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UNITED STATES OF AMERICA
ENVIRONMENTAL PROTECTION AGENCY
BOSTON REGION

In the Matter of:
PUBLIC HEARING RE:
NEW BEDFORD HARBOR
SUPERFUND SITE
NEW BEDFORD, MASSACHUSETTS

Thursday
March 5, 1992

Days Inn
Hathaway Road
Dartmouth, Massachusetts

The above entitled matter came on for hearing,
pursuant to Notice at 7:45 o'clock p.m.

BEFORE: MERRILL S. HOHMAN, P.E.
Director
Waste Management Division
U.S. Environmental Protection Agency
J.F.K. Federal Building
Boston, Massachusetts 02203

APEX REPORTING
Registered Professional Reporters
(617)426-3077

1 APPEARANCES: Continued

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PROCEEDINGS

7:45 p.m.

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MR. HOHMAN: Welcome. I am Merrill Hohman, the Director of the Waste Management Division for the New England Region of the United States Environmental Protection Agency. I'd like to welcome you all to this public hearing on our proposed plan for the clean up of portions of New Bedford Harbor.

Let me begin by introducing you to the people who are up at this head table with me. On my right, your left, is Mary Sanderson, a former site manager for EPA at the New Bedford Harbor site. On my immediate left is Gayle Garman, a current project manager at the site for EPA. Next to here is Mark Lowe, who is an attorney in EPA's office of Regional Counsel. And then Paul Craffey, who is the Massachusetts DEP project manager for the site.

We also have available this evening an interpreter, Mr. Joseph Correia, who is down back. If anyone needs any help he's available to help you at any time during the evening.

As I said, this is an informal public hearing to receive your comments on EPA's proposed plan for the second phase of clean up of the New Bedford Harbor, the so-called estuary, lower harbor and bay.

The EPA, on January 17th of this year, released our proposed plan for this clean up. On January 30 we held a public meeting to explain that proposal and to discuss the

1 proposal with you. And, at that time, began an extended 120
2 day public comment period, which will end on May 31.

3 In addition to the oral comments that we are receiving
4 tonight, we will also accept written comments postmarked any
5 time between now and May 31 of this year.

6 I also want to remind you that EPA is planning to issue a
7 supplemental proposed plan to address contamination in
8 portions of Buzzard's Bay that are not covered by the current
9 proposal. We anticipate we will also have a 30 day public
10 comment period on that supplemental, and another public
11 hearing sometime in the month of May, with the opportunity to
12 comment on that supplemental also ending on May 31.

13 And we have up here, in front of the podium, if anyone
14 wants to look at it later on in the evening, the schedule for
15 the two proposals, so you can see how they mesh.

16 I do want to point out that tonight's hearing is being
17 transcribed. There will be transcripts prepared, and copies
18 of the transcript will be available for inspection in the
19 administrative record, which is maintained at the New Bedford
20 Public Library here in New Bedford, and also at the EPA Record
21 Center, Canal Street in Boston.

22 If you wish your own copy of a transcript of the session,
23 please contact the stenographer, and make arrangements on your
24 own for that.

25 As part of the overall decision process, the EPA will

1 respond to all comments, oral and written, in what we call a
2 responsiveness summary, which will be issued at the time when
3 we make our final decision, and will accompany that record of
4 our decision.

5 A couple of procedural items about this evening. First,
6 if you wish to make a statement, please sign up with James
7 Sebastian from EPA, who is right here in front. There are
8 sign up cards down there. Just get a hold of Jim, and let us
9 have your name, and to the extent that we can, we will take
10 those sign ups in order. If any of you wish to make a comment
11 for the record, and have a problem with time and so forth,
12 speak to Jim, and we'll try to squeeze you in.

13 Also, if you have an extended, lengthy statement I would
14 urge that you summarize the contents of that statement, and
15 limit your remarks to not more than ten minutes. And then
16 submit the entire statement for the record.

17 Also, in terms of the procedure, because this is a
18 hearing, EPA, the panel up here, will not respond to questions
19 that are raised during your presentations. Rather, our
20 response will be contained in the responsiveness summary that
21 will be issued as part of the process. However, after the
22 close of the public hearing we will stick around this evening,
23 if any of you want to come up and talk to us about anything,
24 or get further information, we'll be happy to try to
25 accommodate you on that.

1 I will ask the speakers if they don't mind, if they will
2 allow the panel members to ask them clarification questions,
3 so we're sure of what the intent is in your comments, after
4 you finish your presentation.

5 Now, to begin with, what we want to do is to give you a
6 brief summary of the proposed plan, and I've asked Mary
7 Sanderson to now present EPA's proposed plan to you, after
8 which we'll begin to call on you for your comments and
9 statements.

10 Mary?

11 MS. SANDERSON: Thank you, Mel.

12 When we were here in January, we went through a lengthy
13 explanation of the proposal that we have before us. If you'll
14 bear with me I'll just spend a couple of minutes now and do a
15 couple of slides to remind everyone exactly what we're looking
16 for comments on here this evening.

17 Again, just the overview of how the EPA goes about remedy
18 selection at Superfund sites. There are the nine specific
19 criteria listed here, and that are also in the proposed plan.
20 And they are the factors that EPA considers when proposing a
21 remedy, and ultimately when a remedy is selected.

22 Again, just to focus in on the site that we're talking
23 about this evening, this is a picture of the site in a very
24 broad sense. The contamination are predominantly PCB's, the
25 heaviest in the northern portion of the site, and tends to

1 reach lower levels over larger areas as you move south through
2 the site.

3 The hot spot is in this most northern portion, and that's
4 not our focus here tonight. Rather, we're here to talk about
5 the proposal for dredging and shoreline disposal of sediments
6 from the estuary, lower harbor and two smaller portions of
7 Upper Buzzard's Bay.

8 EPA and the Army Corps of Engineers did some extensive
9 studies down here in the late 1980's. Part of the work that
10 was done was some studies to demonstrate the effectiveness of
11 the dredging alternatives that are out there, and the disposal
12 techniques for sediment. We found that a cutter head dredge
13 was an effective type of dredge to remove sediment. It
14 minimizes resuspension for the spreading of those contaminated
15 sediments.

16 Also as a part of that pilot study, which you'll be able
17 to see a picture of here, which is an aerial shot of what we
18 call a confined disposal facility, or you may hear us call
19 CDF's. It's essentially a shoreline facility. It's built off
20 of the existing shoreline. It extends out into the harbor,
21 and is a series of dikes behind which sediment can be placed.

22 This is just to give you an idea of the type of dredge
23 that we're proposing. It's a small dredge. Because of the
24 shallower water depths, particularly in the estuary portion of
25 the site, this is a picture of a cutter head dredge. This is

1 the cutter head portion here, that makes two passes through
2 the harbor to remove that contaminated material.

3 In a nutshell, what we are proposing here, and looking
4 for your comments on, is the proposal that we dredge the areas
5 that you see here, highlighted in red. These are areas of 50
6 parts per million and above PCB concentrations. It's a large
7 portion of the northern part, the estuary portion of the site.
8 Some additional areas here and the lower harbor, and two
9 smaller areas here, just south of the hurricane barrier in the
10 bay portion of the site.

11 Remember that that material will be dredged and placed in
12 three shoreline disposal facilities, the CDF's, confined
13 disposal facilities. They just are numbered here, this large
14 area, 1, 1-A and 3.

15 Excuse me, I can hear you.

16 That is dredging of 118 acres up in the estuary and
17 roughly 47 acres in the remaining portion of the site.
18 Overall this would generate about 300,000 yards of material
19 that would be placed in these three shoreline disposal
20 facilities.

21 Dredging to this level will leave less than 50 parts per
22 million in the areas. And the proposal here is driven on PCB
23 contaminant levels. Any metals that are in those areas would
24 also be dredged with these sediments and placed in these CDF's
25 as well.

1 This is slightly different from the hot spot remedy that
2 was selected almost two years ago now. There are more highly
3 contaminated sediments in the northern portion of the site,
4 but there are lower levels of contaminants over large areas.

5 One slide we have here is just to give you an idea, in a
6 schematic sense, of how the process would proceed. The
7 material is dredged from the harbor. That material is pulled
8 off the bottom of the harbor. It is then pipelined into one
9 of these confined disposal facilities. That material is then
10 allowed to settle. That sediment would remain in the disposal
11 facility. The water is then pumped off of water treatment
12 prior to discharge back into the harbor.

13 The locations of the confined disposal facilities that
14 you saw were selected, and are proposed here tonight for a
15 couple of reasons. They are out of the way of harbor traffic.
16 There were a number of CDF locations that were examined, and
17 are presented in detail in the proposed plan. And some of the
18 reasons that we're proposing three in the estuary portion is
19 that they are in areas that are already quite contaminated,
20 and the most heavily contaminated portion of the site. Again,
21 out of the way of harbor traffic, not in the middle of the
22 lower harbor. And the sediments do not have to be moved that
23 far.

24 The locations and the way these confined disposal
25 facilities is really an extension of the shoreline. These

1 areas will be filled in to grade, to the existing level of the
2 shoreline, in that each of the areas that are located would
3 have what we call an impermeable cap, which would be multi-
4 layer, low permeability material, and a man made material as
5 well, and would have a vegetative cover placed on them.

6 Another piece of the proposal is very limited, dredging
7 in the wetlands portion of the site. There is a large salt
8 marsh area in the northern portion of the site, that we're
9 proposing to excavate just a small highly contaminated portion
10 of that.

11 The next to last slide is an attempt to summarize what is
12 really a very large project. Very large area this covers.
13 It's a very large volume of material. Overall we're
14 estimating it will take eight years to complete this process.
15 It takes several years to design one of these remedies, to get
16 the necessary access agreements, to be able to actually
17 construct the disposal facilities, and conduct all the
18 dredging. And we imagine the work would be phased. One
19 disposal facility can be built, dredging can be initiated, and
20 then work can begin on another disposal facility.

21 It involves again, just to summarize here, the 50 part
22 per million or above PCB contaminant level, those three
23 shoreline disposal facilities that you saw, two on the New
24 Bedford side and one on the Fairhaven side, and there would be
25 a covering and maintenance of those disposal facilities.

1 An important part of this, because this would leave
2 contaminated material on site, there is the operation and
3 maintenance part of the program. There is monitoring
4 conducted while the remedy is being implemented, while that
5 dredging is going on, while the disposal facilities are being
6 built, and there is long term monitoring conducted of the
7 disposal facilities, to make sure that they are performing as
8 they are designed to.

9 Another important part is that we cannot answer when the
10 fishing ban will be lifted. How the PCB levels in the fish,
11 particularly in the outer harbor, would respond, is very
12 difficult for us to predict, and that is one very important
13 reason for the monitoring program. Monitoring includes
14 sediment levels, water levels, and levels in the fish, to see
15 how the system is responding.

16 The cost of this proposal is approximately \$33 million.

17 And the last thing I'd like to finish with, there were a
18 number of alternatives that we looked at. We looked at a lot
19 of technologies, and the feasibility study has nine
20 alternatives that you see listed here, just in summary form.
21 If you will, they are alternatives one through nine. We use
22 minimal no action as a baseline against which we judge other
23 alternatives, and with estimated costs for each of those. The
24 reason the minimal no action alternative costs that much
25 money, because there is extensive monitoring that would go

1 with that no action.

2 A number of other items that were presented at the end of
3 January when we were here. I wasn't going to take the time to
4 go over them now, but they are laid out in summary form in the
5 proposed plan, and they are discussed in detail in the
6 feasibility study.

7 They are a capping alternative, dredging alternatives,
8 and then different ways of handling that sediment once it's
9 dredged, and the 50 part per million alternatives.

10 These alternatives two through six look at a lower clean
11 up level, and the 50 part per million action level has three
12 alternatives listed here at the bottom under it.

13 We are proposing here tonight what's labelled "SWA dredge
14 and disposal alternative" that you see listed here.

15 I hope that helps refresh people's memories on things.
16 We are open to comments on the feasibility study and the
17 proposal before you tonight.

18 MR. HOHMAN: Thank you, Mary. What we'd like to do now
19 is call on those people who have indicated they want to make a
20 statement or comments to us.

21 I would ask that when you do come up you identify
22 yourself for the record, and also tell us if you are speaking
23 on behalf of a group, and identify yourself in that fashion.

24 First is Tom Rose.

25 MR. ROSE: I pass.

1 MR. HOHMAN: David Hammond.

2 *za* MR. HAMMOND: My name is David Hammond, and I'm with
3 Hands Across the River, and I would like to -- first of all,
4 on the secondary phase on the harbor clean up there has been
5 no decisions made at this time? Correct?

6 MR. HOHMAN: Correct.

7 MR. HAMMOND: I would like to propose to you people here
8 that with the existing alternative technologies, and
9 specifically two that were represented today at the meeting,
10 that you people on the panel here are familiar with, that you
11 seriously consider these for the secondary phase of the clean
12 up.

13 And I feel that, number one, it would be less costly in
14 the long run to do it that way, as opposed to having three
15 CDF's that you're going to have to monitor for years.

16 To my knowledge, there is not a CDF that as been built
17 that eventually does not leak or have some problems with, and
18 need repairs in the future.

19 So I would like to see the second phase of the harbor
20 cleaned up and done with, even if it may be a little more
21 costly at this time. I think if you look in the overall
22 picture as years go on, that it probably would be cheaper, and
23 we wouldn't have to be dealing with this, and you wouldn't
24 have to be dealing with this ten, twenty or thirty years down
25 the road again.

1 So that's my proposal to you tonight, that you consider
2 other alternatives than what you have in your summary, and
3 look for a permanent solution to get them out of here, and
4 we'll all be done with it, and we'll all be happy.

5 Thank you.

6 MR. HOHMAN: Thank your, Mr. Hammond. Mr. Hammond, would
7 you mind, if anyone on the panel has any question to ask.

8 MR. HAMMOND: I'm sorry.

9 MR. HOHMAN: You want him to clarify his comments?

10 MS. GARMAN: Yes, if you don't mind. You said, did you
11 not, two of the technologies that were described today?

12 MR. HAMMOND: Correct.

13 MS. GARMAN: Would be appropriate in the context. Would
14 you tell us which two?

15 MR. HAMMOND: Those two would be the Ecologic and GRC.

16 MS. GARMAN: Thank you.

17 MR. HAMMOND: You're welcome.

18 MR. HOHMAN: Any other questions? Thank you, Mr.
19 Hammond.

20 David Dow?

21 *2b* MR. DOW: I'm David Dow. I'm the chair of the Cape Cod
22 Group of the Sierra Club. I'm here representing the Sierra
23 Club.

24 At a recent meeting of the Massachusetts Council of the
25 Sierra Club, concern was expressed about certain aspects of

1 the proposed phase two clean up plan for the McLean Superfund
2 site. Since there is no Sierra Club covering southeast
3 Massachusetts, I volunteered to represent the Sierra Club on
4 this issue.

5 As residents of Cape Cod we share with the residents of
6 New Bedford an interest in fishing, tourism, and coastal
7 protection. Since we are on the other side of Buzzard's Bay
8 from New Bedford we can be potentially impacted by the
9 movement of contaminated fish and lobster out of New Bedford
10 Harbor into our coastal waters.

11 My comments are based on the proposed plan issued in
12 January, 1992 by the Environmental Protection Agency. I have
13 no had access to the 1990 feasibility study, which provides
14 much of the background utilized in formulating remedial
15 actions, and which presents a detailed description of the ten
16 remedial alternatives presented in the proposed plan.

17 In November, 1990 I attended a workshop at the Woods Hole
18 Oceanographic Institution, which reviewed the
19 hydrodynamic/food chain model that EPA apparently used to
20 establish the ambient water quality criteria. In the proposed
21 plan, the ambient water quality criteria of 30 parts per
22 billion will be met in ten years if the remedial action target
23 level in the sediments is 50 parts per million of total PCBs.
24 This goal appears to have been based upon cost and
25 implementability rather than sound science. I realize that

1 such criteria involve public policy judgments as well as
2 scientific guidelines, bu the hydrodynamic/food chain model is
3 flawed.

4 PCBs represent a mixture of 209 different congeners which
5 vary widely in their environmental transport, uptake and
6 metabolism in biota, and their toxicity to humans, either as
7 potential carcinogens or in causing reproductive effects.
8 Thus, to construct a model based on total PCBs is not very
9 meaningful. In the hydrodynamic portion of the model there is
10 no movement of PCBs in the water column or in the biota from
11 one model compartment to another. And there is no net
12 movement of sediments from the offshore to the inshore. Both
13 these were areas that were criticized by the scientists
14 attending the Woods Hole Workshop.

15 In the food chain portion of the model it was assumed
16 that winter flounder receive the bulk of their PCB contaminant
17 load from the sediments, while lobsters receive the bulk of
18 their PCBs from the water column through equilibrium
19 partitioning. A recent paper by John Connolly, which modeled
20 the food chain from a PCB congener specific approach,
21 predicted that 55 to 85 percent of PCBs in lobsters, and 80 to
22 95 percent of those in winter flounder, would come through the
23 food chain. That is, would originate from the sediments. The
24 lower percentages are for trichlorobiphenyls, while the higher
25 percentages are for the hexachlorobiphenyls, which tend to be

1 more consistent environmentally, and also to exert greater
2 toxicity to humans.

3 The Food and Drug Administration has established a safety
4 standard of 2 parts per million of total PCBs for fish and
5 shellfish. A recent report by the National Academy of
6 Sciences on seafood safety comments that appreciable risks
7 could still be associated with this 2 parts per million
8 standard. This report identifies PCBs as posing the largest
9 risk to consumers that eat seafood, and it estimates the risk
10 at 1×10^{-5} . The EPA cancer potency factor for PCBs is 7×10
11 -5 , or roughly 150 extra cancer cases per year. This is 23
12 fold higher than the FDA value of 3.2×10^{-5} or roughly six
13 extra cancers per year.

14 Since the EPA standards for PCBs in fish and shellfish
15 are stricter than the FDA standards, it is not clear why they
16 were not used as a safe level in the phase two plan. Since
17 lobsters and fish can metabolize and excrete the less
18 chlorinated PCB congeners, they tend to accumulate the more
19 highly chlorinated PCB congeners, which are quite different in
20 composition from the commercial PCB mixtures, 1260 and 1254,
21 which were used to develop the safe PCB levels for fish and
22 shellfish as established by EPA and the FDA.

23 Given this background, we oppose a waiver of the FDA
24 tolerance limit in biota, which would permit a remediation
25 clean up goal of 50 parts per million PCBs. We feel that EPA

1 should adhere to its own AAARs and require a PCB clean up
2 target of 1 to 5 parts per million PCBs. We feel that the
3 likelihood of meeting a 30 part per billion ambient water
4 quality criteria in the water column is also unlikely given
5 the weaknesses in the hydrodynamics/food chain model. A long
6 term monitoring program, probably greater than five years,
7 should be established to follow the PCB levels in the water
8 and selected biota, in order to substantiate the model
9 predictions.

10 Our other area of concern is the storage of PCBs that
11 would exceed 50 parts per million in confined disposal
12 facilities, which would occupy 150 acres either in the harbor,
13 or adjacent to it, in the 100 flood plain. Since PCBs would
14 leach through the sides and bottom of the confined disposal
15 facilities, even under normal tidal action, coupled with
16 leakage through the cap if a major flood or storm surge
17 occurs, this seems to be an ill planned gamble with public
18 safety. It would appear that the Resource Conservation
19 Recovery Act regulations for the disposal of hazardous wastes
20 on sites would require either a securer or RCRA landfill, or
21 treatment of the contaminated sediments to lower the PCB
22 levels to 1 to 5 parts per million.

23 The arguments in the phase two plan on why the RCRA land
24 disposal regulations do not apply appear to be spurious to us.
25 The Sierra Club would prefer an upland disposal site, even

1 though EPA apparently rejected this option in a 1987 study.

2 We thank you for allowing us to comment on the phase two
3 clean up plan, and we plan to submit written comments prior to
4 the May 31, 1992 deadline.

5 MR. HOHMAN: Thank you, Mr. Dow. Any questions? If not,
6 Mr. Dow, I do have a note from the stenographer. She'd like
7 to know if she could receive a copy of your paper.

8 MR. DOW: That would be fine.

9 MR. HOHMAN: Thank you very much.

10 Angela Days?

11 *2c* MS. DAYS: I am Angela Days, and I'm with Hands Across
12 the River. But I'm asking this question as a resident of the
13 town of Fairhaven. I would like to know your three area for
14 the CDF. I'd like to know who owns the land, and how much the
15 EPA is paying them for the land for the CDF.

16 MR. HOHMAN: Thank you. Is there anyone else here who
17 wishes to make a statement or comment? If so, please come up
18 to the microphone and introduce yourself.

19 *2d* MR. RUSINOWSKI: My name is Roman Rusinowski, I come from
20 Fairhaven. I'm a lifetime resident of the region. And I have
21 followed the EPA since it was formed. I'm very critical of
22 many thing that are happening. But since this is a hearing on
23 the second phase, I'll make my remarks on the second phase.

24 I believe what the agency is doing, about to do, and will
25 do, should be of some benefit to the harbor, not aversive only

1 to the industry having to pay so much money, and when you get
2 done you end up with nothing but problems. I try to attend
3 different hearings within the region, and when I was at the
4 Harbor Commission meeting about two or three weeks ago in
5 Fairhaven I heard there was a need for a pier for the fishing
6 industry, and even for the freight industry, and I propose
7 with this second part and the first phase, that a pier be
8 built in back of the island where the marina is. I don't know
9 how big you could make it. I say 1,000 feet, 50 feet wide. I
10 don't know how big it could be, but as big as possible.

11 There a coffer dam would be built, a lot of steel beams.
12 I hear there's forty feet of water there. This would be lined
13 with cement and reinforced steel rods first. Water would be
14 pumped out, naturally, to do that. And maybe you'd have to
15 put a cement under there, or something else. I'm not sure
16 really. So there'd be no seepage. And then you'd pump in
17 your first, less toxic PCBs there first, later you'd remove
18 the water, you'd treat it, put it back in the harbor. Maybe
19 by then it would be high enough above low water/high water,
20 and then you'd put your more toxic things that you're going to
21 do now on top of that.

22 After you'd put maybe two or three feet of gravel, and
23 then you'd seal the cement on top. With that you'd have a
24 much needed pier for the fishing industry, and maybe possibly
25 for future freight that might come into this harbor. You

1 don't need technology for that, no waste of vast amounts of
2 money like you're facing \$27 million already for nothing
3 really. You're going to waste another \$37 million on what
4 you're going to do, and who knows how much you're going to
5 waste, and it's going to be charged to the industry.

6 I, as a traveller, have spent millions of miles
7 travelling across this country. Like I say, I was across many
8 industries, thousands of cities before the EPA was ever
9 formed. I've gone back to these cities. There is no smoke
10 now, but what is really happening to the atmosphere is worse
11 now than before, because like I visited many steel mills.
12 They now make steel out of oxygen. They created these giant
13 air reduction factories that produce the air, take everything
14 out of the air, you then have a vacuum, and they use this to
15 make steel see. They don't get smoke, but by stealing the
16 oxygen, the very nucleus of what life depends upon, you are
17 now destroying the air around the earth, and science is asking
18 religion to pray for it, but praying isn't going to help if
19 you're destroying the basic things that support life itself.

20 Now this is very important. But like I say, this is a
21 hearing for the harbor, and I wish you'd consider something
22 that would be a better benefit to the region, not aversive.
23 And I wish the government would pay for its share of this, not
24 put it upon industry, because wherever you people have gone
25 you've destroyed millions of jobs throughout this country, and

1 thousands of factories don't exist, have gone overseas and
2 never come back.

3 We need things done in this region for the benefit of the
4 region, not for the aversiveness. Thank you.

5 MR. HOHMAN: Thank you, sir. Would you mind spelling
6 your name for the stenographer. I have a note here.

7 MR. RUSINOWSKI: R-u-a-i-n-o-w-s-k-i. First name is
8 Roman. R-o-m-a-n.

9 MR. HOHMAN: Thank you. Anyone else wishes to make a
10 statement or comment? Sir?

11 *zl* MR. ROSE: My name is Tom Rose, and I live in Acushnet.

12 I just picked this up tonight. I went through it quick.
13 Some things I've read between the meeting I went to last week
14 and this week, this it seems is you're looking at a 50 parts
15 per million of remediation level in the harbor? You're only
16 going to attack higher than that?

17 Now that is going to leave -- what is it the FDA says? 1
18 part per million is an acceptable level. Now the number I
19 just heard bandied about was it was going to be eight to ten
20 years before the harbor gets to that level. This money is
21 going to be put in and we still won't have a totally effective
22 remediation.

23 Also there's a lot of letters for different things here.
24 But what's going to be put into this containment disposal
25 facility has not been treated. And like the gentleman said,

1 should anything happen, a storm or whatever, environmental
2 disaster, anything happening, it still remains a risk.
3 Putting it in a box doesn't mean it's gone away, you know.
4 You haven't destroyed it, we still have it. Hopefully it's
5 contained. That's what you're betting on. I live here. I
6 don't know if I'm willing to bet on that, you know, for the
7 next thirty to fifty years until I die.

8 My other fear is where this is just a proposal to deal
9 with this, that once the incinerator is set up for the hot
10 spot, and the dredge is out there, that the EPA doesn't
11 determine that they wish to incinerate everything remaining in
12 the estuary and other areas, to bring it down to a safe level;
13 my fear is, and it may be just a personal fear, that the
14 initial clean up for the hot spot and the incinerator, which
15 the time target was given last week at the meeting as two
16 months, may turn into a long term affair once the initial
17 investment is put to bring the incinerator in, erect it, the
18 cost of starting it. Once it's started will be have any input
19 if you decide that maybe incinerating everything down to a
20 safe level is determined, you know, a second choice, this is
21 just a proposal?

22 You know, that's part of my fear that we'll have an
23 incinerator burning for an extended period of time, to get
24 this down to a safe level.

25 I read something in one of the volumes. I went to the

1 library and I read through the proposed plan for the
2 incineration, and some of the comments in that volume, I
3 believe it was GE Labs had a proposal that there's a micro-
4 organism that attacks the PCBs. The higher the level the more
5 action they're seen. Now I don't see anything, looking into
6 that, as to what would aid the natural destruction of PCBs.

7 If the environment itself as a system is trying to
8 eliminate these PCBs, and from what I read of the report, the
9 higher the concentration the more active this micro-organism
10 was. You know, I don't see anything looking into that, as to
11 what could feed this micro-organism to assist it, rather than
12 throw money at it, and throw manpower and dollars and time at
13 it, you know, to put it someplace. You know, put it in a back
14 closet where we hope nobody goes and opens it.

15 The New Bedford High School I believe was built on an old
16 dump, you know, that probably many years before it was just
17 capped and left as is, you know. 100 or 200 years from now
18 who is say that whatever records are around are going to
19 protect people in the future?

20 This may be great for the very short term, but in the
21 long term I don't know if it's a viable solution. And I
22 propose that the EPA takes no action at the moment, and
23 possibly looks into some of the alternatives that Gerry
24 Studds' office brought to you, and possibly other
25 alternatives.

1 Thank you.

2 MR. HOHMAN: Thank you. Anyone else that wishes to make
3 a statement? Yes, come on up, please, and state your name for
4 the record, and who you represent, if any.

5 MR. P. ROSE: My name is Phil Rose. I'm just a concerned
6 citizen.

7 It's my understanding, and maybe I'm not as in depth as
8 some of the people may be. It's my understanding that there
9 is only six boilers in the country right now that can
10 successfully burn PCBs.

11 If you're going to bring one in that's going to burn the
12 PCBs, and I also understand it has to be kept at a constant
13 temperature between 2,300 and 2,400 degrees to successfully
14 burn all the PCBs.

15 MR. HOHMAN: You're talking about for the hot spot?

16 MR. P. ROSE: Yes.

17 MR. HOHMAN: I'm going to rule that out of order for
18 this. This is to receive comments on our proposal for the
19 remainder of the clean up, not for the hot spot. We'd be
20 happy to talk with you afterwards about it, but not as part of
21 the comment on the record.

22 *PH* MR. P. ROSE: I'm trying to lead up to something.
23 Maybe I shouldn't have gone into that.

24 MR. HOHMAN: Go ahead.

25 MR. P. ROSE: My concern is going to be if there's any

1 heavy metals that are in the contaminants, the PCBs that
2 you're going to dredge up. When you burn it what's left is
3 the sludge. The sludge will be then, as I understand it,
4 deposited in these containment areas.

5 Now if the EPA decides, by doing the toxicity study, to
6 the sludge, that it is higher than the acceptable levels in
7 heavy metals, that that becomes hazardous waste. Hazardous
8 waste will have to be disposed of in a licensed hazardous
9 waste disposal site. Is the containment area on the Acushnet
10 River going to become a hazardous waste disposal site? And if
11 it does, is that going to be open until all hazardous waste of
12 that type, from anywhere in the country later on? Are we
13 going to become a hazardous waste dump?

14 MR. HOHMAN: Let me just comment for the record. If it
15 fails to pass the test, and the ash is in fact a hazardous
16 waste such that it would be regulated under RCRA, it would be
17 treated to meet the RCRA requirements before it's put in that
18 cell. And that cell would not be licensed to receive any
19 waste from anywhere else. To create a hazardous waste
20 depository for anything other than the waste we're dealing
21 with at the Superfund site would require a licensing process
22 through the Commonwealth of Massachusetts, and all of the site
23 assignment process and everything else before that could be
24 done.

25 MR. P. ROSE: But if it is decided that it is hazardous

1 waste, it still remains on site?

2 MR. HOHMAN: It still would remain on site after
3 treatment.

4 MR. P. ROSE: Thank you very much.

5 MR. HOHMAN: Okay, other questions or comments on our
6 proposed plan for the remainder of the harbor clean up? Yes,
7 sir, come on up.

8 ~~MR.~~ MR. DARWIN: My name is John Darwin, and I'm a
9 conservation commissioner in Fairhaven, and as such I'm just
10 one of seven. However, the State of Massachusetts gives me
11 certain obligations that I have to do as a commissioner.

12 If in Fairhaven, and that's one of the reasons I'm here,
13 they start to build a containment area, and they do it without
14 a permit, then I'm supposed to go down there and say to
15 whoever is doing it, "You have to stop. You're working in the
16 wetlands, and you don't have an order of conditions from a
17 local conservation commission."

18 At the last public hearing I came to I was told that they
19 are not required to have state permits. But then I listened,
20 and they're required to follow some laws of the state. I'm
21 sure that on the site nobody is allowed to steal for instance,
22 and things like that. So I don't know, as a commissioner,
23 trying to uphold the State of Massachusetts laws, and that's
24 what I'm supposed to do. We've had a lot of wetlands problems
25 as you know, with Hurricane Bob coming in, and houses getting

1 knocked off foundations, and utility companies having to do
2 things.

3 So I'm concerning that their proposal does not address
4 the wetlands issue, where they're doing all the work in the
5 wetlands in the State of Massachusetts.

6 I think they could comply with the State of Massachusetts
7 laws. I wish they would.

8 This is my third public hearing. I guess maybe this is
9 my second public hearing. I don't know what the one on the
10 burning was at the library the other night. But in all cases
11 there is nobody on the panel that really understands the
12 Massachusetts Wetlands Protection Act, and the regulations
13 that I work under.

14 So I have a real problem. I'm sitting here and trying to
15 work it out, and I'd like them to address that when they do.
16 Perhaps they should hire a wetlands specialist and abide by
17 the laws of the State of Massachusetts.

18 MR. HOHMAN: Thank you, sir. Any other comments that
19 people wish to make into the record? Yes?

20 *2H* MR. ROSE: Something else that came up. My name is Tom
21 Rose again.

22 And something else that came up. When these CDFs are to
23 be constructed, briefly I caught in here, for one of the
24 scenarios, they were going to restrict the flow of water
25 through the river. I think that was for the capping option.

1 But when they construct this CDF in an area that has
2 highly contaminated PCB sediment, what I understand to be
3 said, when they put up these dikes, can this be done without
4 draining the water off? Or when this takes place will that be
5 exposed? Will the water have to be drained, and this PCB
6 contained sediment exposed to the air, which I was told, it
7 creates a risk with the tidal flow.

8 The increased activity with the sun and the air getting
9 to the sediment. In order to build these CDFs are we going to
10 be exposed to a greater risk at that time, in the time it
11 takes to construct them. I assume once they are constructed
12 they'll be maintained with a water level to allow the sediment
13 to drain out, but during the construction period, you know,
14 and also time wise, during the summer when windows are open
15 and people are out. Or will this try to coincide with the
16 weather and different climatic conditions?

17 You know, is this going to be done in the winter when
18 it's cold and people have windows closed, and they don't spend
19 a lot of time outside? You know, what are the health risks
20 associated with constructing these CDFs?

21 Thank you.

22 MR. HOHMAN: Thank you. Yes, you'd like to make a
23 statement?

24 *JJ* MS. KIRK: Hi. My name is Claudia Kirk, and I'm a
25 resident of Fairhaven. I'm just a concerned mom.

1 I have two small boys, and we live very close to Fort
2 Phoenix, the beach area. In fact, we lived very close to
3 Atlas Tack, but now we're on the other side.

4 This is my concern. When you're dredging on the other
5 side, I don't really understand where the other hot spot is.
6 Is there one on the other side of the bridge, of the Fairhaven
7 Bridge? Are you going that far over?

8 MR. HOHMAN: Can someone clarify?

9 MS. KIRK: When you're going to be dredging.

10 MS. SANDERSON: Are we talking about the hot spot
11 remediation?

12 MS. KIRK: No, not the hot spot, not the incinerator,
13 none of that.

14 MS. SANDERSON: All right.

15 MS. KIRK: Although I have a million questions about
16 that.

17 But my concern is, what are you going to do about
18 Fairhaven and like Fort Phoenix Beach. Won't any of that area
19 be affected when you're dredging? Will that have an effect on
20 the swimming? Will that be closed? My kids love to pick up
21 the rocks, and pick out the little crabs. I know that is not
22 as technical as everybody else, but these are concerns to me
23 as a mother.

24 And will you provide information that's clear to our only
25 newspaper, so it will be correct, so that we know when to stay

1 away or to go places, or to do things? I think it's very
2 important that you work with the local newspaper to let us
3 know what's really happening when it does indeed take place.

4 And one other comment about the CDF. My concern about
5 that is twofold. One, I lived on Long Pond, which is fresh
6 water, and we have bulkheads. And just the wave action of
7 fresh water on bulkheads has a tremendous impact. You keep
8 saying that they're going to be treating man made stuff. We
9 don't really know what that is.

10 And the other concern. Somebody mentioned this at one of
11 the other meetings. In the next twenty years we're supposed
12 to get in New England an earthquake. Are these CDFs going to
13 be earthquake proof? We need to know this. And what happens
14 if they crack open? These are questions that just regular
15 people need to know.

16 And that's all. I'm not real happy with the shoreline
17 thing. That bothers me. I wish we could take it and put it
18 somewhere else. I feel it's not complete. That's all.

19 Thank you.

20 MR. HOHMAN: Thank you.

21 MS. GARMAN: You mentioned the bulkhead, the bulkheads,
22 and then you talked about the material that the CFD will be
23 constructed out of.

24 MS. KIRK: Yes.

25 MS. GARMAN: Is it that your concern is---

1 MS. KIRK: I'm concerned, just that seeing fresh water
2 action on bulkheads, I know what it does. My father has had
3 to replace his several times.

4 I know that you have said that it's going to be covered
5 with something, and then is it going to be a polymer? Is it
6 going to be plastic? If it's plastic, isn't that not
7 ecology -- I don't know the word. We need to know what it's
8 going to be composed of.

9 MR. HOHMAN: Long term integrity.

10 MS. KIRK: That's of concern to me.

11 One other thing. When you say you're going to cover it
12 and then put grass on the top of it, how can you keep checking
13 it? You know, nothing is perfect, and sometimes when people
14 make things, or make these containers, maybe there will be a
15 slight crack or something. If you cover it completely, how
16 will you be able to maintain that, and make sure that nothing
17 is seeping out?

18 These are just my concerns. Thank you.

19 MR. HOHMAN: Anyone else that wishes to make a statement
20 or comment for the record? Yes, sir?

21 MR. P. ROSE: My name is Phil Rose, and I just wanted to
22 make a comment.

23 I was a member of a volunteer first aid dive team in the
24 area, and three times in the past ten years I had the
25 unfortunate opportunity to actually dive in the Acushnet

1 River. One north of then Coggshall Street Bridge, and twice
2 in the vicinity of the Coast Guard pier. And at all three
3 times, at the times I did go in the river, I did see aquatic
4 life. And it was considerable. I was very surprised at the
5 time.

6 I just wanted to make that mention. I don't know what
7 depth they've gone into. That isn't a very scientific study
8 on my part, but it is something that I did experience first
9 hand. So it's not that the river is dead and nothing is
10 happening. There is some kind of life in the river.

11 Thank you.

12 MR. HOHMAN: Thank you. Any other comments?

13 Seeing none, let me again remind all of you that we will
14 accept written comments any time prior to May 31. I have a
15 schedule up here, as I discussed earlier, if you want to see
16 what is happening, in terms of our plan to come out with a
17 supplement to address portions of Buzzard's Bay that are not
18 covered in this particular proposed plan.

19 I would also, departing from the topic of the proposed
20 plan that we've talked about tonight, I had comments on it. I
21 would remind you that we are continuing a series of public
22 meetings to talk about various aspects of the hot spot remedy,
23 and the technology and so forth. The next meeting is going to
24 be April 8th at the Wilkes Library at 7:00 p.m., and it will
25 deal with issues of health risk. Both the risk of the

1 problem, and the health risks associated with the remedy.

2 So if there's no further comments and so forth, I will
3 hereby declare this hearing adjourned. And, again, the EPA
4 staff will be here to chat to you if you want to, on any other
5 problems.

6 The hearing is hereby adjourned.

7 (Whereupon, the hearing in the above captioned matter
8 ended at 8:30 p.m.).

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CERTIFICATE OF REPORTER AND TRANSCRIBER

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This is to certify that the attached proceedings
before: MERRILL S. HOHMAN, P.E., Director, Waste Mgt. Div.
in the Matter of:

PUBLIC HEARING RE:
NEW BEDFORD HARBOR
SUPERFUND SITE

Place: Dartmouth, Massachusetts

Date: March 5, 1992

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings taken of the above entitled proceeding.

M. Sandberg
Reporter

03/05/92
Date

P. Sullivan
Transcriber

03/10/92
Date