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New Bedford Harbor
13.4

**Minutes of Meeting held January 5, 1994
on the New Bedford Harbor Superfund Site**

In attendance at the session were:

Facilitator

Michael Keating

Concerned Parents of Fairhaven

Claudia Kirk

Kathleen Rocha

DEP

Paul Craffey

Jay Naparstek

Helen Waldorf

Downwind Coalition

Neal Balboni

Diana Cabbold

Carol Sanz

EPA

Frank Ciavattieri

Harley Laing

John McNeil

Town of Fairhaven

Patrick Mullin

Jeff Osuch

HATR

Eugene Grace

David Hammond

James Simmons

Mayor's Office

Arthur Caron

New Bedford City Council

David Gerwatowski

Fred Kalisz

George Rogers

State Elected Officials

Senator Mark Montigny

Bill Burns

Representative Bill Strauss

Town of Acushnet

Roland Peppin

Approximately 15-20 members of the public observed the meeting, which was videotaped for subsequent broadcast on local cable television.

The meeting convened at about 6:15 p.m. with an introduction of new and returning members.

Committee members then presented a summary of the interests, needs, concerns and values that need to be addressed in developing any solution acceptable to all of the participants. What follows is a brief listing of the interests identified by the different constituencies represented on the Committee:

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: Next meeting of the New Bedford Harbor Superfund Site :
: Committee: 6:00 p.m., WEDNESDAY, JANUARY 12, 1994, at the :
: Greater New Bedford Vocational High School. :

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MEMORANDUM

January 7, 1994

TO: Participants in the New Bedford Harbor Superfund Facilitation Process
FROM: The Facilitator MK
RE: Some Thoughts on the Interests of Parties and the Implications of those Interests for the Process

With rare exceptions, the interests, concerns and values identified and articulated by all of the non-agency participants focus on incineration. An outsider might guess that if incineration were somehow to disappear as the preferred remedy, virtually all of the identified interests of the non-agency participants would be met and their concerns banished. There are some exceptions, such as:

- Use of this unique opportunity to advance scientific knowledge about PCB and heavy metal remediation; the precedential value of this clean-up
- Recognition of the priority of public health and safety
- Need for better communication between the agencies and the public
- The risks associated with dredging
- The regional nature of the problem and its remedy
- Overall harbor clean-up and its impact on the future economy of the area

On the other hand, the agencies' focus is primarily on their statutory and legal obligations to remedy the hot spot, the harbor and this specific Superfund site. Implicit in the agencies' presentation is the understanding that incineration was selected because it best meets these obligations, as they understand them.

Any mutually acceptable solution to this dispute must address both sets of interests - those of the non-agencies about the risks and impacts of incineration and those of the agencies about the statutory and legal obligations they must meet.

It is not enough for the citizens and their representatives simply to oppose and reject incineration; they have got to help the agencies find some way to meet the requirements imposed on them by statute, some way to meet their (the agencies') interests, if this dispute is to be settled consensually. That is the challenge of the process. Together we have all got to find a way to meet as fully as possible the interests of all parties.

Concerned Citizens of Fairhaven:

- Health
 - Risk of air emissions from the proposed incinerator:
 - PIC (products of incomplete combustion) problems
 - Fugitive chemicals (dioxins, furens)
 - Heavy metals, especially lead
 - Adequacy of planned monitoring, especially of heavy metals
 - Adequacy of health assessment relative to the impact of incineration
 - Adequacy of the trial burn process
 - Risks associated with disposal of ash containing heavy metals
- Safety
 - Risk of explosions, fire at incinerator site
 - Dependability of monitoring equipment
 - Past industry history of improper record-keeping, accidents and failures
 - Past agency history of ineffective oversight: "Who's watching the watchers?"
 - Need to give priority to safety, rather than cost-effectiveness
 - Impact of the siting of the incinerator on downwind, heavily populated area that includes schools, factories and residential areas
- Economics
 - Choice of site in midst of urban, low-income, minority community
 - Potentially adverse economic impact of incineration on area real estate values and the development of tourism
- Communication
 - Inadequacy of agencies' efforts to communicate meaningfully with public
 - Perceived unwillingness of agencies to listen and respond to public concerns
 - Need to convey realistic expectations about the impact of removal of the PCBs from the hot spot
 - Need to communicate clearly and fully the dangers actually posed by the PCBs in the hot spot

Hands Across the River: While endorsing all of the preceding, HAR emphasized the following:

- The adverse economic impact of incineration
- The risk of heavy metal emissions, especially of particulates that create metallic dust that can possibly recombine to create new dangers
- The impact of excessive chlorine releases on the effectiveness of pollution control devices

Downwind Coalition: While also endorsing all of the foregoing, this citizens' group emphasized the following:

- The need to use this unique opportunity to advance scientific knowledge about the remediation of sites with PCB and heavy metal contamination; the precedential value of what comes out of this effort
- The adverse economic impact of incineration
- The health dangers posed by the emission, especially, of heavy metals
- The need to reduce the health risks clearly associated with incineration
- The need to effect a timely and cost-effective remediation, but not at the expense of health and safety concerns
- The need to work cooperatively with federal, state and local government to turn this situation into an opportunity, rather than a disaster
- Need to consider the impact of incineration (and its emissions) on the overall total clean-up of New Bedford Harbor and Buzzards Bay

New Bedford City Council:

- Paramount concern is the health and safety of New Bedford citizens; cost considerations are secondary
- Public health and safety concerns over dredging
- Need to avoid over-hasty resumption of dredging plans

- Need for better communication with public by agencies
- Need to recognize the applicability of local laws

Mayor of New Bedford:

- Recognition that this is a regional, not just a city, problem.
- Need for a forum in which citizens may present views to agencies
- Need for agencies to keep an open mind
- Recognition of the impact of delay on costs is important, but not dispositive

Town of Acushnet:

- Adequacy of monitoring for dredging
- Need to communicate risks of dredging and measures and standards for halting it

Town of Fairhaven:

- Concern over impact of incineration on Fairhaven, given prevailing wind currents
- Need for a regional approach and consensus
- Impact of incineration on quality of life: the perceived and real detrimental effect of incineration on people
- Need to be open to and accept best available technology
- Need to consider long-term beneficial use of the harbor and estuary; no dredging presently permitted
- Need to develop and ensure the use and effectiveness of "shut-down" processes and mechanisms

State Elected Officials:

- Regional aspect of problem

- Long-term impact of remediation on the waterfront and future economy of the area
- Need to make protection of citizens the first priority
- Need for better communication with citizens by agencies
- The central concern is public health in issues of both dredging and incineration
- The future of the region is at stake

DEP:

- There is a need to make this process work and get on with the clean-up
- Agencies are under a legal and moral obligation to reduce the significant health risks associated with the site
- Need to consider impact of the ROD process on any outcome here; a goal should be to minimize need to redo the ROD
- There needs to be better education about the health and ecological risks associated with the hot spot and on the need to reduce those risks
- Need to review and discuss other technologies and for everyone, agencies and others as well, to keep an open mind
- Recognition that remediation of the hot spot is key to remediation of the whole harbor
- Need to consider the increased costs associated with alternatives; the agency's obligation to contain costs
- Agency concerns over timing and delay are important

EPA:

- Paramount concern of the agency is protection of human health and the environment, both short-term, during remediation, and long-term

- Effectiveness and permanence of the remedy are critical criteria for the agency
- Need for community involvement in and acceptance of the remediation approach
- Agency's obligation to comply with federal and state clean-up requirements regarding, for example, the permanence of the remediation
- Need to make the best science available the basis for uncertain choices about technology
- Timeliness is a concern because remediation of the hot spot is key to the clean-up of the rest of the harbor
- Cost and contractual obligations, while not dispositive, are important: if concerns regarding health and safety are met, the remediation selected ought to be the most cost-effective

Considerable discussion, in which these various interests and concerns were clarified and explained, followed. At the conclusion of this discussion, the facilitator promised to summarize the concerns and provide some analysis of the interests presented. See the attached brief memorandum for that analysis.

The Committee then considered its agenda for the next two sessions and decided to hear presentations on Wednesday, January 12 on the two technologies identified to date that would be precluded by dredging. Also at that meeting, and to the extent permitted by time, the Committee will begin the development of a range of options responsive to the interests identified during this session. In the January 19 session, the Committee will conclude its review of alternatives involving in situ remediation and re-visit the dredging issue on the basis of information developed during the meetings of January 12th and 19th. At the same time, the Committee will also decide on an agenda for future meetings.

Finally, the citizens groups presented a joint proposal for their engagement of a technical expert to assist them in the evaluation of technologies and other scientific issues involved in this facilitation process. EPA and DEP promised to review the proposal and promptly let the citizens groups know if the agencies would be able to fund the proposal.

The meeting adjourned at 9:28 p.m.

The next meeting of the New Bedford Harbor Superfund Site Committee will convene at 6:00 p.m., Wednesday, January 12, 1994, at the Greater New Bedford Vocational High School.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
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