

62440

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES OF AMERICA
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

U.S. v. AVX Original
Litigation Document

IN RE: NEW BEDFORD SUPER FUND SITE

HEARING HELD AT THE HASTINGS JUNIOR HIGH SCHOOL,
30 SCHOOL STREET, FAIRHAVEN, MASSACHUSETTS,
ON OCTOBER 25, 1984.

FROM THE E.P.A.

Merrill S. Holman, P.E. - Chairman

Gerrard Sotolongo

John Moebes

FROM THE MASS. D.E.Q.E.

Paul Anderson

Reporter: John C. Brandon
Registered Professional Reporter

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 (Hearing commenced at 3:30 p.m.)

2 MR. HOHMAN: Good afternoon. I would like to
3 call this hearing to order. Let me first welcome
4 you to this public hearing. My name is Merrill
5 Hohman, I'm the Director of the Waste Management
6 Division, Region I of E.P.A.

7 Sitting up with me on my immediate left is
8 John Moebes, Chief of the Super Fund Branch,
9 Region I. Next to John is Paul Anderson, Regional
10 Engineer for the Massachusetts Department for
11 Environmental Quality Engineering, and on my right
12 is Gerrard Sotolongo, who is the E.P.A. Site Manager
13 for the New Bedford Super Fund site.

14 This is an informal public hearing to receive
15 public comments on E.P.A.'s draft remedial
16 investigation and feasibility study for the so-called
17 hot spot areas in New Bedford Harbor.

18 Let me just briefly summarize the process that
19 we are going through and that we must go through
20 under the Super Fund statute.

21 First the Agency is required to conduct a
22 remedial investigation to determine the nature and
23 extent of the problem of a particular site. The
24 second step in that process is what we call a

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 feasibility study, which is an evaluation of all of
2 the possible remedies for that particular problem and
3 the identification of ultimately preferred alternatives.

4 That is the stage that we are at at this point.
5 We have prepared a draft feasibility study and are
6 here to receive your comments on the different
7 alternatives that we are proposing in that study.
8 Based on the comments that we receive from this hear-
9 ing this afternoon and this evening, and our own
10 review of the situation, we will then prepare what we
11 call a record of decision, which is a formal document
12 which then goes to the Assistant Administrator in
13 E.P.A. in Washington, who is the decision official,
14 and based on the recommendations in that document, he
15 will approve and fund a remedy for the New Bedford
16 Harbor hot-spot area.

17 Once that decision is made of course we then
18 proceed to the actual design and ultimately construction
19 of the selected remedy.

20 Now, I do want to emphasize that the phase that
21 we are in now is looking at the hot-spot area, the
22 upper estuary area, and not the entire harbor. We
23 are continuing on a parallel track to do similar
24 studies covering the entire New Bedford Harbor and the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 remainder of the Harbor, and the results of those
2 studies will be the subject of further meetings
3 further down the road as that work is done.

4 Just so you are aware of what our proposed
5 schedule might be, of course we do have this public
6 hearing this afternoon, and again the session this
7 evening. We will take written public comments up
8 until November 15th. Our schedule then is to evaluate
9 those comments and respond to them publicly by January.

10 We will be preparing this draft record of
11 decision, and quite possibly holding another public
12 hearing on that document. If so, it will be probably
13 in the January/February time frame. I would expect a
14 final decision on the remedy to be made in April, and
15 that we would then be able to begin engineering design
16 of the project in June of next year.

17 Now, in terms of how we are going to run the
18 hearing, we want to make it as informal as possible,
19 but still recognize that it is a public hearing. I'm
20 going to begin by asking Gerry Sotolongo, our Project
21 Officer, to briefly summarize the different alternatives
22 we have under consideration. I will then ask the
23 Massachusetts Department of Environmental Quality
24 Engineering for any comments they may wish to make,

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 and then I will call upon you people for your
2 comments.

3 Now, I'm going to call you in the order in which
4 you have signed up at the front desk. So, if you wish
5 to testify and you haven't signed up yet, you should
6 go out there and fill out one of the forms.

7 Recognizing at the same time that there are elected
8 public officials that represent the various towns and
9 so forth in the area, and recognizing that they are
10 representing a large number of citizens, to speed the
11 process up, if they show up and sign up and wish to
12 testify, I will slip them in between the members of
13 the general public so that we can still proceed with-
14 out having lengthy delay for anyone to be able to
15 testify.

16 In terms of the length of testimony, we are
17 asking that you limit your testimony to fifteen
18 minutes. I'll give you a warning at about two minutes
19 to go if I can. If you have any extensive statements
20 I would suggest that you submit those in writing and
21 summarize them in your presentation.

22 Now, if you desperately feel you need more than
23 fifteen minutes, what we will do is we will go through
24 everyone else who wishes to testify, and whenever that

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 is completed if you have more information that is
2 cogent on the subject we will recall you and give you
3 another fifteen minute slot and try to go along as we
4 can. Regarding questions, the panel may well want to
5 ask you questions to clarify your statement, and we
6 would hope that you would cooperate by responding to
7 our questions.

8 Because of the time limits, we will not be in a
9 position to answer all of your questions. If you are
10 testifying and you have a question we think we can
11 answer very quickly, simply to clarify what you are
12 saying, we will try to do that, but detailed leading
13 questions will be answered in our response to your
14 testimony rather than tonight.

15 As an aside, we are taking breaks and so forth,
16 so if anyone wants to grab one of us off to the side
17 during a break and ask us a more detailed question,
18 and if we have time, we will be happy to try to answer
19 that. I would also note, since this is a semi-
20 formal, at least public hearing, we are having a
21 stenographic record prepared for this hearing. A
22 copy of that transcript will be available for public
23 review in our office on the nineteenth floor of the
24 J.F.K. Building in Boston. If you wish to have your

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 own transcript, then please see the stenographer
2 during a break or during recess periods to make
3 arrangements.

4 We want to make this as informal as we can and
5 get the information and comments that you have into
6 the record so that we can consider all of your
7 comments and questions as we go through the decision-
8 making process.

9 Okay, our first person signed up is Dr. Philip
10 Dailey.

11 FROM THE FLOOR: May I ask a question with
12 respect to your response to criticism or input that
13 is made, what is the obligation in respect to your
14 response in dealing with individual input that is
15 made?

16 MR. HOHMAN: The answer to your question is when
17 we are through with this public hearing, public
18 comment process, we are required to prepare what we
19 call a response summary in which we are to reply in
20 writing to the points raised during the public
21 comment process. So, there is a formal responding in
22 writing, and that becomes part of the record for the
23 decision making. Does that answer your question?

24 FROM THE FLOOR: Is that then distributed back

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

to the person who made the input?

MR. HOHMAN: Copies of that will be made available, along with the other documents that we use in terms of making the decision. I'm not sure whether a copy will be mailed to everyone that testifies. Probably not.

FROM THE FLOOR: You mentioned a hearing in January. Is that subsequent to this and part of which goes into comments that were made at this?

MR. HOHMAN: I said there's a possibility of another hearing. It depends on how we move along and reach the decision process. If we feel we have adequate comments, and we think it's pretty clear on which alternative to go with, we probably would go without another hearing. As you know, we have proposed at this point five or six alternatives, and we will be getting comments on those. If we have to narrow that down, if we feel we need more comments to make a final decision, we will come back for another public hearing.

FROM THE FLOOR: Well, is there any structure where there's a give and take?

MR. HOHMAN: Not at this point. This is not a give and take meeting. We've had a number of those, and this is a semi-formal public hearing to get comments into the written record so that we can

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 evaluate those comments and make a decision.

2 FROM THE FLOOR: I don't mean at this meeting, at
3 some later meeting, the give and take?

4 MR. HOHMAN: Yes. We will have subsequent
5 meetings with give and take. It's the same with
6 regard to the past, we will continue our periodic
7 meetings and fact sheets and so forth. Okay, let me
8 now, as I said, call on our Project Officer, Gerrard
9 Sotolongo, to very briefly summarize for you the
10 different alternatives that we have asked for your
11 comment on.

12 MR. SOTOLONGO: I'm going to very briefly run
13 through the various remedial alternatives, because we
14 have done those on several occasions and I believe most
15 of you who wish to comment on them have reviewed either
16 documents that we have made available.

17 The first alternative that we've proposed we are
18 calling the hydraulic control and sediment cap
19 alternative, and the estimated cost of this is
20 approximately \$25,000,000. In this alternative we
21 would do no significant dredging. What we propose is
22 the contaminated sediments would be capped with
23 approximately three to four feet of clean material.
24 It would be placed on top of the existing sediments.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL (203) 682-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL (413) 737-2892

1 We would also, to prevent scouring of the new cap
2 from storm events, we propose to channelize the fresh
3 water flow of the Acushnet River through the hot-spot
4 area to, as I say, prevent damage to this cap during
5 storm events.

6 To prevent the remaining water in the hot-spot
7 area from becoming stagnant, we will allow an opening
8 down near the Coggeshall Street Bridge on either side
9 of the walls of the channel.

10 The channel itself would be made of earth and
11 rock material and the sides and bottom would be lined
12 to prevent any migration of PCB's that might occur.

13 The next several options that I will be describ-
14 ing all involve dredging. The first option would call
15 for dredging of the entire hot-spot area, placing the
16 dredged material in an on-shore containment, most
17 likely on the eastern side of the Acushnet River.
18 The specific placement of this containment area at
19 this point in time is not known. However, generally it
20 would be on the Fairhaven Acushnet side of the river.

21 The first alternative here would involve dredging
22 the material, temporarily, once we dredged this area,
23 putting the dredging equipment on the New Bedford side
24 of the river to allow us area to construct a

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 containment area. In this option the containment
2 would have lined sides and a cap, but we would not
3 have a liner on the bottom. Because of the nature of
4 the materials that we are dealing with, PCB's and
5 metals, PCB's and metals are not particularly mobile,
6 therefore we feel that this option would provide
7 adequate protection to the environment.

8 The stimated cost for the on-shore containment
9 with an unlined bottom is approximately \$28,000,000.

10 For this exact same option with the only
11 difference being the containment area being fully
12 lined, including a liner on the bottom, the price
13 escalates to approximately \$80,000,000. So we are
14 looking at both options, completely lined including
15 the bottom for \$80,000,000, and partially lined with
16 an unlined bottom for approximately \$28,000,000.

17 Another dredging alternative that we have
18 investigated involves, once again, dredging the hot-
19 spot area, placing the dredged materials into a
20 temporary containment area and then in a cove near
21 Coffin Avenue on the New Bedford side of the river,
22 and this would be used as a staging area and transfer
23 area for a containment that would be designed in an
24 upland facility.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 The estimated cost for this option is
2 approximately \$44,000,000. One of the problems, of
3 course, in this option is the fact that we would have
4 to start a new hazardous waste disposal facility at
5 some location, most likely within the Commonwealth of
6 Massachusetts. That presents some problems because
7 of the fact at this point in time it's not clear what
8 laws and regulations would apply to an upland contain-
9 ment area.

10 Our fifth option involves dredging the materials,
11 placing them temporarily, dredging the contaminated
12 materials, placing the contaminated materials once
13 again on the Coffin Avenue side of the river,
14 continue to dredge an isolated area to remove the
15 clean material that is underneath the contaminated
16 sediments. That clean material would be placed on a
17 separate disposal area, temporary disposal area, most
18 likely on the eastern side of the Acushnet River.
19 We would then return the dredged materials in reverse
20 order such that the contaminated materials would be
21 at the bottom of this pit that we have dredged to an
22 estimated thirteen or fifteen foot depth, and then the
23 clean material would be placed on top of the con-
24 taminated material so that in effect we would reverse

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 the order so that now the contaminated materials would
2 be overlined by that three or four feet of clean
3 material.

4 This option is estimated to cost approximately
5 \$30,000,000.

6 Because of the large scale of the hot-spot area,
7 this dredge and in-harbor containment proposal would
8 happen sequentially, such that we would end up with
9 approximately five or six large subsurface cells to
10 contain the contaminated materials. For all of these
11 options it is estimated that construction time would
12 be anywhere from one-and-a-half to three years, with
13 a problem in any single proposal being that we are
14 not sure, for example, with the ultimate disposal what
15 the regulatory requirements would be for that specific
16 proposal, but the construction time, as I said, would
17 be an estimated one-and-a-half to three years for any
18 of these options.

19 MR. HOHMAN: Thank you, John. What I would like
20 to do now is call on Paul Anderson representing the
21 Massachusetts Department of Environmental Quality
22 Engineering for any opening statement that he may
23 wish to make. Paul?

24 MR. ANDERSON: Thank you, Merrill. The

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 Department of Environmental Quality Engineering has
2 designated the Acushnet River estuary as its highest
3 priority in the Super Fund Program. The United States
4 Environmental Protection Agency, at our request, is
5 acting as the lead agency, and we will be cooperating
6 with them throughout. Under the Super Fund Program,
7 the State's responsibilities are multiple still. We
8 have to pay or agree to pay 10% of the cost, and I
9 think the money is available through our Super Fund
10 bond issue that the General Court has graciously given
11 us. We have to assure the acceptability of an off-
12 site disposal area should there be one decided on,
13 which is unlikely, and we have to assure all operation
14 and maintenance for any disposal system chosen for the
15 future.

16 The Department will be submitting a formal state-
17 ment on its technical comments prior to the November
18 15th deadline. Thank you.

19 MR. HOHMAN: Thank you. We would now like to
20 hear from you, and we will begin by calling on Dr.
21 Philip Gidley. When you are testifying we would
22 appreciate it if you would come over to the little
23 lectern, and there's a microphone over there.

24 MR. GIDLEY: I think that's unnecessary, but

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 I'll try it. For my own information and for others,
2 I would like a valuation of the discrepancy between
3 the Westin and NUS maps on the PCB values in the
4 Coffin Avenue area. Has that been researched, and is
5 a quick response available?

6 There were orders of magnitude difference between
7 Westin report in Coffin Avenue and the NUS report. Is
8 there a quick explanation? If not, I will skip it.

9 MR. SOTOLONGO: There is a quick response. Yes,
10 there are differences in the levels obviously between
11 the two maps. It was largely because of the way we
12 analyzed the data, the different data that we were
13 looking at.

14 MR. GIDLEY: So this would account for the orders
15 of magnitude in difference?

16 MR. SOTOLONGO: It could, because of the fact that
17 while actually discrepancies --, and we will get into
18 more details with you later, depending on whether you
19 are looking for total PCB's or summation you can get
20 very large differences, you know, in how you manipulate
21 the data.

22 However, it was also due to the fact that we
23 were looking at different ranges for the two maps.

24 MR. GIDLEY: Right, I think it's important to

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 emphasize what I have stated many times. It's very
2 important to check all the PCB's, the seven known
3 types, and to assume the past and not take ten, twelve,
4 fifty-four and ten, sixteen.

5 Another question which may have already been
6 corrected among the alternatives was the use of the
7 Japanese double-vacuum dredge scoop and NUS
8 Corporation. I don't know whether he's here or not,
9 originally stated that the United States Government
10 would not allow the use of that dredge in this area,
11 and I think that is a mistake. Has that been
12 corrected?

13 MR. SOTOLONGO: Yes. We looked further into that
14 issue. It's really a technical, legal issue on
15 whether or not a dredge is considered a maritime
16 vessel. There are also other things that can go into
17 it. Right now, it's the position of the EPA legal
18 staff that probably we could use Japanese technology
19 for dredging if we so wished.

20 However, we also looked independently at the
21 Japanese versus American technology, and a determina-
22 tion was made that the Japanese really offered nothing
23 that we needed for this particular job. We had
24 considered that the Corps of Engineers experimental

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 station in Mississippi had extensive discussions on
2 the technologies, and they felt with an independent
3 analysis that the technology we chose was appropriate
4 for the job.

5 MR. GIDLEY: I think it's important to use the
6 best available technology, and if any Congressional
7 action is needed it should be taken, because both the
8 Swedish dredge and Japanese dredge, in spite of the
9 Army Corps of Engineers statement, are 50% more
10 efficient in not discharging the fine particles, and
11 we should not avoid using the best equipment.

12 In general I would like to compliment the EPA,
13 and particularly D.E.Q.E., Paul Anderson, for the
14 tremendous work in a difficult problem not only
15 involved with PCB's but we must bear in mind the
16 metals, and it is because of the use of the metals
17 that some of the technologies which we would like to
18 use, chemical separation technologies, incineration
19 technologies, are not feasible. It's not feasible to
20 separate PCB's from the sediment by incineration.
21 It is simply chemically something that cannot be done.

22 Also, you cannot remove the metals by incineration,
23 and you have the problem of disposal of ash. I state
24 that because I think it's important to emphasize the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 alternatives presented here are probably the best,
2 and other alternatives which would be useful for
3 PCB's as an oil, useful for PCB's not associated with
4 a sediment, useful for PCB's not associated with
5 arsenic, cadmium or chromium and mercury which are in
6 this ash, or are not useful in conjunction with the
7 mixture.

8 The capping of the river, I believe, is highly
9 feasible and I would recommend it highly as one of the
10 options. Dredging of the river and containment is
11 also a desirable option, which I believe was stated
12 at \$28,000,000. I see no purpose in lining the bottom,
13 because the migration of PCB's and metals through even
14 one foot of a podsollic soil or histosol will not move,
15 and I've done considerable study on this in relation
16 to the University of Connecticut Department of
17 Chemistry and Geology.

18 In summation, upon PCB and other materials we
19 found it will not move through one foot of a podsol
20 in equivalent of 15,000 years. So, to put a special
21 lining on the bottom may not be wise and may not be
22 needed.

23 However, this gets me to the other point, the so-
24 called upside-down cake theory, which I publicly

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 disavow responsibility for. It's not my idea. I
2 don't think that is environmentally safe. I don't
3 think that it's technically feasible. Dredging
4 tremendous amounts of material and stock piling them,
5 or storing them in any way creates another hazard.
6 If you are going to dredge into the bottom and around
7 part of that bottom is rock, part of it is soil, part
8 of it is sand, then put the most contaminated materials
9 on the bottom, in my judgment jeopardized and exacer-
10 bated the possibility of the movement of those
11 pollutants to whatever aquifer may be connected to this
12 river. That may not be critically important because
13 the nearest aquifer is the Fairhaven aquifer, but it
14 doesn't seem to me to make much sense to dig down to a
15 bare bottom and bury thirty feet deep your most
16 poisonous materials and top it with a fill.

17 I also have great doubts that there's any such
18 thing as good, clean fill in the Acushnet River
19 estuary, even up to the Acushnet Sawmill. I think it
20 will be found to be highly contaminated not only with
21 PCB's but with discharges of such materials as
22 selenium compound, ethylene dichloride and so forth,
23 which was discharged by industrial firms above that
24 point. Those should be taken into consideration.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 The hope that I have is that to this project will
2 be added the excavation of that small segment on the
3 Fairhaven side below the Coggeshall Street Bridge
4 which is known as the Ex-Navy Yard and is highly
5 contaminated, widely used by boats at this time,
6 children are playing in this area, eeling is going
7 on in this area, and your values in that little pocket,
8 and it's only a few thousand cubic yards, are as high
9 as above the bridge.

10 I would urge and recommend that this be hydrau-
11 lically dredged and moved above the bridge for either
12 this channel plan or the containment plan. It should
13 not be overlooked for two reasons: one, it is open,
14 always open to tidal flow even when you complete your
15 plan, hence contaminates down river, but more impor-
16 tantly I'm concerned with the fact that it is a fish-
17 ing and playing area for children, and it is a boat-
18 ing area. I would hope that could be included. And
19 then I have some technical items which you have
20 probably already addressed. I won't go into this in
21 great detail, but in the channel plan there's an open-
22 ing on both sides which would allow the tide to back-
23 flow, each tide would backflow both sides of the
24 channel. This gives me some problem, as it would

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 carry some contamination and some selenity into both
2 sides of the channel. It would appear to me a better
3 option to install a tide gate at this point to carry
4 the channel at full height to the bridge.

5 The tide gate would prevent any out-flow. These
6 are very feasible, they've been installed throughout
7 the world. In fact, I have installed some myself.
8 They prevent the upward flow. This would obviate the
9 backflow of tide at the edge of the channel where the
10 NUS design drops it some ten feet.

11 Also, on both sides of the Coggeshall Bridge
12 auxiliary tide gates could be installed. I see no
13 provision now for your normal rainfall. For example,
14 a hurricane or a hundred-year storm would have great
15 difficulty in getting out of the confined channel.

16 If you had a tidal gate on both sides of the
17 channel to get rid of surface water in case of a
18 hundred-year storm that would go out and not remain
19 flooding of those low-lying areas.

20 Thank you very much. I think that all of you
21 desire support, and I hope one of the three options
22 which I have just outlined, because I do not believe
23 in an upland site, I do not believe there's anywhere
24 in Massachusetts that would be safe, you are flirting

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 with other aquifers which are potentially available,
2 shouldn't be used, and you also have the tremendous
3 pressure of "hot in my backyard," and I believe it's a
4 position that the State doesn't want those sites,
5 either.

6 So, your top three options are the only ones, and
7 those should be seriously considered. Let me say with-
8 out any real fear that the PCB's or the metals are
9 going to move, they should be done. In many other
10 sites we have investigated we found that, as I said,
11 a foot of soil or organic material, even sawdust, or
12 wood bark, chips, clay, will stop these materials cold.
13 So, even though these are hazardous materials, they are
14 not technically as difficult to contain as, for
15 example, ethylene dichloride or vinyl chloride or
16 benzene, which are more difficult to contain.

17 MR. SOTOLONGO: Can I ask you a question? You
18 talked about the fact that you see no need for a liner
19 on this particular option because PCB's are not going
20 to move more than a foot downward? Is that right? We
21 talked about a pineapple upside-down cake, and you
22 expressed concern that the PCB's or metals could move
23 into the Fairhave aquifer. Is that because we closed
24 the gate all the way down to bedrock?

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 MR. GIDLEY: That's the point.

2 MR. SOTOLONGO: Would that problem be eliminated
3 if we dredged down and left two feet of sediment
4 between the material and bedrock, for example?

5 MR. GIDLEY: The problem would probably be
6 totally eliminated if you lined your excavated granite,
7 which is fissured with some histosol or podsol or clay.

8 However, and I didn't want to go into great
9 detail, there are so many difficulties to this option.
10 One of the difficulties is this: it's not very easy
11 to redeem the site, nor to monitor it.

12 Now, if you have the site containment, you will
13 do what we have done many places, and that is establish
14 an under-drain system, a grid under-drain system below
15 the lower step, which allows you to constantly monitor
16 the leakage through that area, and then if it does
17 leak the grid system allows you to pump it out and run
18 it through, for example, as we did in Connecticut, a
19 Calgon Goose. The Calgon Goose removes all the
20 material.

21 If you bury the thing thirty, ninety, twenty feet
22 to granite, how are you going to install an underlying
23 grid system which could be monitored and which could be
24 pumped out? My belief is that it cannot be done. I

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 don't like the cake.

2 MR. SOTOLONGO: Anybody else have any questions?
3 Thank you. Representative Roger Goyette.

4 MR. GOYETTE: Thank you. First, I would like to
5 say that it's very difficult for me to testify under
6 these circumstances. However, it's about the only
7 means of communication I have. I would like to say in
8 all honesty I don't know how the Federal Government
9 operates. I am familiar with the State Government and
10 I am familiar with local government, town and city.

11 It seems to me at the levels I'm familiar with
12 that the elected officials have all the updates on a
13 continuous basis, they have the knowledge of what is
14 transpiring. In this particular issue with the
15 involvement of all of us representing the people of
16 the Commonwealth, our cities and towns, and especially
17 myself as the State Chairman of the Special Commission
18 on Hazardous Waste, Solid Waste, and Transportation of
19 Hazardous Materials, I would like, if I can, to
20 accomplish one feat today. What I would like is a
21 continuous rapport of communication between the on-
22 going EPA and your subdivisions, and of course I have
23 that on the State level with Mr. Gidley and on another
24 level with people at Woods Hole, like we had in the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 old days of the Ad-Hoc Committee. The reason I'm
2 saying that is we know some decisions will have to
3 be made in the very near future. If all of us have
4 the knowledge and it goes beyond the environmental
5 issues, we know it involves the health issues, also
6 there's economic impact here and the fact of the
7 resources. I congratulate the EPA for the pictures,
8 they are super. It's an esthetic beauty, and it's in
9 my district and underneath that fill there's eight to
10 nine feet of beautiful white sand.

11 That river in the old days, they tell me, was
12 called "the sandy river." I would like to recover as
13 many potential square feet as I can. I want to
14 support Mr. Gidley.

15 My contention was, and I'm starting at the back
16 of my list. Just looking at the pictures you have
17 here, any of them, is the fact that in less than
18 twenty years, 1937 to 1944 to 1954, we suffered some
19 tremendous damage from, of course we know, the hurri-
20 canes and the vicious storms. That's why the hurricane
21 dike was built, and by the grace of God to this date it
22 has never been tested, but looking at Route I-95 or
23 Coggeshall Street Bridge, I can't understand, when we
24 know we have a problem of that magnitude, where we

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 have the potential killer of Buzzards Bay with
2 190,000 parts per million lurking in this upper river,
3 why we can't put tougher damn gates or flood gates
4 here at I-195 or, using the Coggeshall Street Bridge
5 we just had two major hurricane potential scares this
6 year, and we know it's going to happen again before we
7 get into the actual clean-ups. That is something I
8 wish you would take note of.

9 I know on a State level we would give 100%
10 cooperation. Maybe there is someone, without getting
11 into a major expense, and it may be beneficial with the
12 remedial action we may take, and may I also say it's
13 very seldom I can give advice to Mr. Gidley or give
14 him something beneficial, but the word we learned
15 throughout the State and the Nation on a national meet-
16 ing level is a new word in the language, it's, "NIMBY,"
17 that's "not in my backyard."

18 We noted that has been a problem, and yet I want
19 to ask, and I'm sincere when I ask this question, does
20 the EPA or the project engineer and the rest of the
21 EPA really have an interest in having the most bene-
22 ficial solutions to this problem, or have you already
23 made up your minds and you have picked out your pattern
24

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 and you are going to hold these as seminars instead of
2 meetings?

3 I'm not making a decision, but it's really some-
4 thing that I think you should point out. Basically
5 with this type of hearing I would like to know if you
6 would be interested to set up a hearing where the same
7 panel that you have here, but augmented with the
8 economic impact secretaries of Public Safety, and more
9 people from Public Health, would help to sit down and
10 re-evaluate whatever options you have, so we could get
11 a consensus of the broad scope of the base of the
12 impact you would have.

13 As you know, I sent to you dated October 18, 1984
14 a letter addressed to Project Engineer Gerald Sotolongo.
15 It was a letter sent hopefully with recommendations,
16 and one of the main reasons for the letter was to be
17 stated, and it will be followed up with some in-depth
18 details being done by different engineering volunteers
19 that have worked with me in the past, but I would hope
20 that at this stage that we have progressed that
21 alternative of no action, unless it's by statute that
22 you have to keep putting that in writing, because I
23 don't contemplate at no time that we could ever
24 accede to that.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 I'm going to read, I'm going to make comments
2 working backwards from your options, because Professor
3 Gidley did a very good job on giving his opinions, and
4 he's a well qualified person. Invariably I am always
5 in favor of his recommendations. However, invariably
6 I'm also a little more to the positive, or a little
7 more protective, that if we are going to err in any way
8 you can be guaranteed we will err on the side of public
9 health or public safety.

10 As far as working back over your commentary paper
11 with your different options, you have said, at this
12 time I don't think anyone could take one of the three,
13 there's no question, going through the options,
14 Number Three to me would be the one most feasible.
15 That does not eliminate that combination at a suitable
16 location, and I wouldn't give up as far as looking for
17 a location if we ended up with a temporary dredging
18 or containment site with the so-called pancake system.

19 Watching the national news, there's a place in
20 Louisiana that has seventy-five feet of material
21 that it will take almost a hundred years for a drop of
22 water to go through, but yet they have been using it
23 as a PCB disposal site and they're worried. My
24 suggestion as a non-professional engineer, if one of

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 the systems or combination of the systems were
2 utilized, and because of the magnitude of the area and
3 the fact that PCB's are known for being non-movers so-
4 called, if we could not have it at a subterranean
5 level, possibly a monitoring trench in case something
6 happened, in case some combination of other metals or
7 other acids or whatever the contamination may end up
8 over a period of years.

9 The fact that most of the remedial action from
10 what I see by your charts would be primarily almost
11 overwhelmingly involved with the Acushnet side of the
12 river, or else the New Bedford side of the river north
13 of the Coggeshall Street Bridge but, you know, if I'm
14 right we are discussing now some potential options on
15 remedial action.

16 The contemplated timetable is 1986 to 1987, and
17 now we have never been on scale as far as progress
18 goes, but what worries me, this harbor was closed in
19 1976, and we didn't find the hot spots until 1982.

20 Now we are of course, and maybe I should be
21 happy that you are working in my district first,
22 although it's got the highest count, but the fact is
23 if we are talking 1986 or 1987, there's a projection
24 in my mind of 1990, but when will this area ever have

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 any contention of estimating a time schedule where
2 you'll take the health -- the detrimental health
3 impacts away from the area?

4 Are we talking another ten years after that, or
5 is this going to be one hot spot and once the hot
6 spots are done, now we will have to wait years and
7 years? That's the question on many, many peoples'
8 minds that they keep asking me. Why all the concen-
9 tration on the hot spots?

10 In all essence I have to accede to the fact that
11 that's the most dangerous, that's the one that impacts
12 Buzzards Bay and the rest of the harbor, but all the
13 testing that's been done, is there any progress being
14 made on solutions of other spots in and around Pope's
15 Island, the back of Pope's Island around Marsh Island
16 and along the bulkhead and near Fish Island and
17 different hot spots that we found in the past?

18 Is there any ongoing planning or feasibilities
19 going to neutralize some of that? The reason I'm
20 asking that, we've got the bridge replacement, and of
21 course I'm going to get some reports that we can
22 replace the bridge and the PCB's will not be a major
23 impediment, but we have the channel waiting to be
24 dredged, we have the Fairhaven Boat Yards with no

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 access except for mid-tide on up, and different areas
2 of extension of the Coal Pocket Pier and some other
3 potential development around Palmer's Island. We are
4 completely strangle held to expand our economic
5 enhancement. At this time all I can say is that I
6 would like to see, and I will guarantee that I will
7 give every effort I possibly can through the office I
8 hold and the contacts I have assembled to be pro-
9 gressive and to be cooperative, and in turn I would
10 like to receive the same. I thank you for the privi-
11 lege of speaking to you.

12 MR. SOTOLONGO: Let me make one comment. You
13 asked in your discussion that we no longer consider
14 the no-action alternative. We are required by
15 statutes and regulations to present the no-action
16 alternative as one option to simply, if nothing else,
17 describe what the situation would be if we do not take
18 any action. In effect that would be a documentation
19 of the need for one of the alternatives.

20 So, we are required to have that in there.

21 MR. GOYETTE: I appreciate that. I would like to
22 add one statement. The reason why I don't believe, or
23 my contention it doesn't apply in this particular
24 situation, I know of no area in the Country, in the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 world that has more research from so many groups,
2 governmental, private, and at the same time all the
3 work that's been done from 1978 to the present was not
4 to put this place on the Super Fund, because the
5 letter stating it can be handed to the government if
6 no action was taken, the magnitude, the scope, the
7 complexity of the problem accedes the ability of the
8 area of the Commonwealth to rectify. Therefore, it
9 would fall under a disaster classification act which
10 would be possibly more expedient than the so-called
11 Super Fund. That's why I bring this up. I think this
12 area is different than most areas we have worked in.
13 Thank you.

14 MR. SOTOLONGO: Thank you. Mr. Davis.

15 MR. DAVIS: I don't know how I'm going to handle
16 this, Mr. Hohman. What I would like to do is to make
17 some general comments from these maps. How I am going
18 to station them, I'm not quite sure. Afterwards what
19 I would then like to do is go to my flip charts. I
20 might note I gave a presentation as described before
21 the Coalition to Save the Bay, and it might have been
22 their last meeting in September. It took an hour, I
23 guess.

24 MR. HOHMAN: You have fifteen minutes. The

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 ground rules, as I explained, called for fifteen
2 minutes.

3 MR. DAVIS: Last night I went to the library,
4 and the newsletter was supposed to come to me. I have
5 asked it be sent to my home address and it hasn't. I
6 saw the newsletter, then I noted the fifteen minute
7 comment period, so I wrote my comments, which are
8 about thirty pages long, which are obviously outside
9 the scope of the meeting, but which I will submit to
10 you in a few days, which contain more or less what I
11 have.

12 The one thing I won't be able to give you,
13 unless I get a duplicate, is the maps, and the maps
14 somewhat give vision to the strategy, and the strategy
15 you should have at least in your imagination, and you
16 won't get that from oral comments I'm submitting.

17 So, let me put up the maps, okay? I wanted to
18 review the thing last night, but I was writing the
19 thing and I have not refreshed it in my mind.

20 MR. ROHMAN: Maybe it would be easier, what we
21 will do is you've got some maps you want to reference,
22 so we will come down there and sit down there and we
23 can see the maps and the rest of the people can, too.

24 MR. DAVIS: Well, I don't know if I have the skill

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 to summarize them, but I'm going to have to. I will
2 have to one way or the other. A couple of remarks
3 before I start. I want to commend you in terms of
4 all you -- I wasn't quite sure of that, and in terms
5 of your commitment to clean up, but nonetheless you
6 do recognize that there are some fundamental differ-
7 ences that I have, and criticisms that I have made,
8 and still will make, and they are in the written
9 comments with respect to the way this issue has been
10 handled. I don't want to go into that now.

11 Another point I think that should be made, the
12 second consideration is that the RAM should be
13 amended for a total remedial action, and by that I
14 mean it would obligate you for consideration,
15 particularly in respect to the north area to surface
16 water run-off, because I note in your remedial action
17 you talk of dismantling that container which you have
18 there, which could serve as a collecting basin with
19 respect to surface water run-off. When I say amend
20 the RAM, I mean also to consider, not necessarily to
21 fund, but to direct funding agencies to assure that a
22 facility runs to standard relative to the problem.
23 You can assess that as a treatment plant, okay?

24 I, again, I will have that in the written

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 comments. What I have in my mind with respect to the
2 treatment plant is not so much the discharge levels,
3 but they are in the process of steps of renovations
4 which are costly. I think that it may be short-
5 sighted to do that until you have made the adjustment.

6 What I have in mind is that treatment plant at
7 the tip of Fort Robbin, it's never been tested with
8 respect to a hurricane. There's an opinion in the
9 locality that it won't withstand that. It thus
10 throws up the value of an underground cavern, and
11 the rock in that area has already been assessed from
12 that point of view, and the rock is adequate, and
13 they do use such facilities like that in Germany and
14 in Sweden. So, this consideration should be given.

15 My main argument, really, against what you are
16 doing with respect to the north terminal area is that
17 all of the options except the cell block, and then the
18 consideration is far from adequate, is you are
19 excluding the southern part. By the southern part --
20 my main criticism is that whatever consideration you
21 make, this is a total map, okay? You can envision
22 what I'm talking about here from this map here.

23 You will note these here rectangles here, all
24 right? They are over here. When I point here, you

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 can imagine there, okay?

2 I think you have to take the data and put it into
3 context, okay? This is what I found a lack of in this
4 whole issue. The obvious context is health, and the
5 primary area of concern with respect to health is
6 out here, Buzzards Bay.

7 We are talking about not eating a fish or an
8 occasional fish or a lobster over the limit. Those
9 who are aware of the health affects generally agree,
10 not absolute, that there's little likelihood of a
11 health affect in respect to such.

12 The criteria, I call it the toxicological
13 criteria as opposed to the use of a threshold value as
14 an arbitrary standard, the toxicological criteria is
15 frequency of intake. So, if you are talking, like
16 you talked up there about getting the level under one
17 part per million that can be really misleading in
18 terms of what is toxicologically significant, if you
19 do reduce levels under two part per million so the
20 marine uptake is under two parts per million you can
21 still have a problem, because you can encourage the
22 eating of fish and then you will have elevated levels
23 in anybody who eats a lot over a period of time, and
24 thus Clark's Cove does have a certain significance

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 even though the levels on the shellfish are low.

2 The levels there are about one part per million,
3 or one-half part per million, but somebody who is
4 constantly intaking will have elevated levels, and
5 then you can talk of the category of risk.

6 Thus, in terms of that context those sediment
7 levels out here, which average about two plus or
8 minus on an absolute scale, those sediment levels are
9 low, but co-relative to marine uptake and then human
10 uptake one can say those levels out there are co-
11 relatively high.

12 Now, the Corps of Engineers at this here point,
13 the hurricane barrier, every five years they have to
14 clean the gate out. They cleaned it out last year.
15 The average level at the gate is about two parts per
16 million.

17 Now, it's not clear whether the accumulation
18 there was due from out here or in here, but you have a
19 good argument that it came from in here, and even
20 though we don't know for sure there is a net exchange
21 so you are going to have an output or an input into the
22 bay, and even though it turns out upon analysis that
23 the sediment levels are going to decline more over
24 time, and thus the level in the fish will be under the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 F.A.L. standard, toxicologically is that not
2 significant?

3 So, I think you have a very good argument, if you
4 can, when you clean this up to clean that up, because
5 the concern for this is not the input into here except
6 as the input into here is an input into here, because
7 really this is an industrial river, and for the last
8 ten years very few people have eaten fish from the
9 harbor on a regular basis.

10 MR. SOTOLONGO: When you refer, like when you
11 refer from here to there, can you state what areas you
12 are talking about so the stenographer can know that?

13 MR. DAVIS: What I call the northern area. Into
14 the southern area here, and in the southern area
15 through the barrier, okay? The critical concern is
16 through the barrier into the bay.

17 Now, what I want you to see is the surface area
18 here is roughly a million cubic yards. The surface
19 area here is roughly four million cubic yards.
20 You've got four times as much of a surface area as a
21 source through this point than this.

22 Now, PCB's are not earthworms, they don't come
23 from below, they come from the top and then migrate
24 out. Whatever migrates out, migrates out from the

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 surface area, plus in this area you have extensive
2 vessel activity, plus on the shore side those vessels
3 are near bottom, especially on the Fairhaven side.

4 Also, when the fuel tankers come in here, it
5 can't come in with a full load because it will scrape
6 the bottom, they have to come in on the tidal cycle,
7 so you do have a condition of turbulence here. So,
8 you can migrate this surface area out here.

9 So, it would seem to me that it's imperative for
10 you not to fail to consider this area in terms of
11 being disposed in this area. It would be extremely
12 shortsighted, especially if the alternative you
13 select excludes this area from use by this area in the
14 future, and all of them do except the cell block, and
15 in the cell block really it doesn't give adequate
16 consideration, I think with respect to the future use
17 of this here area.

18 Okay, in respect to the use of this area I would
19 say your proposals have been too specific. They are
20 good, they are excellent, and as far as they go they
21 are, but they have not been put in context. By
22 context I mean first, the first thing you want to
23 assess is the full capacity of this area as it is a
24 disposal site, and then look at the total needs and

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 ask yourself the question, "Can I take this area,
2 pick it up and put it in here?" Does it have the
3 capacity?" If it does not have the capacity, can I
4 displace clean material here and put it some place
5 else?

6 You do have a place to put it, which is if you
7 extend the landfill right here. If you put clean
8 stuff in there, you don't have an environmental
9 problem, and you do have eighty acres here, plus you
10 have here, and I have it on another map, plus --
11 here it is, right by the airport where they are looking
12 for a parking, the City has a big argument with respect
13 to this, this here area can be used.

14 No, Dr. Gidley assessed these three, and based
15 on his familiarity with the area, he sees that
16 according to the proper criteria for siting it he
17 thinks that these areas can be used. Now, the problem
18 you have here is you do have a wetland, okay, but I
19 ask -- you've got to have losses with gains, and you
20 have to let the priority, the overriding priority
21 govern and rule and regulate the means, and the over-
22 riding priority is health. That means you're going to
23 have to write something off, and I would ask you to
24 consider this, in terms of the wetland in here and

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 their natural function in terms of the total water-
2 shed area it's negligible.

3 Also, the City has given, has decided to
4 Conservation up in here the primary watershed area
5 which feeds into the area here, which is about 2,000
6 acres.

7 So, I think you can either, through special
8 legislative filing, dispense of the eighty acres here.
9 If you have need of putting that displaced material
10 someplace, you can do that. All right. So, that's
11 my main argument.

12 Now, with respect to doing it, you're going to
13 need really a bedrock profile. How deep is it here
14 down to bedrock, and is that bedrock adequate to
15 prevent any filtration into an aquifer, say in Fair-
16 haven? All right, if not, then you are in business.
17 Let me point out that at this cove here, Riverside
18 Cove, Tibbet's Engineering years ago was thinking of
19 putting a utility line to their place and running it
20 across. So, they went and made moorings there.
21 Those moorings went down to in that cove area, and
22 I don't suggest this is typical, to thirty feet.

23 Thus, we have what I call the volume capacity
24 analysis, and that's these three diagrams, okay?

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 This is what I mean by proceeding generically before
2 you proceed specifically. If you proceed specifically,
3 which you have done, you've got to couple it with a
4 generic analysis to see if there are alternative means
5 to dispose to meet the capacity that you have in the
6 area, and you can determine that capacity in the area
7 if you know the bedrock profile, and also if you're
8 accurate in terms of the three feet, which you are not
9 accurate, and also if you consider that this is not a
10 PCB problem. This area is filthy, filthy, filthy,
11 everybody knows it, and everybody being in agreement,
12 you should clean it up.

13 There's a host of other chemicals, and I note
14 when I read the addenda they talk of PCB's at three
15 feet, and if there aren't going to be any PCB's then
16 that's okay, but the question is what other chemicals
17 are there? You have to get that profile, and I might
18 note in respect to my comments on --

19 MR. HOHMAN: Excuse me. You have two minutes
20 coming, Mr. Davis.

21 MR. DAVIS: Okay. Well, here's what I did with
22 these three things. I estimated a rectangular
23 configuration which is varying, in respect to taking
24 the four million cubic yards, taking the one million

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 cubic yards and putting it in there, and here are the
2 depths you need, okay? The dashed line, the, "X" is
3 the -- I'm going to have the audience vote you down,
4 because I think they want to hear this part of it.
5 All right, the, "X's" this line here, if you were to
6 use this as a cavity for the four million plus one
7 million cubic yards you'd have to go eighty-five feet,
8 okay? If you want to, if you're going to use, "Y"
9 which is this one right here, okay, you're going to
10 need forty-three feet.

11 If you're going to use "Z" right here, okay,
12 that's right here, just that, you're going to need
13 twenty-eight feet.

14 Now, note that this is only partial use of the
15 area. Note that there may be, there may be the
16 question of displaced material and thus we are back
17 to what I mentioned before, the extension of the land-
18 fill. The other consideration that --

19 MR. HOHMAN: Mr. Davis, I'm going to have to cut
20 you off here. In fairness, you have used your time,
21 and as I indicated, we will be available after every-
22 one has had an opportunity to testify, and I did
23 promise that we would be available for another round.
24 So, I think if the panel can come on back up, we will

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 go back up to hearing from the other people that want
2 to testify at this point. All right, let me make sure
3 that I have your name right. Yvonne Parker.

4 MS. PARKER: Yes. I've lived in this town all my
5 life. I'm seventy-three years old, so if I say years
6 ago -- the name Acushnet means watering place.
7 That's according to the Indians. Years ago as a little
8 girl I remember people swimming on the eastern side of
9 the river, thirty or forty years ago. There were sail-
10 boats on the river north of the Coggeshall Bridge. I
11 have seen on the Slocum Street Bridge on the northern
12 side of it many boats, rowboats tied up for fishing.
13 People would go out in their rowboats, I've seen them
14 on the southern part of Slocum Street Bridge down
15 where the Acushnet Process has its land.

16 Now, years ago, as I said, people were fishing
17 on the river. In 1924 I was a little girl in seventh
18 grade, I went skating on the river February 22nd,
19 Washington's Birthday, and while we were skating I
20 saw three young boys by the name of -- two of them
21 named Lord come across from New Bedford, the New
22 Bedford side and come onto the ice, and the steam
23 from the mills on that side of the river melted the
24 ice under them. There were men fishing there with

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 their spears, I think they called it ice fishing,
2 whatever they were fishing for, they were able to
3 save those boys.

4 I'm saying that to tell you or to show you that
5 at one time the river was a clean river. What is now
6 the Coyne Brothers I think was at one time a soap
7 factory called the Hersum's Soap Factory. Now I think
8 it's called Coyne Brothers, or Factory, whatever it is,
9 they clean clothes. Next to it is the Acushnet
10 Process on the New Bedford side. There is one just
11 below me on the Acushnet side.

12 Now, in back of my house is the Acushnet land,
13 the Acushnet Process land which was at one time their
14 testing range. I've sat in the backyard and saw a
15 golf ball come in my yard out of the apple tree that
16 they were testing over there. I'm trying to show you
17 how close it is to where I live, just a few hundred
18 feet, or 800 feet down. I was brought up there. We
19 used to go sliding down there. My children were
20 brought up there, and I'm interested in that.

21 I am specifically interested in where the testing
22 was done. I didn't understand, I went to the New
23 Bedford Public Library, I got a text, a map, went to
24 the library and xeroxed the material, and I'm

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 interested in where they are going to put that top-
2 soil, or that top muck, whatever it's called. I don't
3 want it in back of my house where I'm going to breath
4 it in. From my house the wind is so strong coming up
5 from the harbor I can see the lights on Coggeshall
6 Bridge on Fairhaven Bridge, and beyond the Fairhaven
7 Bridge.

8 My son has been up on the roof and he said that
9 he could almost see the Cuttyhunk Island from home.
10 That's to show you how strong the wind coming up river
11 is.

12 If they're going to put that muck there, is it
13 going to blow towards me? The testing that has been
14 done at the Acushnet Nursing Home, I touch the land of
15 the Acushnet Nursing Home. Did they put it up on the
16 Main Street or down on the storm wall which has trees
17 growing there, and it will cut the wind to a certain
18 extent? That's why I'm interested in this subject.

19 Now, as I've said, as I think New London cleaned
20 up its river, why can't we clean up this river, which
21 was at one time used for boating there? My brother-
22 in-law used to have a sailboat there, my sister went
23 sailing there on the Coggeshall Stream. That's what
24 I'm here to say. I think something has to be done.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 I don't want them to dump it on my side of the river
2 and then try to cover it up.

3 While they're covering it up, I will have to
4 breath that, because I live right there. I've lived
5 there all my life. So, I'm asking you gentlemen to
6 take this into consideration, please, while you're
7 doing it. Boys and girls maybe forty or fifty years
8 ago, I don't know, used to swim. There's a little
9 place called the swimming place, I don't know, I never
10 went swimming there, but it was called the swimming
11 place by the Indians, that's what Acushnet means.
12 Thank you, sir.

13 MR. HOHMAN: Thank you. Mr. Donald Dumont.

14 MR. DUMONT: I'm a resident of the Aerovox/
15 Acushnet River neighborhood. That lining that you
16 referred to before, how long would that last, five
17 hundred years, a thousand years?

18 MR. HOHMAN: I guess the question is how long
19 would our different alternatives last?

20 MR. DUMONT: The lining. The lining that was
21 referred to, how long is that estimated to have a use-
22 ful life?

23 MR. SOTOLONGO: Hundreds of years. It would be a
24 very long period of time.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 MR. DUMONT: But it could be 200 or 300 or 400?
2 Now, in the dredging process would be the whole northern
3 estuary and the shore, also, or are you just referring
4 to the particular hot spots?

5 MR. SOTOLONGO: It would be everything north of
6 the Coggeshall Street Bridge.

7 MR. DUMONT: Okay. Thank you.

8 MR. HOHMAN: All right? Anyone else who wishes
9 to testify at this point? Anybody who wants to make
10 a statement? Okay, since we have no one else that is
11 in line to testify at this point, I think what we will
12 go is, Mr. Davis, how much longer do you think you
13 would need?

14 MR. DAVIS: Not too much longer.

15 MR. HOHMAN: What I think we will do is come back
16 down with the understanding that we are keeping the
17 hearing open until 6 o'clock, at which point we will
18 recess, and then we will reconvene at seven. So,
19 what I'll do is come down and let you make some more
20 of your presentation with the caveat that if someone
21 else comes in and signs up, I will ask my staff to let
22 me know and we will interrupt you so they can have
23 their shot at testifying.

24 MR. DAVIS: Well, you don't need to come down.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 What I would like to do is to go over some of this
2 material, let me review that again, because I haven't
3 looked at it in a month, the section number two called,
4 "clean up," okay? I can review that while you go for
5 chow, and if a slot is available this evening I would
6 like to go through it. It's not because I want to, I
7 mean I think I have an obligation. I mean, I'm not
8 here to hear myself, and I think you have an obligation,
9 not to me but to anybody who has got an idea that they
10 want to voice. I would say that regardless of time
11 that has got to be available.

12 MR. HOHMAN: I agree.

13 MR. DAVIS: So, I would like to make that there
14 judgment.

15 MR. HOHMAN: If you would like to do it that way,
16 Mr. Davis, I'm agreeable, with the caveat that when we
17 reconvene at 7 o'clock I'm going to take other people
18 who have not yet had a chance to testify, and then you
19 are going to wait until we get through that loop.

20 MR. DAVIS: Okay. Well, my main argument, or
21 critical point against the specific alternatives you
22 proposed is you haven't done it in the context of the
23 full capacity of the area, and that is significant in
24 terms of that southern area, as I described before.

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 One other point I didn't mention was that over and
2 above PCB's you do have high levels of heavy metals,
3 inordinately high, and even higher, at least for some
4 of them, than in the northern area. So, I mean, that
5 area thus assumes a certain critical importance.

6 I would say part of the reason why I think you
7 failed is there's a tendency towards a fragmented as
8 opposed to an integrated approach. Thus, the surface
9 water run-off, in respect to the area in the northern
10 area, I think you've got to consider a selecting --
11 the use of that there area as a container, a future
12 container, and thus the use of that there area in
13 terms of helping the City out with respect to the land-
14 fill and with respect to the airport. It does make
15 available a site if you're going to have displaced
16 material, and you may have by their analysis, one was
17 to excavate the clean and then put the 4,000,000 in.

18 Now, 1,000,000 is already there, you would have to
19 turn it over, and then what do you do, so your duty is
20 to the alternative site.

21 The other option is to just pick up the southern
22 area and bring it over and lay it down, and then lay
23 it down like you have at your own disposal, and thus
24 have the channel through and the tidal gate, or

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 Coffer Dam. Again, doing the southern area you're
2 going to have to again have displaced material, and
3 then it becomes critically important where you're
4 going to put the displaced material.

5 The answer is what Dr. Gidley raised, is it
6 really clean even when you go below three feet, and
7 thus you do need two fundamental data gaps: one is a
8 bedrock profile, and I suspect that area is highly
9 fractured, you ought to go sometime to the Acushnet
10 gravel pit, which is deep, extensively deep, and a
11 geophysicist whom I talked with went through it and
12 it's fractured. So, you may have filtration through
13 there, and that may not be viable if it's going to
14 lead to the aquifer.

15 So, this is the kind of raw data that you do
16 need.

17 The last point I want to make is the question of
18 participation. I would think just out of more than
19 courtesy, and as a right, that there's a written part
20 that when it comes to the alternatives that it's
21 going to alter the historic divide between three
22 communities, then you have to get, you have to do more
23 than solicit, but I think you should do that and
24 solicit extensively and not just the citizens, but

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 the representatives of their consent to vote on, or
2 to come to agreement upon which alternative they want.

3 Maybe one can argue that they have the right to
4 do that because they are going to have to live with it,
5 they have the right to tell you what they want. I
6 don't know the legality of that, but I think that's
7 the only way to go if you want to say that you have
8 a shared decision. When you're affecting the historic
9 divider between three communities, this has been
10 surprisingly overlooked in your consideration, so you
11 have to do that. You have to just lay it on them and
12 say, "Sorry, folks, you've got to tell us among these
13 X, Y, Z, give us a pretty good idea," and come to some
14 kind of agreement.

15 As a matter of fact, I think it will help you,
16 too, in terms of coming up with a decision. So, it
17 takes the illness off of you in terms of the future.
18 So, I will end there and in the evening if time is
19 available I will go through that, but as I have told
20 Mr. Sotolongo in the past, I am critical and I haven't
21 brought that out.

22 I mean, I want to level with you, and I think that
23 you sort of know it. I'm critical in the sense where
24 I can say because I think there has been irreparable

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 damage to the community. I think it's been over-
2 stated, you haven't deliberately overstated it but
3 you have not been in command of the data to put it in
4 perspective. I think that it's serious, but serious
5 in a certain way, certainly so the public perception
6 is not what it is. What are the causes? That's
7 a tough one to pin down, and I do have memos with
8 respect to that. As a matter of fact, I wrote them
9 at City Hall, they are still waiting there to be
10 typed.

11 As far as I'm concerned they are official
12 documents, and I hope in the future they will be
13 forwarded to you. So, in a sense I can say there's
14 been a failure of government, and even the media with
15 respect to this you can throw in their, too, okay, but
16 if anybody is going to eat crow it's you and not the
17 public.

18 I really do not think that an accurate perspective
19 of terms of the presence of the chemicals and its
20 potential for health has been established, and the
21 conditions where it is not harmful have not been fully
22 presented. Thus, when I went on before about looking
23 at the standard in terms of the talk, I call it the
24 toxicological criteria, that's where you have a real

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 understanding in terms of understanding where you can
2 get elevated levels, and then you get into that
3 category which you can call risk relative to PCB's.
4 Thus, Sullivan's Ledge, to walk over Sullivan's Ledge
5 is not going to hurt anybody. I can't say absolutely
6 that's the problem, and in a sense you have a problem,
7 you have a standard, you have a value, you have to
8 regard it arbitrarily, which is absolutely, but you
9 still are not communicating that really if you have it
10 in dirt and you touch it you've got to do it for a
11 long period of time before you're going to have an
12 elevated level. You've got this evidence from people
13 who have worked in capacitor plants, all right? That
14 doesn't mean that you should permit access to it, but
15 it's saying that having breathed it or having my kids
16 having played there I don't have to have this immediate
17 fear. That has not been communicated, and I really
18 think that it's a fundamental omission. It's also
19 surprising that I've been the one along the way trying
20 to keep data in context, all right? Thank you.

21 MR. HOHMAN: Thank you, Mr. Davis. Is there any-
22 one else here that wishes to make a statement? Seeing
23 none, this hearing will remain open until 6 o'clock.
24 I'm going to recess this subject to my call between

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1 now and six, and in the event anyone else shows up,
2 they may speak. If not, we will reopen at 7:00 p.m.
3 tonight. We'll stand adjourned for now.

4 (Hearing adjourned.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

BRANDON REPORTING SERVICE

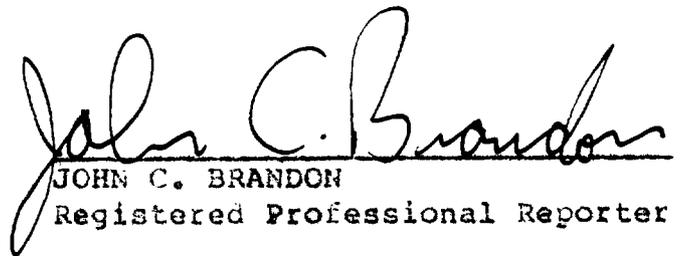
65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I, JOHN C. BRANDON, Notary Public Stenographer, do hereby certify that the foregoing testimony is true and accurate to the best of my knowledge and belief.


JOHN C. BRANDON
Registered Professional Reporter

BRANDON REPORTING SERVICE

65 HIGHLAND AVENUE
WINDSOR, CT 06095
TEL. (203) 683-1436



31 ELM STREET
SPRINGFIELD, MA 01103
TEL. (413) 737-2892