specific schematic design for the CAD cell is ongoing – similar projects have taken place in the United States and, thus far, have proven safe and protective of community health.

CWA would like to see clear comparison of the proposed CAD cell burial process with other projects with same or similar processes. CWA’s initial dialogue with EPA suggests that certain Boston Harbor and/or West Coast projects *may* resemble this specific process. Please confirm this and provide clear examples, or provide a more detailed justification of how – even before detailed consult with Buzzards Bay Coalition – this process can be affirmed as safe and healthy.

Joel Wool

Clean Water Action

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Clean Water Action is a one million member organization of diverse people and groups joined together to protect our environment, health, economic well-being and community quality of life. Our goals include clean, safe and affordable water; prevention of health threatening pollution; creation of environmentally safe jobs and businesses; and empowerment of people to make democracy work. Clean Water Action organizes strong grassroots groups and coalitions and campaigns to elect environmental

candidates and solve environmental and community problems.