



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

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BY HAND

New Bedford Harbor
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June 14, 1994

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Gentlemen:

David asked at the last New Bedford Forum meeting that I respond in writing to your recent letter concerning future decisions on the New Bedford harbor clean-up. In that letter you set out four specific requests: that the Forum be reconvened at each critical juncture in the decision-making process and that the Forum members play a role in those decisions; that reaching a consensus with the Forum at each of these junctures will be the objective; that the citizens and their experts will have access to all technical documents during this process; and that "no remedy that meets EPA's nine criteria but fails the Forum's criteria will be pushed through as the selected alternative."

As we discussed at the April 26 Forum meeting and again at the June 6th meeting, it is our hope that the Forum will continue to play a significant role in the larger decisions concerning the Hot Spot clean-up. While the Superfund statute vests the decision-making authority in EPA, it is our intent to fully involve the community in the decision-making process. How the Forum will be integrated into this process is still unfolding; however, our work together to date has been a good template. Before making a formal remedy selection decision we expect to share information with the community, reach a common understanding of the issues presented, and then reach a consensus on what should be done. Provided EPA and the State are full participants in that consensus, you can expect that EPA's formal decision will reflect that consensus.



The four requests in your letter are consistent with how we have been operating since the Forum commenced and with how we envision working together in the future. However, I would like to make a few important additions. The first is that the Forum membership must reflect all affected interests in the surrounding communities. Thus, its membership must be open to new representatives as the alternative to incineration takes shape. Different technologies may affect different communities and we must assure that these communities have a voice in the process.

In addition, while all technical information will be made available in a timely manner, we must assure that preliminary data and preliminary results be handled with great care. As we have seen in the recent past with some dredging data, the general release of preliminary data became the cause of significant confusion and public concern.

Finally, I think we have learned through this process that the "Forum's criteria" and the criteria set out in the Superfund regulations should not be distinct. Rather, the Forum's criteria should be based on the shared interests of all members of the Forum. EPA considers itself an active member of the Forum and we anticipate that many of the interests we bring to this discussion (reflected in a large part in the Superfund nine criteria) are shared by most Forum members. As the Forum discusses the alternative technologies in greater detail, I hope we will reach a consensus on what criteria will be used for the selection of a technology. Undoubtedly, such a consensus will require that we all compromise some of our interests. However, I am hopeful we will find a resolution with which we can all live.

Let me also express my thanks to you for your commitment to the work of the Forum. I recognize that you and other members of the community have put in long hours to address the difficult issues raised. This process could not succeed without such a commitment.

Sincerely,



Harley F. Laing
Regional Counsel

cc. Michael Keating, Esq.