

9/1/95

Summary of Meeting Held August 22, 1995
of the New Bedford Harbor Superfund Forum

SUPERFUND RECORDS CIR	
Site	New Bedford
Break	13.4
Other	55523

In attendance at the session were:

Facilitators

Michael Keating
Jane Wells

HATR

Steve Cassidy
Jim Simmons

Concerned Parents of Fairhaven

Claudia Kirk

New Bedford City Council

George Rogers
Fred Kalisz, Jr.

DEP

Paul Craffey
Helen Waldorf
Andrea Papadopoulos
David Janik

New Bedford Harbor Development

Commission
Irene Schall

Downwind Coalition

Diana Cobbold
Carol Sanz

New Bedford Mayor's Office

Molly Fontaine

EPA

Frank Ciavattieri
David Dickerson
Harley Laing
Kristine Laumeyer

NOAA

Jack Terrill

State Elected Officials

Rep. Bill Straus

Town of Fairhaven

John Haaland

Town of Acushnet

Peter Kocziera
Roland Pepin
Bob St. Jean

Wampanoag Tribe

Billy Monteiro

Approximately six members of the public observed the meeting, which was videotaped for subsequent broadcast on local cable television.

Roland Pepin reported for the dredging committee that, with the exception of Area B where work is complicated by the cable crossing, the dredging of the hot spots is 95 percent complete. There has been some spiking on the No. 3 monitoring station, but it appears to have been episodic and is probably due in some measure to the hot weather.

David Dickerson and Alan Fowler reported that five responses were received to the bench scale RFP, and it is anticipated that Ebasco will select a subcontractor by mid-September. Pilot scale responses are still being submitted.

Bill Straus reported on the first meeting of the navigational dredging subcommittee, where linkage is being explored between much-needed navigational dredging and the Superfund remedial dredging associated with the Phase 2 ROD

The subcommittee's next meeting, the scheduling of which occasioned some difficulties, will seek to include Army Corps of Engineers participation. Steve Cassidy pointed out that the depth of the hurricane dike will limit the extent to which navigational dredging can or should be carried out in the harbor.

Before considering the issues raised by the agencies' proposal for the use of CDFs in the Phase 2 ROD, the facilitators suggested that the Forum consider the utilization of Sea Change, the entity spun off by the Forum in late 1994, to prepare an independent analysis of the scientific aspects of the currently proposed ROD for Phase 2. Several members of the Forum pointed out that the usefulness of such an analysis would depend largely on the Forum's ability to articulate pointed, probing questions, and Diana Cobbold added that competent, independent scientists can be expected to help the Forum identify unanticipated issues. After some discussion, the Forum directed Diana Cobbold, who serves as Executive Director of Sea Change, to prepare a proposal for such an analysis to be distributed to Forum members with this summary, with the expectation that the Forum will review and decide on the proposal at its next meeting.

Dave Dickerson then led EPA's discussion of the responses to the questions raised about the draft Phase 2 ROD during the last meeting of the Forum. The first issue concerned leakage and the impact of such leakage on public health and safety. Citing primarily data from the extensive feasibility study conducted by EPA on the Phase 2 works in the early 1990's, he estimated the leakage from all of the CDFs to be approximately and conservatively 0.008 pounds of PCBs daily. This compares to the 0.5 pounds of PCBs per day currently migrating from the estuary area to the lower harbor. He also noted that initially leakage from the CDFs would be larger, on the order of 0.36 pounds per day, while the pore water trapped in the sediments is being squeezed out during settlement. Wick drains are to be utilized to reduce the release of pore water. Also, navigational dredged materials, which are not clean enough for open water disposal, can be used for the preliminary cap layer. It appears that the settlement process may take up to five years, although that estimate needs to be verified.

Questions from Forum members sought information on the projected load bearing capacity of the top layer of the CDFs; the impact of frost heaves on the wick process; and the impact of leakage of heavy metals. Dave Dickerson promised to provide further information on these issues.

Funding was the next issue addressed. It appears that there is a \$56 million cap on whatever remedy is to be implemented in New Bedford Harbor, with some portion of those funds earmarked for completion of the remediation of the hot spots. There is much uncertainty about the future availability of additional funds beyond the \$56 million account created by the settlement with the PRPs. It appears to be critical, however, that some decision about Phase 2 be arrived at relatively quickly if additional funds need to be targeted. Jim Simmons noted that EPA has publicly taken the position that it will not curtail funding for this project. He suggested that the high profile nature of the undertaking here also makes it unlikely that the agency will fail to fund this project to its finish. Bill Straus noted, however, that such political forces are abroad in the land that it would ill-behoove the Forum to presume the availability of future additional funds. An issue was raised over the interest accumulating on the settlement fund and whether that would also

be available for the clean-up. EPA promised information on this issue and more details on funding of the overall project.

Dave Dickerson recounted the chronology of the development of the existing proposal for Phase 2. He also assured the Forum that, should the treatability studies discover promising and cost-effective treatment methods, the agencies can subsequently consider the applicability of such treatment methods to the dredged materials in the CDFs, subject to necessary changes in the ROD, a process with which the Forum is intimately acquainted.

EPA calculates that construction of the CDFs and dredging would begin about four years after final approval of the ROD. When combined with a substantial period for actual construction, dredging and then the settling of the sediments in the CDFs, we are looking at a long process indeed. There is no reason, however, why the natural resources trustees cannot begin planning their restorative efforts.

Finally, Dave Dickerson reported that the National Historic Preservation Act compels close attention to the issue of Native American artifacts on the Acushnet shore. Billy Monteiro reported the interest of the Wampanoags in conducting archeological digs in the area and the tribe's present lack of funds to carry out such exploration. Roland Pepin and Billy Monteiro will continue to monitor and move this project along.

Helen Waldorf closed the meeting with a warning that bond-supported funding, which provides the facilitation services for the Forum, is in some jeopardy and may cause problems in September if the General Court does not pass the necessary legislation. She suggested there may be a need to cancel the September 19 meeting. The Forum agreed to look at that issue again at its September 5 meeting.

The next meeting of the Forum is scheduled for Tuesday, September 5, 1995 at 6:00 p.m. at the Greater New Bedford Vocational High School.

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MEMO TO: New Bedford Harbor Superfund Site Forum
FROM: Diana Cobbold *DC*
SUBJECT: Proposed Format for Sea Change Evaluation of
Confined Disposal Facilities Projected for Use
in Phase II of New Bedford Harbor Remediation
DATE: 29 August 1995

We propose to make available to members of the Forum accurate and apolitical scientific information that will assist them in the decision-making process during the second phase of the harbor clean-up. We believe that there is a need for independent analyses by scientists unconnected to the site, so that the agencies involved need not bear the entire burden of prognosis, and the citizen groups and elected officials at the table can receive both unbiased and comprehensible additional information.

We plan to hire a maximum of five scientists from different fields. At the moment we are considering a geochemist, an expert in bioremediation, an engineer, a biologist who specializes in the siting and monitoring of CDF's and a city planner. However, our final choices will depend on the complete list of questions we receive from members of the Forum.

Each scientist chosen by Sea Change and approved by its Board of Directors will be given access to the Executive Summaries of both the Pilot and Feasibility Studies, and will then be supplied with whatever additional specific information he or she might require. They will also be given the complete list of questions from the Forum. On the day of the meeting, the scientists will gather together privately to discuss their questions and concerns at a location yet to be chosen.

At the beginning of the meeting, each scientist will make a presentation describing his or her expertise and past experience. Some may show films. The presentations will be limited to fifteen minutes each. With Michael Keating acting as moderator, the panel of scientists will then begin to answer the Forum's questions. The first session will run for two hours, followed by a half-hour break. The second session will last for up to two additional hours, depending on the time required to ensure that all Forum members are able to have their questions addressed.

Sea Change would like to request that members of the Forum compile a list of questions they would particularly like to have considered, and either mail or fax them by September 15 to the location listed above.

If any Forum members would like to suggest the names of independent scientists to participate in the panel, they are invited to call us with this information.