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UNITED STATES OF AMERICA  
ENVIRONMENTAL PROTECTION AGENCY  
BOSTON REGION

In the Matter of:

PUBLIC HEARING RE:

PROPOSED EXPANDED CLEANUP PLAN FOR  
UPPER BUZZARDS BAY, NEW BEDFORD HARBOR  
SUPERFUND SITE

June 10, 1992  
Tuesday

Days Inn  
Hathaway Road  
New Bedford, Massachusetts

The above-entitled matter came on for hearing,  
pursuant to Notice, at 7:40 o'clock p.m.

BEFORE:

PAULA FITZSIMMONS  
Chief, Massachusetts II Superfund Site  
GAYLE GARMAN, Remedial Project Manager  
JIM SEBASTIAN, Community Relations Coordinator  
U. S. Environmental Protection Agency  
Waste Management Division (HRM-CAN3)  
JFK Federal Building  
Boston, MA 02203

JOHN A. LINDSAY  
NOAA, Resource Trustee Delegate

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I N D E X

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P R O C E E D I N G S

COMMENCED [7:40 p.m.]

MS. FITZSIMMONS: If anyone in the back can't hear me, I will use the microphone, but it seems like a small enough crowd tonight where I prefer not to.

First of all, my name is Paula Fitzsimmons. I'm from the U.S. Environmental Protection Agency and I am Chief of the Massachusetts Superfund Section.

If there is anyone here who is Portuguese speaking and would like the services of our interpreter, we have an interpreter in the back, please avail yourself of him, should need be.

Again, I would like to welcome everybody to this meeting, this is the Public Hearing on the Addendum Proposed Plan for Upper Buzzard's Bay. For those of you who were at our meeting in May, you will recall there a little bit of a discussion as to what part is what, as what phases we call them. What you'll hear us talk about is Phase I which is the hot spot which is the incinerator which is not a topic of discussion for this hearing this evening. We also have the proposed plan that was published and sent out to everyone in January. There was a public hearing on that held previous to this and then this is what we're calling the addendum proposed plan. Again, for those of you who were here last time, I think I called that Phase IIB, but that's what we're here to

1 receive comments on this evening.

2           The format of tonight's meeting is we will have a  
3 short presentation by the Project Manager, Gayle Garman. And  
4 then we will follow up, we will allow you to ask us questions  
5 into the record. For those of you who gave Jim cards in the  
6 back, we ask anyone who does want to speak into the record,  
7 fill out a card and I'll just call on you in turn. You will  
8 have about ten minutes to make your comments into the record.  
9 When you do that, we ask that you step into the microphone,  
10 state your name, if it's a complicated name, please spell it,  
11 and if you have any affiliation, please let us know.

12           Because this is a hearing, as we said, at the  
13 informational meeting in May, we will not be giving answers to  
14 the questions that you ask at this time. What we do with the  
15 questions that you ask is we'll take them with all the other  
16 questions we may get during the public comment period, you  
17 have an opportunity for oral statements into the record or you  
18 can send them to us. If you got a copy of the proposed plan,  
19 there is Gayle's address in the back and you can send them  
20 directly to her.

21           Public comment period closes July 13th. Any  
22 written comments must be postmarked by the 13th to be  
23 considered.

24           You will see we have an array of microphones here.  
25 The meeting is being transcribed. A copy of the transcript

1 will be put in the info repository in the New Bedford Library.  
2 If anyone wants their own individual copy, you can speak to  
3 the stenographer and make arrangements for that.

4           Once the hearing has closed, officially we will  
5 stay around to answer questions if anyone else has questions  
6 on anything other than, as I said, the addendum proposed plan.

7           Let me just take a minute to introduce to you the  
8 people that we have here this evening. As I said, this is  
9 Gayle Garman, as many of you know. She's the Project Manager  
10 from the U.S. Environmental Protection Agency. We also have  
11 here from EPA, many of you know Jim Sebastian, our Community  
12 Relations Coordinator. We have, next to Gayle, John Lindsay.  
13 John is from NOAA, also known as the National Oceanic and  
14 Atmospheric Administration. And we have Paul Craffey, at the  
15 end, from the Massachusetts Department of Environmental  
16 Protection. He's the Project Manager for them.

17           At this point, I will turn it over to Gayle.  
18 Gayle will give you a short synopsis of what the proposed plan  
19 is.

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1 Addendum Proposed Plan Synopsis

2 MS. GARMAN: Thank you, Paula.

3 I think I'll try it without the microphone, it's  
4 much easier for me.

5 As Paula mentioned, comments that we receive from  
6 you either tonight or ones that are postmarked and mailed to  
7 me or to Jim Sebastian by the 13th of July, will be considered  
8 in our record of decision. And we will publish as an addendum  
9 to the record of decision what we call a responsiveness  
10 summary. That would be our answers to your questions and that  
11 will also go into the administrative record. There is a  
12 complete record at the library in New Bedford, there's a  
13 partial record at the Millicent Library in Fairhaven and  
14 there's a complete record also at the EPA offices in Boston,  
15 that is available for public review.

16 Before I describe the areas of contamination and  
17 our cleanup proposals, I thought I would briefly review for  
18 you the nine criteria that EPA uses in developing its record  
19 of decision, and these are what are listed on the first sign.

20 The first two criteria, overall protection of  
21 human health and the environment and compliance with what we  
22 call ALARS, are threshold criteria for us. That means that  
23 any remedy that we propose must meet those conditions, it must  
24 overall be protective of human health in the environment and  
25 it must comply with environmental laws of the State of

1 Massachusetts and of the United States.

2           The remainder of the criteria we call balancing  
3 criteria. We take those remedies that have passed that  
4 threshold set by those first two criteria and we balance them  
5 one against the other using the remaining seven standards:  
6 long term effectiveness, will the proposed remedy remain in  
7 place and remain protected over a long period of time, at a  
8 minimum thirty years; reduction of toxicity, mobility or  
9 volume that should stay through treatment, there is a  
10 preference for treatment in the National Contingency Plan,  
11 these standards are given to us by the National Contingency  
12 Plan, they are not something that EPA made up; short term  
13 effectiveness, that deals with whether we can implement the  
14 remedy, the construction of the remedy without harming the  
15 health of the community or the environment; implementability,  
16 is it doable, is the equipment we need available, can we  
17 transport whatever we might need to the site, are the  
18 materials available; cost I think is self-explanatory; and  
19 then the last two criteria are state and community acceptance,  
20 we look forward to receiving comments from Massachusetts and  
21 from the communities affected by the remediation, and those  
22 are very seriously considered in our decision.

23           So I would like you to keep these criteria in mind  
24 when you are preparing your comments because these are the  
25 standards we are required to use in making our decision. And

1 as I mentioned earlier, only those comments that are  
2 postmarked by the 13th of July will be considered in  
3 developing our decision.

4                   So, let's move on.

5                   It's kind of a strange place to start, the  
6 cutterhead dredge. This is the dredge that we found to be  
7 most effective when we did our pilot study in the harbor. In  
8 fact, this is the cover just north of Sawyer Street. But the  
9 reason I started off with this was this was, this pilot study  
10 was done in response to public comments received on a plan  
11 that EPA proposed in 1984. So it's a way of demonstrating  
12 what happens when we receive comments. In this case, we  
13 undertook a pilot study to see if we could dredge effectively  
14 within the harbor without spreading the contamination. And we  
15 also tested two ways of disposing of the dredge sediment  
16 on-site. One way was under water and you can't see it, the  
17 other way is in a confined disposal facility and you can see  
18 the cove on the left hand side, just south of that on the  
19 shoreline, you'll see, that's the CDF constructive part of the  
20 pilot study. Those of you who have driven by the area no  
21 doubt can see it. There is additional construction going on  
22 there now as part of the hot spot remediation.

23                   This is an overview of the site, what is the  
24 New Bedford Harbor Superfund site? Initially it began in  
25 1979, the Massachusetts Department of Public Health instituted

1 the fishing closure areas that you see on this map, you  
2 probably can't read the writing, the first area is north of  
3 the hurricane barrier. That is closed to the taking of all  
4 seafood for human consumption while fishing area closure two  
5 is closed to the taking of lobsters and biota eating fish and  
6 fishing closure area three is closed to the taking of lobsters  
7 for human consumption. Those fishing closure areas were  
8 instituted to protect individuals who might consume these  
9 materials and PCBs are shown to cause cancer in laboratory  
10 animals and they are strongly suspected to be a carcinogen in  
11 humans.

12           So, when EPA went out to investigate the  
13 contamination in the harbor that was causing the contamination  
14 of the fish and food chain, they looked first at the most  
15 contaminated areas. This is a map of the estuary from the  
16 Wood Street Bridge on the north to Coggeshall Street Bridge on  
17 the south. You will see that cove area on the right. And the  
18 areas of highest contamination are shown in orange, that's the  
19 hot spot areas, as Paul mentioned, we already have a record of  
20 decision for the hot spot signed in April of 1990 and  
21 remediation is under way. The green -- you probably can't  
22 read it -- are areas of contamination greater than fifty parts  
23 per million. All of the areas except the gray are proposed  
24 for remediation under the estuary, lower harbor and bay  
25 proposed plan that we issued in January of this year.

1           This is the area of the site from the  
2 Coggeshall Street Bridge just south of the hurricane barrier.  
3 This area was also handled in the proposed plan of January.  
4 The darker colored areas are the areas with PCB contamination  
5 greater than fifty parts per million. Under our proposed plan  
6 for the estuary, lower harbor and bay, these areas would be  
7 dredged as would the areas over fifty parts per million in the  
8 estuary. Those sediments would be disposed in confined  
9 disposal facilities like the one I showed you -- Jim pointed  
10 out on the slide earlier, that we constructed for the pilot  
11 study.

12           The dredged sediments would be allowed to settle  
13 by gravity settling in the confined disposal facility. The  
14 water on top of the sediments will be drained off, it would go  
15 through a waste water treatment plant. The waste water  
16 treatment plant would remove most of the PCBs and the metals.  
17 The water would then be discharged back into the estuary.  
18 After that, the settled sediments will be covered with an  
19 impermeable cap. This would include a plastic membrane and  
20 over that membrane there would be layers of soil of at least  
21 two feet in depth and, finally, a vegetative cover. So, you  
22 create a new permeable membrane over your de-watered  
23 sediments.

24           This slide shows the overall process for the  
25 proposed plan that was issued in January. The reason, I'll

1 tell you in a minute why we're reviewing once again the plan  
2 that was issued in January. The areas shown in yellow are the  
3 areas to be dredged. The areas shown in green are the areas  
4 where the confined disposal facilities will be constructed.

5 Two things I would like you to note are the areas  
6 in green, why did we put the confined disposal facilities in  
7 those areas? First off, there is very little boat traffic  
8 north of the Coggeshall Street Bridge. It's also a low energy  
9 area so that there is very little wave energy there to impact  
10 the confined disposal facilities and probably most  
11 importantly, these areas are areas that are contaminated and  
12 would require remediation or dredging if we were not already  
13 planning to construct a CDF there.

14 I would also like to draw your attention to, if  
15 you can see them, the two little spots south of the hurricane  
16 barrier, that line across the bottom of the sign that says  
17 hurricane barrier. These two areas exceed fifty parts per  
18 million in the sediments and these areas also are proposed for  
19 dredging in the January plan and also would be disposed of in  
20 the confined disposal facilities.

21 This slide outlines the sequence for construction  
22 of the proposal we made in January and we estimate that it  
23 would take eight years from the record of decision to complete  
24 this construction plan. In particular, I would like you to  
25 note that there is a monitoring program planned. We are

1 required to continue monitoring the site to see if in fact our  
2 remedy has been effective and that data is evaluated every  
3 five years. We also expect to have to maintain the fishing  
4 bans, in other words those fish enclosure areas. We don't  
5 know by how much there will be a reduction in the PCB content  
6 of the biota or how soon we will see a reduction in the PCB  
7 levels of the biota and the fish enclosure areas would need to  
8 be maintained until there was a safe level of reduction in  
9 those PCBs so that people could eat those fish without having  
10 undue risk of an adverse health effect.

11           This slide, I'm not going to go over. It's just  
12 for you, will show you that we looked at a number of other  
13 alternatives, nine, in fact. If you can see the numbers, it  
14 also gives you the range of costs. The first one is a  
15 limited/no action alternative. Actually we never really  
16 seriously considered implementing a limited/no action  
17 alternative, but we have to evaluate it, it gives us a  
18 baseline for evaluating other alternatives. So the costs  
19 range from 827 million to 33 million for remedies that were  
20 evaluated for the estuary, lower harbor and bay. Again, this  
21 proposal was made in January.

22           We have a blank here because this is the break.  
23 What I will describe for you now is what is described in the  
24 addendum proposed plan and it was issued in May. This is an  
25 add on to what I have already described. In other words, the

1 work described in the addendum proposed plan would not be done  
2 all by itself, it will be done, if it is done at all, as part  
3 of the remedial action for the estuary, lower harbor and bay.

4           The trustees of Natural Resources requested that  
5 we do a joint evaluation with them of the contamination south  
6 of the hurricane barrier and the practicality of doing  
7 remediation above and beyond the two areas that were already  
8 shown on the map, the little yellow dots south of the  
9 hurricane barrier that we proposed to dredge back in January.  
10 They came to us, they said we really think it would be  
11 worthwhile to do additional, expanded remediation south of the  
12 hurricane barrier because of the value of the resources in  
13 Buzzard's Bay.

14           So our initial step was to take a look at all the  
15 data we had on PCB contamination in the sediments. And the  
16 little red dots you see are areas where at one time or another  
17 since 1976 we have had maybe only one sample that indicated  
18 the PCB contamination, where all those red dots are, may be  
19 more than ten parts per million.

20           So the first agreement we came to was we really  
21 thought we ought to go back, at a minimum, and re-sample these  
22 areas and see if in fact this contamination was still in the  
23 area, if these were real numbers because there's some question  
24 about that on some of the older data as well. Our methods of  
25 analyzing the sediment have greatly improved and some of this

1 data is somewhat questionable.

2           NOAA also pointed out to us that they would like  
3 us to look not only at the two areas south of the hurricane  
4 barrier, but at the area where the New Bedford City Waste  
5 Water Treatment Plant has its outfall. And this area, they  
6 gave us information indicating that this area may be  
7 particularly significant to contamination of the food chain.  
8 And the way that works is illustrated by the slide which is my  
9 favorite slide. The little worm which looks more like an  
10 earthworm than a sea worm, lives in the sediment and picks up  
11 the contamination from the sediment. It's then ingested by  
12 the fish. There are a lot of sea worms living at the outfall  
13 even though the area is degraded from the input from the  
14 outfall, those worms are resistant to that type of  
15 contamination. And the fish like the sea worms, it's fish  
16 junk food, I guess. And so we have studies that demonstrate  
17 that the fish congregate and feed in these areas and they feed  
18 on these contaminated sea worms. And in that way, a  
19 disproportionate amount of PCBs may be entering the food  
20 chain.

21           The trustees also gave us information indicating  
22 that the younger members of the lobster and winter flounder,  
23 which we found populations, populations that are particularly  
24 interesting and tend to spend the greater part of their time  
25 in the near shore areas. And if I were to go back to that

1 sign with the vent box, you'll see that most of those are  
2 located right near shore. So these areas may be contributing  
3 disproportionately to the effects on these populations because  
4 the younger individuals are spending a greater portion of  
5 their time there and these young individuals in the population  
6 are more sensitive to contamination probably than are adults.

7           So we now focused our attention on the two areas  
8 south of the hurricane barrier and the area of the outfall  
9 which is what that red dot is at the bottom of this slide.  
10 This slide is not drawn to scale, but it does give you the  
11 location of the three areas that we are proposing to remediate  
12 as part of the addendum proposed plan. The two areas near the  
13 hurricane barrier are expanded areas from the two that we had  
14 previously identified in January. In January we said we would  
15 dredge the sediments that were contaminated above fifty parts  
16 per million. We are now saying we would expand those areas to  
17 include the sediment contaminated above ten parts per million.  
18 So it's a bigger area.

19           Those dredged sediments will be put on a barge and  
20 transported to the Thousand Street Bridge. From there they  
21 would be moved by hydraulic pipe, hydraulic pipeline to CDF-1,  
22 which is the largest CDF-1 in the cove area that is proposed  
23 for construction as part of the January plan. Besides the  
24 CDF, there need to be constructed two feet higher in order to  
25 accommodate this additional sediment. We would use the same

1 cutterhead dredge that was found during the pilot study to be  
2 the best dredge to use for this type of purpose. It does not  
3 re-suspend the sediments and spread the contamination around.

4 At the outfall area, and actually I have a diagram  
5 of that which I forgot to get you. So here you see the dredge  
6 and the hydraulic pipeline going from the dredge to the CDF  
7 that is being filled with very watery sediment. I'm not sure  
8 what the next step is, but then it's supposed to go to the  
9 water treatment facility. The next step could be, sometimes  
10 we divide the CDF into several different sediments.

11 And this slide shows how we would do the capping  
12 because we are proposing capping the outfall area because the  
13 water is deeper, that would be difficult to dredge in that  
14 area. However, we can take the same sand, transport it on a  
15 barge to the outfall area. This is a special kind of barge  
16 that has a bottom that will slowly open. You open the bottom  
17 of the barge a slight amount and the barge moves back and  
18 forth over the outfall area and the sand is deposited and  
19 covers those contaminated sediments.

20 It's important to remember that there is a large  
21 volume of clean material required to do this. The Corps of  
22 Engineers has recommended to us that we use a volume of  
23 material that would equal six feet in depth over this area.  
24 In order to ensure that we have it capped, it will not be --  
25 that would be impermeable to the transport of the PCBs through

1 it and that organisms that burrow in the sediment will not be  
2 able to disturb.

3           So, I have described to you, granted, very  
4 briefly, our preferred alternative for the estuary, lower  
5 harbor and bay and our preferred addendum alternative or add  
6 on which is bay four on this list. It's a combination of  
7 dredging and capping. We also evaluated a proposal to dredge  
8 only, in other words dredge all three areas, that would  
9 require constructing another CDF. We looked at a proposal  
10 that was capping only. That requires a great volume of  
11 material to cover the contaminated areas. It also creates  
12 problems in shallow water because you end up decreasing the  
13 depth of the water significantly. Bay four is our preferred  
14 alternative. Bay five involved dredging all of the sediments,  
15 treating the sediments by solvent extraction and then taking  
16 the treated sediments and depositing them in the CDF. Again,  
17 because of the volume of sediment generated by this, we would  
18 need to construct another CDF. Bay 1 is our limited/no  
19 action. Again, we are required to include a no action  
20 alternative as a baseline for evaluating our other  
21 alternatives.

22           We have asked for comments from you on two  
23 specific areas related to the addendum proposed plan. One of  
24 those issues is the use of a marine sediment for capping. If  
25 we were able to do this, it would greatly reduce the cost of

1 capping. There are questions about whether the sediment will  
2 be available and whether it will be clean enough if it came  
3 from another harbor. So we are looking for comments on that.

4           The other issue we are particularly looking for  
5 comments on are the use of institutional controls to maintain  
6 the safety of the consuming healing population. In other  
7 words, are the fish enclosure areas affected, are there other  
8 ways that we could accomplish what we are trying to accomplish  
9 with the fish enclosure area. What does the community think  
10 about the fish enclosure? And, again, I think that what we  
11 would really like to see is if there's a better alternative  
12 out there.

13           The implementation of Bay four would reduce the  
14 amount of time that would be required to bring the bicta  
15 concentration of PCBs to an acceptable level. In other words,  
16 by removing the additional PCBs from the sediments, we expect  
17 to be able to lift the fish enclosure areas sooner. We don't  
18 know, however, how soon that would be. But we do believe that  
19 by removing these additional contaminants, we will be reducing  
20 the full contaminants into the food chain and we will also be  
21 improving the ecological protectiveness of the remedy by  
22 removing the contaminants from the near shore areas that are  
23 frequented by the younger members of the lobster and winter  
24 flounder populations.

25           So I think I've probably said more than you wanted

1 to hear. We look forward to receiving your comments. Again,  
2 please get your comments to us by July 13th if you want them  
3 to be considered and try to keep in mind the criteria that I  
4 outlined initially, the nine, when you make those comments.

5 Thank you.

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1 Public Comments

2 MS. FITZSIMMONS: We will now take questions into  
3 the record. I have two cards here. After I go through the  
4 two people who have said they do want to make comments into  
5 the record, we'll see if there's anyone in the audience who  
6 also wants to make comments.

7 The first commenter is David Dow.

8 MR. DOW: I'm David Dow and I'm representing the  
9 Massachusetts Sierra Club.

10 The addendum proposed plan recognized the cleanup  
11 strategy for PCB contaminated sediments in the upper bay in  
12 which sediments with a total PCB level exceeding ten parts per  
13 million be dredged and then placed in CDFs in the New Bedford  
14 Harbor Estuarian area or a cap will be placed over the  
15 contaminated sediments near the waste water treatment plant.

16 EPA proposes institutional controls to protect the  
17 public from PCB contaminated seafood, clams, lobsters, scup,  
18 totog winter flounder, et cetera, which will continue to  
19 reside in the upper bay area in the fish enclosure areas two  
20 and three.

21 A long term monitoring program is proposed in  
22 order to see whether the model predicted decreases in PCB  
23 levels in the water, sediment and shellfish and fish will  
24 actually occur as a consequence of the remedial cleanup action  
25 chosen.

1           The Sierra Club feels that the target PCB cleanup  
2 level for the total PCBs should not exceed five parts per  
3 million and should be closer to one part per million. We also  
4 feel that the CDFs do not provide a secure long term storage  
5 option for the dredged, more highly contaminated PCB  
6 contaminated sediments ranging from ten to five hundred parts  
7 per million of total PCBs. We prefer either an up land  
8 disposal option or disposal in a RCRA certified hazardous  
9 waste landfill.

10           Institutional controls without adequate  
11 enforcement are unlikely to prevent the harvesting of PCB  
12 contaminated seafood. The implementation of fishing effort  
13 controls to help rebuild the offshore fish stocks would place  
14 greater harvesting pressure on the in-shore fish stocks.  
15 Also, since winter flounder and lobsters move from the  
16 in-shore feeding nursery areas to the offshore on either a  
17 seasonal basis or as part of a life cycle pattern, there's a  
18 distinct possibility that PCB contaminated seafood could be  
19 harvested outside of the fish enclosure areas.

20           For example, Dr. John Stegman of the Woods Hole  
21 Oceanographic Institution studied the mixed function oxidase  
22 activity in winter flounder from the Butler Flats area of  
23 Buzzard's Bay and compared it with the activity of fish  
24 collected in Nantucket Sound near Nantucket Island. Mixed  
25 function oxidase activity is induced in fish by exposure to

1 organic contaminants such as PCBs and is used by the fish as a  
2 mechanism to metabolize these foreign compounds. Dr. Stegman  
3 found that both the mixed function oxidase activity and the  
4 content of mixed function oxidase enzyme were higher in the  
5 winter flounder from Nantucket Sound than those in Buzzard's  
6 Bay in spite of the fact that the PCB level in the sediments  
7 was 250 times higher in Buzzard's Bay than it was in Nantucket  
8 Sound. The migratory nature of fish make it difficult to  
9 correlate their physical location with their exposure to toxic  
10 pollutants.

11 Another example of potential foreign field impacts  
12 of the PCB contaminated sediments from New Bedford Harbor is  
13 that the Rosiette and Common Terns from the Massachusetts  
14 Audobon Bird Refuge at Bard Island exhibit heavy metal and  
15 organic chemical contamination as a consequence of feeding in  
16 New Bedford Harbor. Studies in the Great Lakes have related  
17 PCB contamination to reproductive impairment in Foster's Tern,  
18 a fish eating bird. Marine studies have shown that fish  
19 eating birds and cetaceans are quite sensitive to low levels  
20 of PCB contamination.

21 Cape Cod is an important breeding area for  
22 endangered birds such as the Lise Tern and is a feeding area  
23 for endangered cetaceans such as the North Atlantic Right  
24 Whale.

25 Thus, in order to protect both human health and to

1 promote wildlife survival, it is important to mitigate the PCB  
2 levels of the sediments left in place to the lowest practical  
3 levels. We do not feel that EPA's preferred cleanup option  
4 achieves this goal.

5 Thank you.

6 MS. FITZSIMMONS: Thank you.

7 The next questioner I have here is George Hampson.

8 MR. HAMPSON: My name is George Hampson. I'm with  
9 the Coalition of Buzzard's Bay.

10 The point I would like to ask is that presently,  
11 from my experience in transiting through Buzzard's Bay going  
12 through the hurricane barrier, there's little or no  
13 enforcement that I could see at several occasions to prevent  
14 people from fishing both just outside the hurricane barrier or  
15 inside the hurricane barrier. It seems that when the urge  
16 comes for people to survive, for them to obtain a fish  
17 resource in order to eat, it is done.

18 My question would be, what general enforcement  
19 would be imposed in order to prevent this from happening in  
20 the future which does not exist at present?

21 Also, I would like to say that on several  
22 occasions I have seen menhaden schools swimming around the  
23 present outfall, and as you are well aware, the menhaden would  
24 then migrate in different areas. They were herded as if being  
25 preyed upon by bluefish, which is, those of you who have done

1 this before have seen the herding concept. They herd in order  
2 to protect themselves from bluefish attacking the school.

3           So, in any way, no matter what's done in this  
4 area, I would expect an increase in police activity, whatever  
5 it takes, in order to prevent people who don't understand that  
6 the fish that they eat from this area is presently  
7 contaminated and will be contaminated in the future for some  
8 time to come; how do you enforce?

9           Thank you.

10          MS. FITZSIMMONS: Thank you.

11          Is there anyone in the audience who did not give  
12 us a card who would like to make a comment on the addendum  
13 proposed plan, into the record?

14          The gentleman in front.

15          MR. RUSINOWSKI: My name is Roman Rusinowski. I  
16 come from Fairhaven.

17          I've been following this project for about nine  
18 years now and I was watching the girl give the film slide  
19 there. I questioned her at one time, maybe a few months ago,  
20 but she refers to the fish going to eat the sea worms, but she  
21 doesn't refer to the sea birds that are going to eat the  
22 byproduct that that dredge will dredge up into that pool to  
23 make it.

24          Now, I've brought this subject up before and she  
25 has nothing on it so I bring it up again. They put an orange

1 bed around that cesspool they made at the end of Sawyer Street  
2 and I guess that's for the public not to see what's going on  
3 there, but I haven't seen no cover over that cesspool yet.  
4 You people going to go to the dredging, it's time you put a  
5 cover over it to keep all the birds out of there because if  
6 there's any food there, they're going to come in there.  
7 You're going to have swans in there, geese, ducks in the  
8 winter, gulls will be there all the time on the way from the  
9 ocean to the dump, they come down there, they see there,  
10 they'll feed. Later on their droppings will be spread out  
11 throughout southeastern Massachusetts and sure enough  
12 something will come up with cancer or some other death  
13 sickness and the doctor never diagnoses it for the sickness  
14 where it originates, they just go what's the matter with the  
15 person at that specific time.

16           Where you ever dredge, cover that thing up, like I  
17 say, and keep the birds out because what you're doing is  
18 illegal, but I know you can't stop a government agency ever,  
19 which, according to The Wall Street Journal, has 70,000  
20 employees, it wastes six billion dollars a year. There's no  
21 way to stop the budget money, just listen to it and give your  
22 opinions.

23           Thank you.

24           MS. FITZSIMMONS: Is there anyone else who would  
25 like to put a comment into the record?

1 (No response)

2 MS. FITZSIMMONS: If there is no other comments,  
3 then we will close the public hearing.

4 As I said, we will be around for a little while if  
5 anybody would like to ask any other questions of the panel and  
6 we can provide some answers at that time.

7 Thank you very much, all of you, for coming.

8 (The public hearing concluded at 8:20 p.m.)

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CERTIFICATE OF REPORTER AND TRANSCRIBER

This is to certify that the attached proceedings  
before: JIM SEBASTION, Hearing Officer

in the Matter of:

PUBLIC HEARING RE:  
PROPOSED EXPANDED CLEANUP PLAN FOR  
UPPER BUZZARDS BAY, NEW BEDFORD HARBOR  
SUPERFUND SITE

Place: New Bedford, Massachusetts

Date: June 10, 1991

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.

Martin Farley  
Reporter

06/18/92  
Date

Laura Madi  
Transcriber

06/18/92  
Date