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New Bedford Harbor Superfund Site
Meeting
December 7, 1993
1:00pm
Wilkes Branch Library

AGENDA

Welcome: Introductions

Membership:

- Groups, agencies, entities represented: inclusion versus exclusion; future expansion.
- Primaries; alternates, resource people, observers
- Continuity of representation

Meetings:

- Tentative projected schedule
- Dates for January, February meetings
- Timing
- Locations

Outreach:

- Notice and minutes of meetings
- Cable television broadcast

Media

Ratification

Tasks for first January meeting

The model for the process:

- Dredging and the suit ✓
- Interests, options, selection

*Office of Dispute Resolution
100 Cambridge St., 14th Floor
Boston, Ma 02202*

**Minutes of Meeting held December 7, 1993
on the New Bedford Harbor Superfund Site**

In attendance at the first session were:

Facilitators

Michael Keating
Jane Wells

HATR

Eugene Grace
David Hammond

Concerned Parents of Fairhaven

Patricia Estrella
Claudia Kirk

Mayor's Office

Arthur Caron

DEP

Paul Craffey
Jay Naparstek

New Bedford City Council

Fred Kalisz
George Rogers

Downwind Coalition

Neal Balboni
Diana Cabbold
Carol Sanz

State Elected Officials

William A. Burns
(for Senator Montigny)
Representative Bill Strauss

EPA

Frank Ciavattieri
Harley Laing

Town of Acushnet

Roland Peppin

Town of Fairhaven

Jeff Osuch

The meeting began at approximately 1:15 p.m. with an introduction of participants and a discussion of membership on the mediation committee. Participants stressed the importance of continuity of presence at committee meetings and the requisite commitment of members to regular attendance throughout the process. It was agreed that composition of the committee would include three representatives of the Downwind Coalition; two representatives of Concerned Parents of Fairhaven; two representatives of the New Bedford City Council; one representative of the New Bedford's Mayor's office; one representative from the Town of Fairhaven; one representative from the town of Acushnet; two representatives from EPA; two representatives from the DEP; Representative Strauss; and Senator Montigny. The facilitators were directed to contact elected state and local officials to inform them of the commencement of the process and invite them to participate, if willing to ensure continuity and commitment, or otherwise observe the proceedings. Participants also agreed that the size of the committee could expand if issues arose which involved other as yet unrepresented constituencies.

The Committee then established a schedule of future meetings as follows:

<u>Date/Time</u>	<u>Location</u>
January 5, 1994 (6-9 p.m.)	Greater New Bedford Vocational High School
January 12, 1994 (6-9 p.m.) (if needed; see below)	Greater New Bedford Vocational High School
January 19, 1994 (6-9 p.m.)	Greater New Bedford Vocational High School
February 9, 1994 (6-9 p.m.)	To be determined

The committee agreed that the facilitators will prepare minutes of the meetings which will be distributed by the EPA. Members groups are to provide the Office of Dispute Resolution with membership and other applicable lists so minutes can be distributed as broadly as possible. Notices of meetings also will be published as broadly as possible.

The committee agreed that future proceedings will be videotaped for showing on cable television. EPA agreed to determine whether it could fund any costs for taping the proceedings and for distribution of the tapes to participants.

Participants were exhorted to avoid "inflammatory" remarks to the media during the course of the negotiation process.

Participants agreed that the decisions of the committee would need to be ratified by their respective constituencies. EPA noted that significant changes might require revisions to the Record of Decision, which may necessitate an involved administrative procedure, some elements of which are beyond EPA's complete control.

The Committee then focused on the issues of dredging and the filing of an intention to sue by Hands Across the River. Turning first to dredging, the facilitator tried to develop a list of the interests of EPA/DEP in commencing the dredging of the hot-spot site on the scheduled date of December 15, and the interests of those opposed to the early beginning of dredging. Participants were asked not to restate their respective positions about the dredging start-up but rather the interests, needs, values or concerns that underlie their positions. Among other interests, EPA/DEP identified the following key ones:

- * Beginning the removal of PCB's and limiting the continued health risks they pose daily
- * Maintaining the integrity of the decision-making process without precluding consideration

of technology alternatives to incineration

- * Maintaining contractual obligations and containing the costs of remediation

Among other interests, opponents to immediate initiation of dredging identified the following key ones:

- * Safety of surrounding population during dredging operations
- * The good faith commitment of EPA to the dispute resolution process while undertaking the dredging in accordance with a schedule apparently supportive of its long-standing plan to incinerate
- * The possibility of precluding alternatives to incineration that might operate on the PCB's directly in the water

After identifying interests, the parties were asked by the facilitators to develop a list of options that addressed the interests on both sides of the issue. Among the suggestions offered were:

- * An initiative by EPA/DEP to educate citizens about the risks of dredging
- * An effort by EPA/DEP to work with the community to develop safeguards responsive to the concerns of citizens over safety issues associated with dredging
- * Some delay in the commencement of dredging
- * An early determination of the availability and feasibility of alternatives to incineration that dealt with PCB's without dredging

After considerable discussion of these options, the facilitators raised the possibility of some sort of trade-off between the proponents and opponents of immediate dredging involving a delay in the initiation of dredging and a corresponding delay in the citizens' groups' prosecution of their law suit, which had raised, from the perspective of the agencies, a comparable issue of good-faith commitment to the dispute resolution process. After a caucus, the participants returned to the table and, after some further refining, agreed to the following:

- * EPA will postpone the commencement of dredging until January 20

- * EPA and DEP will work with Committee members to provide better understanding of the potential health risks associated with dredging and develop air monitoring locations and protocols
- * The Committee's schedule was revised, as indicated above, to allow the citizens' groups to identify, on January 12, any technologies alternative to incineration that might be precluded by dredging, and to provide for the expedited evaluation by the Committee on January 19 of any such technology(ies) so identified
- * Hands Across the River, in the event it elects to file suit against the EPA at the expiration of the time-limits attached to its pending notice of intent to sue, will postpone the filing of its complaint for 30 days

The task of the committee members is to prepare a presentation of their **interests**, not positions, for the January 5th meeting. The focus is to be on the interests, needs, values and concerns of each group, agency, or individual. Groups with like interests are encouraged to work together on a common presentation.

The meeting adjourned at approximately 5:20 p.m.

The next meeting of the New Bedford Harbor Superfund Site Forum Committee will convene at 6:00 p.m., WEDNESDAY JANUARY 5, 1994, at the Greater New Bedford Vocational High School.

Directions to the High School:

From Providence: Take Route 195 to Route 140
 Get off at Exit 13B and take that to Exit 4 (King's Highway)
 Take a left at King's Highway and go through 2 traffic lights at the 3rd light take a left (On Ashley Blvd)
 A 1/2 mile down the road is the school
 It's across the street from the cemetery.

From Boston: Take 128 South to 24~~6~~ (Fall River/New Bedford Exit 4) Then take 140 to New Bedford/Taunton Exit 2) Bear Right at New Bedford and take Exit 6 (140 / Acushnet Ave)
 Go to one traffic light (at a Junction) Bear right at the junction and drive about a mile down on the right (across from the cemetery) is the school.

New Bedford Harbor Superfund Site
Forum Project
December 7, 1993
Mailing List

NAME/AFFILIATION	ADDRESS	PHONE/FAX#
John McNeil EPA	JFK Fed Bldg Boston MA 02203	565-3376
Marcia Lamel EPA	JFK Fed Bldg Boston MA 02203	565-3435
Ellie Tonkin EPA	JFK Fed Bldg Boston MA 02203	565-1154 565-1145 (fax)
Kristen Fadden EPA	JFK Fed Bldg Boston MA 02203	565-4154
Gayle Garman EPA	JFK Fed Bldg Boston MA 02203	223-5522 573-9667 (fax)
Frank Ciavattieri EPA	JFK Fed Bldg Boston MA 02203	573-5703
Harley Laing EPA	JFK Fed Bldg Boston Ma 02203	565-3451
Jay Naparster DEP	1 Winter Street Boston MA 02118	292-5697 556-1049 (fax)
Alleke Law-Flood DEP	1 Winter Street Boston MA 02118	292-5917
Paul Craffey DEP	1 Winter Street Boston MA 02118	292-5591 556-1049 (fax)
Arthur Caron	New Bedford City Hall	508-979-1460
Fred Kalisz, Jr	231 Collette St New Bedford	508-994-4474
George Rogers Councillor at Large	New Bedford City Hall	508-996-2716 997-2202 (fax)
Elizabeth Wright City of New Bedford	133 William St New Bedford MA	508-979-1527
Jane Medeiros N.B. City Hall	133 William St New Bedford MA	508-979-1527

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 Attendance List (2)

NAME/AFFILIATION	ADDRESS	PHONE/FAX#
Keith Thibault WNBH Radio	737 County St New Bedford MA	508-996-3373 990-3453 (fax)
John Udell Resident	492 N. Front St. New Bedford MA	991-5961
Elsie R Souza Congressman Barney Frank's Office	558 Pleasant St New Bedford MA 02740	508-999-6450
Sarah Woodhouse Senator John Kerry's Office	One Bowdoin Sq. 10th Floor Boston MA 02114	565-8519 248-3870 (fax)
Charlie Load Alt. for Community & Environment	885 Centre St Newton MA 02159	552-0920
Dave Hammond Hands Across the River	51 Upton Street New Bedford MA 02746	508-991-4529
Carol Sanz Downwind Coalition	Box 303 Marion MA 02738	508-748-0610 748-0552 (fax)
Neal Balboni Downwind Coalition	Box 331 28 Pitcher St Marion MA	748-0099
Bill Strauss State Representative	8 Nashawene Rd Mattapoisett MA	722-2240
William A Burns Sen Montigny's Office	Room 416C State House	722-1440 722-1007
Eugene Grace	201 Crossroads Drive No Dartmouth MA	508-992-2455
Diana Cobbold	60 Spring Street Marion MA 02738	508-748-0918
Rebecca Conklin Hans Schattle The Standard Times	555 Pleasant St New Bedford MA 02740	508-997-7411

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Attendance List (2)

NAME/AFFILIATION	ADDRESS	PHONE/FAX#
Susan Grace	Box 337 Mattapoisett MA	508-758-4694
Peter Grace	11 Evergreen St Fairhaven MA 02719	508-992-7588
Patricia A Estrella Concerned Parents of Fairhaven	86 Church Street Fairhaven MA 02719	508-990-0900
Claudia Kirk Concerned Parents of Fairhaven	57 Church Street Fairhaven MA 02719	508-997-7727
Jeffrey Osuch Town of Fairhaven	40 Center Street Fairhaven MA	508-979-4023 979-4079 (fax)
Sarah Willhaney MP Newspapers	238 Wareham Road Marion MA 02738	448-2258
Roland Papin Acushnet P.C.B. Representative	64 Slocum Street Acushnet MA 02743	508-995-9228

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