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UNITED STATES OF AMERICA
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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. Hohman, P.E. - Chairman
Gerrard Sotolongo
John Moebes

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

Paul Anderson

Reporter: John C. Brandon
Registered Professional Reporter

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1 MR. HOHMAN: I would like to call this hearing
2 to order. I would like to welcome all of you. Let me
3 begin by introducing myself. I'm Merrill Hohman,
4 and I'm the Director of the Waste Management Division
5 in the Region I Office of the Environmental Protection
6 Agency.

7 Let me introduce the other people at this table
8 with me. To my immediate left is John Moebes, who is
9 Chief of the Super Fund Branch in the Environmental
10 Protection Agency Region I. John will be spelling me
11 off and on during the evening as Chairman of this
12 panel.

13 On my immediate right is Gerry Sotolongo from
14 Environmental Protection Agency, who's the project
15 officer for the New Bedford project. Second on my
16 left is Paul Anderson from the Southeast Regional
17 Office of the D.E.Q.E. for the Commonwealth of
18 Massachusetts.

19 This is an informal public hearing to receive
20 public comments on our draft investigation feasibility
21 study for the so-called hot-spot area of New Bedford
22 Harbor.

23 Let me summarize briefly the process that we are
24 going through under the Super Fund Program in New

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1 Bedford. Under the Super Fund process, the first step
2 is to conduct a detailed remedial investigation, which
3 is really a study that is aimed at determining the
4 extent and the nature of the contamination problem in
5 a particular area.

6 Once we understand what the problem is, we then
7 develop what we call a feasibility study. Now, the
8 purpose of that is to evaluate all of the possible
9 alternative solutions that we can come up with to
10 clean up the site and to begin to rule out those that
11 will not work for one reason or another, and move
12 through the process of trying to identify the
13 alternative that we will ultimately come up with.

14 We are at that point in the New Bedford Harbor
15 work right now, and tonight the purpose of the hearing
16 is to get your input into the alternatives that we have
17 suggested in our draft feasibility study. Based on the
18 comments we receive from you tonight and in the written
19 comments and our review internally of the feasibility
20 study, the next step in the process will be to prepare
21 what we call a record of decision which would recommend
22 to the decisionmaker in Washington the expenditure of
23 funds for a particular clean-up in the hot-spot area.

24 Once that record of decision is approved, then

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1 the funds are set aside and we go into the design and
2 construction of whatever remedy we have come up with.

3 Now, I want to emphasize in the case of New
4 Bedford Harbor that we really are running this process
5 in duplicate. What we are here tonight for is to get
6 your input on the feasibility study for dealing with
7 the so-called hot-spot area, the upper portion of the
8 estuary, and we will at sometime in the future be
9 going through a similar process as we complete our on-
10 going studies in the lower part of the New Bedford
11 Harbor and on up into the Bay.

12 To give you an idea of the time frame that we are
13 working on, we are holding this public hearing, we had
14 one session this afternoon and then tonight. The
15 hearing record will be open for written comments until
16 November 15. Now, at that point we will evaluate and
17 prepare a response, a written response to all of the
18 comments that we receive and begin to actually make
19 the decision and to develop the draft record of
20 decision document.

21 Depending upon how we go and how we come out on
22 the comments, and so forth that we have before us we
23 may or may not hold another public hearing on that
24 draft decision document. If we do, I will expect it

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1 to be in the January to February time frame.

2 We are currently working towards probably April
3 to May, a decision on what the remedy should be for
4 the upper harbor, and if we make that, we then begin
5 actually designing the remedy, the full engineering
6 design probably in June of 1985. Now, in terms of
7 how we are going to run the hearing tonight, I'm
8 going to begin first of all by asking Gerry Sotolongo,
9 our Project Officer, to very briefly summarize the
10 alternatives that we have presented in the study and
11 that we are seeking comment on. I will then ask the
12 State of Massachusetts if they have any comments they
13 wish to make, and then we will call upon anyone here
14 who wishes to make comments.

15 Now, there is a sign-up desk out front. We ask
16 that if you want to make a statement, that you sign up
17 and I will call you in order of signing up. I will do
18 that with one exception: that is if we have some
19 elected public officials who have come in and who have
20 other commitments because they are public representa-
21 tives we will try to squeeze them in in between the
22 order of those of you that have signed up. In terms
23 of your testimony, we are imposing a time limit of
24 fifteen minutes in the interests of fairness, and to be

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1 sure that everyone has an opportunity to testify. If
2 you have extensive comments, I would urge that you
3 submit those in writing and that you summarize them
4 in your discussion tonight.

5 If you feel you need more than fifteen minutes,
6 we will give it to you in another round after everyone
7 else who has shown up has had an opportunity to have
8 their fifteen minutes, then we will go back around and
9 pick up and allow you to continue your testimony.

10 In terms of keeping on track in the fifteen
11 minutes, I will try to give you about a two-minute
12 warning if you do start to get close to your time.

13 When you testify, after you finish, the panel may
14 have some questions that they would like to ask you to
15 clarify from your testimony. In terms of questions
16 that you may have to ask of us, again in the interest
17 of time we probably will defer answers to your
18 questions until the written response. If you do have
19 questions, be sure you raise them, and we will respond
20 to them in our final documents.

21 I will make one exception to that. If you have a
22 very brief clarifying question that you need an
23 answer to in order to be able to make your testimony
24 and we can give you that answer quickly, we will, but

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1 we will charge that off against your time, also.

2 As you will note, there is a stenographic record
3 being made of this hearing, and a transcript of the
4 hearing will be available for public inspection in
5 the EPA office, the 19th floor of the JFK Building in
6 Boston. If for some reason you wish your own copy of
7 the transcript, then please contact the stenographer
8 during the breaks we will have and make arrangements
9 directly with him for your own copy.

10 One final piece of information just so you're
11 aware of it. We did have testimony this afternoon and
12 those people testifying were as follows: Dr. Philip
13 Gidley, Representative Roger Goyette, Robert Davis,
14 Yvonne Parker and Don Dumont. So, with that I would
15 call on Gerry Sotolongo for a very brief presentation
16 of what these alternatives are, and we will call on
17 the State, then we will begin taking your testimony.

18 Again, John Moebes will be here, he will be down
19 there and he and I probably can spell each other off
20 up here at the head table. Please don't get made if
21 one of us leaves and the other comes in, because we
22 are both hearing the questions. Gerry?

23 MR. SOTOLONGO: First of all I would like to add a
24 couple of points. The first point is if you need a

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1 mailing address to send your comments, you can get
2 that, the name and address at the front table.

3 Secondly, the transcript that we are making tonight
4 will also be available at the document depository that
5 we have at the New Bedford and Fairhaven Public
6 Libraries.

7 The first option that I will describe is our
8 hydraulic control sediment capping option. The
9 estimated cost of this option is \$25,000,000. This
10 option calls for no dredging activities. What it
11 would entail is placing clean fill to a depth of
12 approximately three or four feet on top of the existing
13 sediments. As a result of that action, the shore
14 line that is now wetland will become dry land as it is
15 depicted in the picture.

16 In addition to this we will channelize the fresh
17 water flow of the river to prevent the cap from being
18 degraded due to the activity of the flow of the river,
19 and particularly during storm events.

20 This option differs from the subsequent option
21 most significantly, as I mentioned, in the fact that
22 it does not involve any dredging at all.

23 The next two options are very similar. They
24 both entail dredging the hot-spot area and everything

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1 north of the Coggeshall Street Bridge, and depositing
2 or containing the contaminated sediments on the
3 eastern shore of the Acushnet River. In the first
4 option, the containment would be partially lined.
5 That is, the sides would be lined, the top would be
6 capped. However, there would be no bottom liner. The
7 cost estimate for this project would be \$28,000,000.

8 For the same option, dredging and containment for
9 a fully lined system, that is the walls are lined, the
10 bottom is lined, and also the top is capped, the
11 price escalates to an estimated \$80,000,000.

12 One important feature is on the New Bedford side
13 of the river next to Coffin Avenue, there is an
14 existing cove. We would utilize this cove as the
15 staging area, develop our containment site. Those
16 supports would be temporarily placed on the New
17 Bedford side of the river, eventually to be trans-
18 ferred back to the full containment area.

19 The next option is also a dredging option. Once
20 again, the entire hot spot, the Acushnet River north
21 of the Coggeshall Street Bridge would be dredged.
22 The dredged material would be temporarily placed also
23 in that same cove, the temporary disposal site to be a
24 staging area for the transport of the contaminated

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1 dredge spoils to an as yet not identified upland
2 disposal site. The cost estimate for dredging with
3 an upland disposal option is an estimated \$44,000,000.

4 The next option is the so-called pineapple upside-
5 down cake option. In this option we would dredge once
6 again the hot spot, but it would be dredged sequen-
7 tially starting most likely at the northern most part
8 of the river and working our way down south. What
9 would happen is we would dredge the contaminated
10 materials from the river, place them in a temporary
11 disposal site, most likely the New Bedford side of the
12 river. We would then continue to dredge the clean
13 material underneath the previously contaminated
14 material that is now here, and the clean material
15 would be placed in a separate containment area,
16 temporary containment area. So, what we would have
17 at this point in time is a cell underneath the river,
18 probably excavated to a depth of some thirteen to
19 fifteen feet.

20 We would then transfer the contaminated sediments
21 back into the bottom of that cell, followed by cover-
22 ing the contaminated sediments with clean material
23 that had been previously excavated from that same
24 spot. So, in effect what we are doing is reversing

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1 the order of the sediments from what it is presently
2 situated, that is the contaminated materials, the
3 contaminated sediments are now overlain by approximately
4 three to four feet of fresh material.

5 The biggest difference between this option and the
6 first option that I outlined is that the existing
7 topography is restored as a result of this option. If
8 you remember the first picture, a large part of the
9 top now became upland area, which is designated by the
10 tan. In this option there would be minimal disruption
11 of the topography and wetlands. That was the driving
12 force for development of this option, was to try and
13 minimize the destruction of the wetland habitat.

14 Finally we also have the no-action alternative.
15 First of all, I should go back. The estimated cost
16 for the dredging with the in-harbor sub-surface contain-
17 ment was approximately \$30,000,000. So, the price
18 ranges around from approximately \$25,000,000 to
19 \$80,000,000 for the alternatives.

20 We also have the no-action alternative in which
21 we are not going to take any action. The situation
22 would remain as it currently is. That option is
23 required under the Master Contingency Plan, which is
24 the regulation that we operate under. In this

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1 particular case it also used as a base line just to
2 judge the benefits of the other options against.

3 MR. HOHMAN: Thank you, Gerry. Now, we will turn
4 the mike over to Paul Anderson from the Massachusetts
5 Department of Environmental Quality Engineering.

6 MR. ANDERSON: Thank you. The Commonwealth of
7 Massachusetts has designated the Acushnet River
8 estuary as its number one priority site for Super Fund
9 clean-up, and we have engaged in this partnership with
10 the EPA. It is not an equal partnership since they
11 bear 90% of the burden and we bear 10%. Under the
12 Federal Super Fund Program the State's responsibilities
13 are threefold: we have to pay or assure the payment
14 of the cost for the implementation of remedial action,
15 in this case 10% of the entire cost, and that money is
16 available as a result of the Legislature passing the
17 Super Fund Law giving us a \$25,000,000 account.

18 We also have to assure the availability of an on-
19 site disposal area for hazardous waste, if necessary,
20 which is unlikely. We also have to assure all
21 operation and maintenance for the site after completion,
22 and hopefully we will be able to do that, as well.

23 We will present technical testimony prior to the
24 November 15th deadline.

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1 MR. HOHMAN: Thank you. We will now begin, and
2 I would like to call first Sharon Dean, who represents
3 the Massachusetts Special Commission on Solid and
4 Hazardous Waste.

5 MS. DEAN: Thank you. I welcome the opportunity
6 to address the panel and people who are present here
7 tonight on some of the issues that have come out of
8 the NUS study on remedial action alternatives. As we
9 stated, I am a staff person to the Special Commission
10 on Solid and Hazardous Waste.

11 Now, this Commission's task is to review the laws
12 of the Commonwealth pertaining to solid and hazardous
13 waste with an eye for reviewing how well they address
14 public health and environment, protective of the public
15 health and environmental interests.

16 So, from that standpoint the Commission has been
17 involved with the PCB clean-up option development here
18 in New Bedford. That is primarily what our comments
19 are addressing.

20 Representative Goyette spoke this afternoon, and
21 he highlighted some of his statements that were sub-
22 mitted to EPA comments on the remedial action
23 alternatives, and I would like to reiterate some of
24 what he stated this afternoon and add a little bit more.

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1 It's really important now when we are looking at
2 the remedial action alternatives how we choose to deal
3 with the hot-spot area, not only because it's the
4 most highly contaminated portion of the harbor, but
5 also because what we do here will determine how we
6 address the rest of the contamination in the harbor
7 and estuary. We want to be expeditious certainly in
8 how we clean up the harbor, but most important of all
9 is whether or not we are able to choose a lasting
10 solution to the problem.

11 We don't certainly want this problem to come back
12 and haunt us years down the road. We have to be con-
13 cerned with what's going to happen in 500 years, a
14 thousand years from now when none of us are here. We
15 don't want to leave a problem to future generations.

16 While we have to weigh the money costs, monetary
17 costs certainly are a concern, we must address the
18 social, environmental and public health consequences,
19 as well. We don't want new Super Fund sites created
20 out of our clean-up operations today.

21 I would like to quote you a study by The National
22 Wildlife Federation which says, "There's mounting
23 evidence that disposal sites receiving toxic waste
24 cleaned up from abandoned dumps are becoming hazardous

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1 themselves." EPA contends that perhaps more than
2 twenty of the seventy sites that have received Super
3 Fund wastes may be leaking or have inadequate monitoring
4 for underground pollution.

5 It's conceivable that some of these may result in
6 new Super Fund sites. That, certainly, is our biggest
7 concern that we want to guard against.

8 It was commented also by EPA today that the no-
9 action alternative is used as a base line for compari-
10 son. Understanding that, it's important for us to
11 look at it when we want to measure the degree of
12 clean-up that we want to attain in the harbor. Cer-
13 tainly many, many of the problems that would come with
14 no-action are still going to be remaining with some of
15 the options that have been proposed because of the
16 level of clean-up being not enough to totally take care
17 of the health and environmental consequences. We want
18 to be sure that the PCB's do not remain available to
19 food chain and ultimately with our people consuming
20 the fish, and even with some of the alternatives for
21 clean-up the PCB's would remain available to the
22 organisms, the fish that feed on the organisms and
23 ultimately the people.

24 We want to also get rid of the possibility of

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1 people getting direct contact with the PCB contami-
2 nants in the mud flats. Breathing the air with PCB's
3 is certainly another concern.

4 Also, another possibility that would remain with
5 some of the alternatives are PCB's continuing to
6 migrate into Buzzards Bay and on George's Bank. Al-
7 ready PCB's have been detected in these areas, and the
8 fish out in the Banks are assimilating these PCB's,
9 and it's becoming a problem.

10 Ninety percent of all marine life spends at least
11 part of their life cycle in United States estuaries,
12 including New Bedford, and this is something we must
13 recognize, as well. What we want to do is work toward
14 lifting the existing fishing bans and to prevent
15 others from having to be placed.

16 One concern that we have also is that we don't
17 know the precise danger of PCB's. There are studies
18 being undertaken right now that indicate that infants,
19 childbearing women are are especially susceptible to
20 the consequences of PCB contamination, and again we
21 probably want to guard against this and be sure the
22 alternative that we choose would prevent any direct
23 contact in uptaking PCB's so that we would be able to
24 make sure that infants and women and all people are

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1 free of the danger of liver disease and what PCB's
2 potentially cause.

3 Heavy metals, there hasn't been too much talk
4 about heavy metals, but certainly this is one of the
5 biggest problems that we have. Copper, zinc and lead
6 and chromium, which are in the sediments, would also
7 remain under some of the alternatives, and we want to
8 try to get rid of those contaminants, as well.

9 So, it's clear that we need some form of clean-
10 up. The question is which one. The technologies
11 that were presented in the NUS study, they, at least
12 from the executive summary were not outlined clearly
13 enough. It's my hope that somehow NUS could spell out
14 some of the criteria that were used in finalizing which
15 technologies were chosen. Specifically, what pre-
16 cisely is meant by cost effective? What elements were
17 put into this to determine which option is more cost
18 effective?

19 How heavily were health and environmental risks
20 weighed? Exactly how were they weighed? With regard
21 to the technologies PCB separation and removal, PCB
22 destruction technologies, this would be very helpful if
23 these could be more detailed and studied.

24 I ask the panel is biodegradation a viable method

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1 of clean-up? It would be helpful to outline more
2 extensively and study that. It's the Commission's belief
3 that these options should be investigated more fully
4 with an eye for cost, but more importantly we must
5 consider the permanence that one of these solutions
6 may offer to New Bedford.

7 Also, I have another question. Is it possible
8 to remove the metals and then treat or destroy the
9 PCB's? Has that been looked into by the EPA?

10 Second, the dredging technology, I question why
11 cutter head bucket wheel type was chosen and not
12 suction type? It's my understanding that a suction
13 dredge would remove more of the sediments and be less
14 chance of the PCB's migrating out to the water, coming
15 up and being transported out into the area.

16 With regard to the clean-up options, we just
17 have begun reviewing the main alternatives, and from
18 this at this time we can only say that the hydraulic
19 controlled sediment capping is probably the one
20 solution that should be omitted from further consid-
21 eration simply because it seems to be a band-aid
22 solution. Certainly it costs the least, but it may
23 present maintenance problems over the long term. The
24 burden of that would be borne not only by EPA but by

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1 New Bedford and by the State, as well.

2 Another concern with this remedial action would
3 be to destroy the estuary, and Massachusetts faces
4 quite a lot of problems with its estuary destruction
5 coming from all angles, be it by pollution, over
6 development, and if EPA can possibly work against this
7 trend and save its estuaries this would be certainly a
8 plus for New Bedford and for the State of Massachusetts.

9 Another concern about this method is that it
10 threatens the ground water. We realize that the salt
11 water ground water is contained in the immediate
12 vicinity of the harbor, but perhaps the PCB's could
13 migrate through the salt water and fresh water inter-
14 face, and it could in the future contaminate the fresh
15 water supplies that are under New Bedford that have
16 potential to drinking sources.

17 What we want to work toward then is we want to
18 maintain the integrity of the river and estuary. The
19 main alternatives would do this. The remaining would
20 also perpetuate first resources, boost health and
21 productivity of the estuary.

22 So, it seems that the remaining alternatives
23 should get the closest scrutiny, and hopefully one of
24 those would be chosen.

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1 I have a few more questions with regard to the
2 remaining alternatives. The underlined, in-harbor
3 containment option, would there also remain possibly
4 a problem with migration of PCB's from the unlined
5 site? I'm also concerned with the exploratory portion
6 of the estuary. Again, I want to work as much as we
7 can to try to maintain the integrity of the estuary.

8 As far as the lined, in-harbor containment site,
9 this would also destroy a part of the estuary, and I
10 question how long would the lining last? It was
11 mentioned that it might last possibly 300 to 500 years,
12 but what is going to happen in 300 to 500 years?

13 Also, with the dredging disposal and upland
14 containment site there's been talk about there not
15 being a possible site in Massachusetts, and I question
16 this. Massachusetts certainly has quite a lot of
17 hazardous waste within its borders, and we have to
18 work toward development of our own containment sites
19 within the State, because we're going to reach a
20 point where we won't be able to transport contaminated
21 materials out of State, and the NIMBY, "not in my back-
22 yard," situation is a good place to start and try to
23 overcome this syndrome and find a safe containment
24 site in an upland area.

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1 With regard to the in-harbor sub-surface cells,
2 this seems to be also a very bad option, mainly due
3 to the maintenance problems that it would create in
4 the long term.

5 Incineration, I question whether perhaps incin-
6 eration of the sediments containing less than 500 parts
7 per million of PCB's could take place, with land-
8 filling of the rest, and I wonder if EPA has explored
9 the possibility of fueling this incineration with
10 waste from New Bedford. Has that option been explored
11 to burn waste for fuel? That would certainly help New
12 Bedford, it would be a dual benefit to do that
13 solution.

14 In closing, whatever option is chosen, the most
15 important thing is we want to maintain control over
16 the site. We don't want to have problems in the future
17 that we have to contend with. We want a lasting
18 solution.

19 With regard to the length of time to begin some
20 of these options, that's a concern, that some of them,
21 including the incineration option, would take a little
22 longer to begin cleaning up the harbor, but perhaps
23 it's something that should be considered, because at
24 least it would be a permanent solution, and although

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1 it would take longer eventually it would no longer be
2 a problem to the City of New Bedford.

3 I think that pretty much sums up the comments.
4 We will be submitting written, more extensive comments
5 to EPA by the November 15th deadline, and in that we
6 will outline more specifically problems that we have
7 had with the alternatives that have been proposed.

8 Lastly, I would like to commend EPA for all the
9 work that they are doing. They've got a tough job,
10 and with all the hazardous waste that's in Massachusetts
11 probably the most difficult task anybody would want to
12 be faced with now, next to our defense problem, and I
13 really think that you are doing a great job, and can
14 appreciate the public input that you are receiving and
15 welcoming. Thank you.

16 MR. HOHMAN: Thank you. Any questions from the
17 panel? The next speaker is Joseph McIntyre, State
18 Representative from the 12th Bristol District.

19 MR. MCINTYRE: Thank you, gentlemen, for permitting
20 me to speak. I'm not here as a technical commentator.
21 I'm a State Representative from the 12th Bristol
22 District, which is right on the lower lefthand corner
23 there of the picture that you see, it's an area that
24 abuts some of the worst hot-spot areas that you have

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1 already outlined in the photo here. I'm here much
2 like yourselves this evening as a public official to
3 contribute my own point of view about some of the
4 proposals that were outlined, the fast track
5 feasibility studies, as well as to learn of the input
6 of the constituents and people from this area, as well
7 as to reaffirm for you some of the support that is
8 common in the Legislature for the findings of the
9 Special Commission that were put forth so eloquently
10 by the person who just preceded me to the microphone,
11 Representative Goyette, and the last individual who
12 brought forth some of the findings, I think, speak
13 for many members of the Legislature.

14 As for my own input, according to the proposals
15 that were already outlined, I think of course the no-
16 action alternative is not really an alternative at all.
17 The hydraulic management and sediment capping alterna-
18 tive that was outlined earlier has the problem, as
19 Mr. Sotolongo pointed out, of reeking some havoc on
20 the mud flats surrounding it, on the banks of the
21 river.

22 The intermediate alternatives of dredging and
23 storing in lined and unlined container sites certainly
24 is laudable, but I think that the last alternative to

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1 that, which was previously referred to as the pine-
2 apple upside-down alternative, is one that for me is
3 the most exciting. I think it's perhaps technologically
4 the most complicated, but one that will have the least
5 negative impact upon the surrounding ego system, and
6 preserve the beauty of the river, as well as, I think,
7 to address the real need to eliminate the PCB contami-
8 nation of the river.

9 Thank you very much for permitting me to speak
10 here this evening.

11 MR. HOHMAN: Thank you. Robert Foster, Chairman
12 of the Fairhaven Board of Selectmen.

13 MR. FOSTER: Thank you. I would also like to
14 thank you for the opportunity to speak before you
15 tonight. I have a few questions and a few comments.
16 I'm the Chairman of the Board of Selectmen, and over
17 the past few years as this topic has been discussed
18 there's been a few common questions that I think have
19 been brought before me, before me and the Board of
20 Selectmen in general, but before I get to that, one
21 question about the discussion you had before about the
22 alternatives.

23 One thing I don't think has been clearly stated
24 is whether or not each of those alternatives are as

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1 effective? I realize there's a dollar difference
2 between the different ones ranging from \$25,000,000
3 to \$80,000,000, but I'm not clear on whether or not
4 each of them is considered to be as effective as the
5 other from a health standpoint?

6 One thing that we are concerned with naturally is
7 the health problem in the disposal of the PCB's,
8 that's the number one priority, but we also want to
9 make sure that nothing is done in the process that's
10 going to endanger the economic situation, specifically
11 the Fairhaven side of the river.

12 The gentleman formerly spoke about the lefthand
13 corner. I guess that I'm concerned about the lower
14 righthand corner of the picture. One thing that's
15 been brought up from time to time is Marsh Island
16 when you talk about upland disposal sites. That
17 sounds like it's far away. We're hoping that Marsh
18 Island is no longer in any part of the contention for
19 the contamination site. Marsh Island is kind of a
20 misnomer, really. It's located in the lower righthand
21 corner of that picture there, but it's really not an
22 island, it's actually an extension, it's probably a
23 peninsula if anything, but there's a feeling in Town
24 by the Planners in Town that at one time in the future

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1 this will hopefully be an area that will develop
2 economically, especially if the harbor is cleaned up
3 on the lower end.

4 If Marsh Island or any of the other shore line on
5 the Fairhaven side was to be contaminated with any of
6 the PCB's in the process of their removal or incar-
7 ceration here we would be concerned about further
8 damage being done than has been done already.

9 Another concern that has been brought to my
10 attention by a number of people, also specifically
11 living in this area on the righthand portion of the
12 picture, if the stuff is trucked from the site, if out-
13 side disposal is attempted, that will mean contaminants
14 crossing across Town roads. What possible affects
15 would that have on the area? The concern about possible
16 contamination and, again, endangerment to the local
17 neighborhood that might not happen if the thing is
18 contained on site.

19 I'm not a scientist, and Dr. Gidley and all the
20 others can speak to the scientific aspects of the
21 problem, but it seems the problem would best be solved
22 by something that would be handled right there on the
23 site, something like the pineapple upside-down theory
24 or some type of bulkheading or whatever is done right

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1 there.

2 It seems like any proposal that suggests removing
3 the contaminants and either containing them somewhere
4 or removing them to some other location seems to offer
5 possible problems.

6 I would like to emphasize that the Board of
7 Selectmen in Town is very concerned about this. We are
8 also open to any meetings that you gentlemen care to
9 have. We want to serve as a liaison whenever possible.
10 We appreciate these meetings that you've had. We hope
11 that, though, whatever is decided to be done is going
12 to be in the best interests of Fairhaven and New
13 Bedford, and that it's going to be done as quickly as
14 possible.

15 It's taken us quite awhile to get to this point.
16 Hopefully once we get to April or June, as you men-
17 tioned before, we can go on even faster. Thank you
18 very much.

19 MR. HOHMAN: Thank you. John Bradford.

20 MR. BRADFORD: Thank you. I have two questions,
21 both of them brief. It's my understanding that there
22 has been a moratorium on dredging, and I would like to
23 have this either confirmed or not confirmed. It's my
24 understanding that it's an EPA ruling. Secondly, have

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1 there been any sites selected or considered at all for
2 this upland disposal? This is something that I know
3 has been disputed, and I would like to have that
4 confirmed one way or another as to whether anything
5 has been selected or considered in the area.

6 MR. HOHMAN: Judy Tommisen representing L.I.F.E.

7 MS. TOMMISEN: Good evening. This afternoon I
8 had a two-way consultation by phone, actually a three-
9 way consultation by phone, including Steve Lester and
10 Rosemary Gibbs of Citizens Clearing House on Hazardous
11 Waste located in Arlington, Virginia. They had been
12 studying all our documentation for over the last six
13 months.

14 Mr. Lester was the consultant chosen by the
15 people of Love Canal who went over the various
16 technologies and alternatives for the people there.
17 They both stated that these alternatives are even too
18 technical for their expertise, and they had been trying
19 for the last two months to contact a gentleman who's
20 an expert on PCB's and dredging alternatives. He's
21 also a leading expert on PCB disposal and comes with
22 sound credentials.

23 In August of 1984 L.I.F.E. respectfully requested
24 funding from the EPA so the various groups could meet

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1 with the consultant so we could better understand
2 these alternatives. At that time you stated that you
3 were our experts.

4 Mrs. Gibbs said for me to tell you that you are
5 in a direct conflict of interest in that role, since
6 you people are bound by law to find the most cost
7 effective solution, not the best solution for us, but
8 the cheapest way out for your administration.

9 At this time we would like to say that no one who
10 has a tumor accepts the first physician's diagnosis.
11 Most usually seek a second opinion, a more expert
12 opinion. If the tumor is in the brain, they go to a
13 neurosurgeon. If it's in the internal organs, they
14 usually go see someone that's an expert in that field.

15 When we buy a house, we usually seek an expert
16 opinion from the bank and various inspectors to make
17 sure it's a sound decision to buy. Our gut feeling
18 from what we have read is that none of these alter-
19 natives is the best solution to the problem at this
20 time.

21 We feel that it's highly unfair for you to ask
22 for decisions on these alternatives which do not
23 include anything pertaining to the destruction of
24 PCB's, nor allows us the chance to go to a second

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1 consultant for their opinion.

2 L.I.F.E. demands, not asks for, requests, we
3 demand the same rights as the citizens of String-
4 fellow, California and Love Canal. Please do not
5 dare to tell us that you are our experts. You are
6 the Government's experts.

7 Does anyone concede during the most embarrassing
8 of times your so-called experts from the EPA sold
9 citizens down the river during many of their secret
10 deals? I know in my heart that the EPA in Massachu-
11 setts, both on the Federal and State level, is really
12 sincerely trying to work with us, but we are begging
13 for this consultant. Please don't tell us that you
14 can't obtain the funds for this endeavor, because
15 you'll be lying to the general public.

16 The President of the United States set a precedent
17 when he allowed the Federal EPA to grant funds to
18 citizens to hire a consultant at the above-mentioned
19 sites. We demand our equal rights to protect our
20 families and friends from the disaster which will occur
21 if the right alternative is not chosen.

22 Finally, please don't come through these doors
23 with NUS and tells us that no option rule will apply
24 because it's cost effective, because, as we all know,

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1 gentlemen, it will cost a lot less to fix a roof this
2 year than it will next year.

3 Secondly, we will state very firmly from things
4 that we have read and from speaking with Citizens
5 Clearing House that upland disposal is not acceptable.
6 It is not acceptable. The best thing that we can do
7 with those PCB's right now is to leave them alone.
8 Any dredging technique would have to be a suction
9 technique. We never endorsed, L.I.F.E. never endorsed
10 bucket dredging or bucket wheel dredging or clam shell
11 bucket dredging.

12 We never endorsed any of those types of dredging
13 for the harbor. If there is any dredging allowed, it
14 will either be suction dredging or a dredging tech-
15 nology that will come from this world expert when we
16 get it. Hopefully they will be in contact with him
17 before the November 15th closing on written comments.

18 You know, everyone laughed at President Reagan
19 the very last few minutes of the debate the other night,
20 but I'm not laughing, because I really believe that
21 this man did not understand what we, the people, are
22 going through in this area. However, I do believe that
23 the Republican Platform, or the people there in
24 Washington, D.C., and I'm not talking about anybody

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1 that's running in this district because right now I
2 could care less about the people running in the
3 district, they've done very little on this issue,
4 I'm talking about the present administration in
5 Washington, D.C. is trying to correct the wrongs that
6 were made in the last four years.

7 You have the ability to get us these funds, Mr.
8 Hohman and Mr. Sotolongo, and we are begging for a
9 consultant to sit down with us, someone who knows what
10 they are doing, because right now no matter who walks
11 through these doors, if they're not an expert on PCB
12 disposal then it is insane for them to give you an
13 intelligent decision on these alternatives, and highly
14 negligent on anyone's part to either give them or
15 accept them. That's all I have to say this evening.

16 MR. HOHMAN: Is there anyone else here who wishes
17 to make a statement?

18 MR. GOYETTE: Yes, I would like to.

19 MR. HOHMAN: Okay. So everyone is aware of the
20 ground rules that we laid out, they were that if there
21 was no one that wanted to make a statement in the time
22 available I would allow people who had spoken earlier
23 to come back for another portion of testimony, and
24 Representative Goyette, I guess, wishes to add to his

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1 testimony.

2 MR. GOYETTE: Yes. Thank you, Mr. Hohman and
3 members of the panel. I just want to make one very
4 clear, concise statement, and I will say it emphati-
5 cally, I'll say it based on merits, I'll say it based
6 on documented records. The public health and the
7 safety, the environmental impact and economic detri-
8 mental repercussions of this serious PCB problem rests
9 in this particular instance with the most cooperative,
10 condensed effort I've ever seen anywhere in the Nation,
11 and I served on National Committees on issues of this
12 magnitude. What I'm talking about is the Selectmen of
13 all three towns are working together, the Conservation
14 Commissions, the Southeastern Health Planning Council,
15 and all layers of State Government, and what I'm say-
16 ing in essence is the only time that I probably ever
17 lost my temper is when people from out of state are
18 going to come into the Commonwealth and rectify the
19 problems not only in the Commonwealth and in this City,
20 in the area, but especially the hot-spot in my district.
21 It's too premature to spend funds for any experts at
22 any level of any field. When the alternative gets
23 down to the right place through the legislative body
24 through my fellow Legislators, and especially the ones

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1 in this area, we have \$210,000 in the Administration
2 Account of the Department of Public Health which has
3 been working in the office, we have \$60,000 in the
4 D.E.Q.E. which at the right time proposals will be
5 accepted and reviewed and some money will be appro-
6 priated.

7 I can honestly say in the two hours just a short
8 time ago Governor King for years was very concerned,
9 very cooperative. We have the Governor's Special
10 Commission, Executive Commission, which made the report.
11 Governor Michael Dukakis reiterated ten days ago any-
12 thing that is needed in this area, the cooperation
13 which I asked earlier, I'm sure we'll have it, but I'll
14 say it for the last time, the protection of this area
15 and any layer of Government rests with its elected
16 officials.

17 I'm proud of that, and that's always been my way
18 of getting things done. I thank you, Mr. Chairman.

19 MR. HOHMAN: Anyone else who wishes to testify?

20 MR. ROMAN: My name is Robert Toman. I wasn't
21 going to say anything, but then I was thinking about
22 it, and I was in Chicago a couple of weeks ago inquir-
23 ing where they have the steel industry, quite a large
24 one in South Chicago, and this Agency responsible, I

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1 feel in my own opinion, possibly with a million jobs
2 being lost in the Nation kind of due to environmental
3 associations, it has lost a lot of jobs.

4 We have two industries in New Bedford, Aerovox and
5 Cornell Dubilier, which I see the Agency is out to sue
6 these companies to help them to clean up.

7 Now, some of these companies can't afford to be
8 cleaned up. If they're forced to close down, people
9 will lose their jobs. We can clean up the environment
10 but we've lost a lot of jobs in this Nation.

11 This U.S. Environmental Agency, and nothing is
12 ever heard about these things, but people lose their
13 jobs, and they clean up something and they are
14 forgotten, and we never hear about it.

15 Like I say, I was in Chicago a couple of weeks
16 ago, and I inquired about South Chicago where I under-
17 stand my experience -- I was traveling through there
18 about twenty-five years ago and there probably was
19 about a dozen steel mills there. Now this Agency
20 comes along and they cleaned up the area, but there's
21 thousands of jobs not there no more. People have
22 forgotten ~~abo~~ about them. Now they have clean air in the
23 Country, imports millions of tons of steel, and I
24 feel it's all kind of this one Agency. They are

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1 importing all the steel and people don't have jobs
2 here, and not enough emphasis is given upon those
3 jobs that are being lost by this Agency.

4 We cleaned up the harbor, you people are going to
5 sue these two companies, they can't afford to pay for
6 these damaged sites, which in a way they are not
7 responsible for because they used chemicals in the
8 production of their products which were available at
9 that time. Whoever knew that something of this nature
10 would ever arise? These companies have been somehow
11 combined in this problem.

12 I understand from friends about a year ago that
13 talking to a group that had to move out half of their
14 machinery to Mexico. Whether this is true or not I'm
15 not sure, but if you people keep suing the Agency it
16 will close up, and possibly five hundred jobs will be
17 lost in New Bedford.

18 We're not thinking about the work of these people.
19 I think it should be thought of more about, not only
20 about cleaning up the river, you know? We need to
21 clean up the river, and sure enough the sediments and
22 all that trash in the river has to go and be put some
23 place, and I know you're not going to truck it out of
24 New Bedford. It should be put to some good use.

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1 Maybe you could extend it, extend the two islands in
2 the center of the harbor, or possibly make piers out
3 in Fairhaven like the Elm Street put a pier there,
4 or on Church Street, they put in a pier there and
5 Cedar Street. Something beneficial should come out
6 of this, not just to hide it and forget about it.

7 This is the problem existing here. I mean, people
8 are only thinking about health, but it should be put
9 to some good use, not hide it in Fairhaven down by the
10 cemetery where it will be of no good to no one. We
11 could make piers in Town some day, build marinas on
12 this, you know, something beneficial should come out
13 of this. It's not only to just get rid of a problem,
14 it's also, like I say, so we don't lose jobs here.
15 It's very important, and it's never been in the news
16 media no where, any jobs.

17 In my own estimation when the Agency was created
18 I say that this Nation has lost a million jobs at least
19 in the rubber, steel, chemical industries. This Agency
20 goes out and sues the company, the company can't
21 afford to pay the suit, can't afford to pay up, and
22 there goes a thousand jobs or so. As a Nation if
23 these many people were working, they would be paying
24 taxes, they are in a high bracket, steel and industries

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1 like that. I've been to these regions where people
2 make \$500 a week or more. If they were paying their
3 taxes that money could be used to pay for some of these
4 things. We'd be paying our taxes and could afford a
5 lot of things, but otherwise this Agency has become a
6 great burden on our Government, there's been a loss of
7 jobs alone, although it's done some good, we have
8 some clean air, but we've lost a lot of jobs. I don't
9 think enough emphasis is being put on this problem.
10 Thank you very much.

11 MR. HOHMAN: Anybody else who wishes to testify?
12 Mr. Davis, I promised to call you back. You have
13 another fifteen minutes.

14 MR. DAVIS: Well, according to the schedule when
15 I left this afternoon I was continuing from the flip
16 charts, and since you are facing in the other direction
17 we will forget about it and I will just make some
18 summary comments. I think these are of direct
19 relevance to the issue, though I do think for a full
20 presentation we should have the charts, which is in
21 three parts which give us a total picture.

22 MR. HOHMAN: Mr. Davis, as we did this afternoon,
23 I turned that around so it would not confuse other
24 people, and they wouldn't think it was part of

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1 somebody else's presentation. If you want us to, I
2 will come down and sit down there and you can turn
3 the flip charts around again.

4 MR. DAVIS: No, it's not necessary, but I was
5 being part facetious when I was speaking to you. The
6 main point I tried to convey this afternoon was that
7 whatever solution you incur for the northern area,
8 it cannot be done in a manner to exclude an assessment
9 in respect to the southern area, because the question
10 arises with respect to the southern area, you're talk-
11 ing a surface area of four times the northern area,
12 4,000,000 cubic yards versus 1,000,000 cubic yards.

13 If you exclude the northern area, then where are
14 you going to put it? You have a constant cost if
15 you're going to do it whether you do it now or later
16 to dredge the shore line for using the constant
17 criteria, \$10,000,000, a million cubic yards, you're
18 talking \$40,000,000 cost, all right?

19 So, to bring it to the shore line you are assum-
20 ing that cost in the future as well as now. It would
21 be much more economical, aside from the savings from
22 inflation, to do it now as opposed to then. The
23 question is in the future where are you going to put
24 it? The answer is pretty obvious, and I think you

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1 know there is no place you can put it within the
2 region.

3 Based on the State's testimony there's no place
4 within the State. The way in which you must regard
5 the northern area is as a disposal site for a full
6 capacity of the harbor. You cannot lose sight of what
7 you do have available. You do have an opportunity,
8 you know, a very, very large relatively open area with
9 a lot of available land, and the full capacity of that
10 must be assessed.

11 There are two data gaps in that regard which I
12 mentioned. One is the bedrock profile and the inac-
13 curacy in terms of where PCB's and other chemicals
14 terminate with depth.

15 The other point with respect to the historic
16 divide in the participation of community, I believe is
17 fundamental, especially if you're going to alter the
18 boundaries of the communities, and I think at some
19 point you have to submit it to the communities for
20 their consent. That's it.

21 MR. HOHMAN: Thank you, Mr. Davis. Is there
22 anyone else who wishes to make a statement?

23 MS. TOMMISEN: Yes.

24 MR. HOHMAN: Judy Tommisen again.

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1 MS. TOMMISEN: I had some questions. I probably
2 asked them before, but I think I'm going to ask them
3 again. A gentleman just stood up here and said some-
4 thing about addressing health issues over jobs. What
5 good does it do if you have a job but all of your money
6 is being spent on medical expenses? Of the EPA I
7 ask, "What will you require of the businesses surround-
8 ing the harbor once the clean-up is carried out?" Will
9 they have to pre-treat before the chemicals leave the
10 site? Will they have definitive guidelines they are
11 supposed to follow?"

12 In short, what I'm asking you is once we get to
13 an over-all clean-up, what will you as an administra-
14 tion do to help us keep the harbor clean? What will
15 you do to help us keep it free from this type of
16 contamination again?

17 I would also ask at this time, I know that
18 Cornell Dubilier and Aerovox were allowed to bury
19 barrels of PCB's and heavy metals on site, and that
20 they are now capped with asphalt. It's my understand-
21 ing that these areas are monitored, or being monitored.
22 Is there any specific time limit that they are
23 monitored? Are they monitored for five years under
24 State law, monitored for twenty years under State law?

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1 It's my understanding, and I would like to have
2 a correction on this if I'm wrong, it's my under-
3 standing that now these businesses have to include
4 that this hazardous waste is buried on their premises,
5 and that has to be put into the deed so that if I,
6 as a businessman came in to obtain that property, I
7 would know that I'm taking over the hazardous waste
8 site. I would like to know how the EPA thinks they
9 are benefitting the people of this area when they do
10 such a thing, because if I were a businessman and a
11 good businessman I would certainly not want to assume
12 this type of responsibility if I went into a community
13 and I was looking to make a new business of an old
14 business such as Cornell Dubilier and Aerovox, if they
15 should pull out.

16 I really would like to know how long the sites
17 would be monitored, how will you be monitoring them?
18 Are you using infrared rays, are you using planes to
19 detect what's going on with the monitoring? I know
20 this has been done over in other sites and I'm wonder-
21 ing if we are going to follow the same procedure in
22 that area.

23 I'm very concerned about any trucking of PCB's.
24 It's not acceptable. There is one other comment that

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1 I would make, and I really would have made this
 2 evening had I not bumped into a gentleman that's had
 3 a time thinking about this. There was a proposal
 4 made for the bridge project for the Fairhaven/New
 5 Bedford project to build a causeway, and this gentle-
 6 man submitted a plan and everything, thought it was
 7 a fancy type thing, but I'm beginning to think that
 8 with all of these different options for secure land-
 9 fill areas or vault containment capsules, that it
 10 might not be a bad idea to build one long vault along
 11 that stretch of water between Fairhaven and the New
 12 Bedford shores, fill it in and cap it and make a
 13 causeway. You would be saving us and the State and
 14 yourselves a lot of money, because you really can't
 15 put those PCB's any place else except back into the
 16 cesspool they were already in.

17 You cannot take what's at the bottom of that
 18 harbor and in all conscience put it some place else,
 19 be it the Town of Rochester, Dartmouth, Acushnet,
 20 Marion, it's not fair.

21 We knew in this area what was being done, and
 22 we've tried to let people in this area know what is
 23 going on, but I'm very sincere about this. You've
 24 got to find a safe solution, a safe alternative.

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1 I talked with someone who has suggested something
2 about some type of PCB filtration where you have a
3 strong velocity of water which runs so turbulently
4 that it filters out the PCB's. I don't know what the
5 process is but it was mentioned to me in passing and
6 I'm passing it on to you.

7 If something like this can be done with PCB's,
8 they could be destroyed and then you could deal with
9 other heavy metals and neutralize them. My group
10 would be more than willing to sit down and say, "Okay
11 we destroyed the PCB's and neutralized these chemicals,
12 now what can we do with this material?"

13 I think these questions are legitimate, and I
14 feel they should be addressed, and at this time I know
15 how public hearings work, because three years ago when
16 I got involved with the drilling on George's Bank, I
17 gave a statement, and I never got an answer. So,
18 tonight, gentlemen, I want to ask you, because you've
19 been courteous on other occasions, you've demonstrated
20 good faith by the type of meetings you're trying to
21 hold, I know you've been here since 3:30, I would ask
22 that you really search your hearts, because we need
23 this particular situation resolved, and we need it
24 resolved soon but safely.

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1 I talked with a friend today who's working on my
2 house, and his mom was taken to the hospital yesterday
3 and she was operated on and it was cancer. I can't go
4 out my door, and I'm not trying to panic the public,
5 because I can't go out my door when I hear a friend of
6 mine has had a miscarriage or that someone I know, one
7 friend of mine's relative has cancer. There are over
8 twenty cases of cancer on Sycamore Street alone in
9 Fairhaven. There are a lot of people in the Atlastak
10 (phonetic) area who have cancer.

11 Dr. John Farrington from Woods Hole Institute had
12 a team of people down along the shore taking samples of
13 mussels. They are trying to do some type of research
14 to test the glandular actions of the mussels to see if
15 they can coordinate with human glands to see what
16 correlation there might be between cancer and disease
17 in clams, this cancer in clams, and between the clams,
18 or the mussels and the people, but that's research and
19 we don't have time for a lot of research.

20 You gentlemen live in Boston, or work in Boston,
21 and you know that the Sidney Farber and many of the
22 Boston hospitals, and Providence Hospital, as well,
23 are housing a lot of children, a lot of children who
24 have cancer, bone cancer or leukemia, and it's got to

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1 stop. I hope that you make it stop soon, but please
2 answer us in writing, have the courtesy to write this
3 woman and these gentlemen that spoke this evening and
4 myself so we can have black and white responses from
5 you.

6 I know with our group we have done that on
7 occasion, and I respectfully ask that you do that for
8 these other people. Thank you.

9 MR. HOHMAN: Anyone else who wishes to make a
10 statement? Since there is no one else that has
11 expressed an interest in making a statement, I hereby
12 declare the hearing adjourned.

13 (Hearing adjourned.)
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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

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