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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
ENVIRONMENTAL PROTECTION AGENCY

PROCEEDINGS IN RE: *
*
PUBLIC HEARING REGARDING *
CLEANING UP THE LANDFILL *
AND RESOURCE RECOVERY SITE *
*

North Smithfield High School
North Smithfield, RI
August 10, 1988
7:00 P.M.

BEFORE: Sam Silverman, EPA
Lynne Fratus, Site Manager

ALSO PRESENT:

Thomas Getz, DEM
Kevin Burger, C.E.P.
Dean N. Temkin, Esquire

ALLIED COURT REPORTERS
115 PHENIX AVENUE
CRANSTON, R.I. 02920
(401) 781-1984

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1 MR. SILVERMAN: Good evening. My name
2 is Sam Silverman, and I am here from the US
3 Environmental Protection Agency, Region I in Boston.
4 My current position with EPA is Acting Deputy Director
5 of the Waste Management Division. My responsibilities
6 include managing the implementation of the Superfund
7 Program in the State of Rhode Island. I am going to
8 serve as chairman of this hearing tonight. I want to
9 welcome you all for coming here on this very warm
10 evening. The purpose of this hearing is to formally
11 accept your comments on the remedial investigation,
12 endangerment assessment, feasibility study and
13 proposed plan for remediation of the landfill and
14 resource recovery superfund site located here in North
15 Smithfield, Rhode Island. Also present today with me
16 is Lynne Fratus who is EPA's site manager for the L&RR
17 site. In the audience is Tom Getz who is Director of
18 the Air and Hazardous Material Division for the Rhode
19 Island Department of Environmental Management. In a
20 little while Tom will make a short comment on behalf
21 of the State.

22 Before beginning, I would like to describe for you
23 the formate for this hearing. After I finish my
24 opening comments Lynn Fratus will give you a brief

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1 overview of the proposed plan. As many of you may
2 know EPA representatives were here and made a detailed
3 presentation of the plan at an informational meeting
4 which we held on July 19. Following Lynne's overview
5 we will accept any oral comments that you may wish to
6 make for the record. Those of you who wish to comment
7 should have already indicated your desire to do so by
8 filling out the form we made available to you. Also
9 available if you don't already have copies are copies
10 of the proposed plan. Once again if you have not
11 completed a card and wish to comment please do so now
12 or at any time during the course of the hearing. The
13 forms will be on the table where Lynne is now sitting.
14 When I call on you to make your comments please come
15 to the front of the room and stand here at the podium
16 so that everyone can hear you. The text of your
17 comments in their entirety will be transcribed and
18 become part of the hearing record. Following comments
19 Lynne or I may ask you some clarifying questions so
20 that we may better understand your comments in helping
21 us in responding to them. After all the comments have
22 been made I will close the formal hearing. The
23 purpose of tonight's hearing is for EPA to receive
24 your comments. As part of the formal hearing we will

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1 not be able to respond to comments or questions
2 tonight. However, after we close the formal hearing,
3 Lynne and I will remain available to answer any
4 questions which you may have on issues raised this
5 evening or on other aspects of the feasibility study
6 and proposed plan for the site. As you may know the
7 public comment period for the proposed plan opened on
8 July 20th. EPA has extended the comment period to run
9 through September 2nd. If you wish to submit written
10 comments and I do encourage you to do so, they must be
11 postmarked no later than September 2nd and mailed to
12 our office in Boston. The appropriate address can be
13 found on Page 3 of the proposed plan. At the
14 conclusion of the hearing tonight please see Lynne or
15 me if you have any questions at all on this process
16 for making written comments as opposed to the oral
17 comments you will be making tonight. All oral
18 comments we do receive tonight and all written
19 comments which we receive during the comment period
20 will be responded to in what we call a responsiveness
21 study which is a written document. This summary will
22 be included with the decision document or as we call
23 it the record of decision or ROD that EPA prepares at
24 the conclusion of the comment period. In the record

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1 of decision EPA will explain which clean up
2 alternatives have been selected for the L&RR site.

3 Are there any questions on the formate for this
4 evening's hearing? If not, again I encourage each of
5 you wishing to comment to do so now or in writing
6 before September 2nd. As I mentioned earlier, Lynne
7 Fratus will open with a brief overview of the proposed
8 plan for the landfill and resource recovery site.

9 MS. FRATUS: Can everybody see this
10 okay? I will try to basically go through everything
11 that is on here pretty quickly. This is the landfill
12 over here, it is located between Oxford Turnpike and
13 Pound Hill Road which doesn't show on here, it is
14 chopped off the map. Basically our proposed plan has
15 three components. The first component would be to
16 upgrade this landfill, and what that would consist of,
17 first of all, there is a synthetic liner that covers
18 most of the landfill and it covers about three
19 quarters to 80 percent of the landfill. What we would
20 do is extend that synthetic cover over the remainder
21 of the landfill which is aproximately this area
22 (indicating). We would also because the landfill has
23 an erosion problem we could do a couple of things.
24 First of all, there is one area where the slopes in

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1 the landfill are extremely steep, we would stabilize
2 those slopes and there are two mechanisms to do that,
3 one of them would be to extend the slope out and the
4 second one would be to extend it out slightly and
5 build a terrace and then support it that way or
6 stabilize it that way. We would also establish a good
7 soil cover on top of the synthetic cover and
8 vegetation that would help minimize erosion. A few of
9 the other things that we would be doing would be to
10 upgrade the surface water diversion structures on the
11 landfill. We would install a chainlink fence around
12 the landfill, establish a post closure monitoring plan
13 to make sure the landfill is maintained properly.
14 That's the first major component.

15 The second major component of the proposed plan is
16 to install a gas collection and treatment system.
17 Presently the landfill has vents such as this that are
18 enlarged in the landfill and they vent gases such as
19 methane and hydrogensulfide that are generated from
20 the decomposition of waste. What we could do is set
21 up a system to collect those gases and to treat them.
22 The type of treatment system that we are proposing is
23 what is known as the thermal destruction system.
24 There are three types of technology that are being

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1 used, one is known as combustion. The second one is
2 incineration, and the third one is flaring. They all
3 are basically burning the gas and destroying any
4 hazardous constituents that are present in the gas.
5 The combustion system has the ability to generate
6 electricity while burning the gas. The flaring is
7 just burning it, no electricity being generated and
8 incineration is also a burning type process. It is
9 just a more closed and controlled process. So that is
10 the second major component.

11 The last component of our proposed plan is
12 monitoring the site. We would monitor the ground
13 water by way of monitoring wells that are presently
14 installed around the site. Right now there are 14
15 wells that have been installed, nine of them have been
16 installed by the present owner and five of them by
17 EPA. We would monitor those on a periodic basis that
18 would designate whether or not or depict whether or
19 not there was a ground water contamination problem at
20 the site. The second thing that we would monitor
21 would be the air. We are installing the gas treatment
22 system but we want to insure that is actually
23 destructing the hazardous constituents that are
24 present from the emissions from the landfill, so we

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1 would monitor the air being emitted from the treatment
2 system and this would also be done on a periodic
3 basis.

4 The actual component of stabilization, I talked
5 about the first part of the proposed plan, the slopes
6 stabilization component, we are going to decide which
7 mechanism that we are going to use during the design
8 phase. Now basically we need to do some stability
9 tests on the slope of the landfill before we can
10 choose which would be the best option of the two.
11 Also, between the gas treatment technology, the
12 incineration, the combustion and the flaring once
13 again we would make the final decision on that during
14 our design phase. We want to do some testing on the
15 landfill's gas to find out which one would be the best
16 and that would be done during the design phase of the
17 project. Does anybody have any questions? Actually
18 we probably should get right into the comments and
19 save the questions to the end.

20 MR. SILVERMAN: Thank you, Lynne. At
21 this time I would like to start accepting comments
22 from the audience. The first person I will turn to is
23 Tom Getz from the Rhode Island DEM.

24 MR. GETTS: My name is Tom Getz. I

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1 work for the Division of Air and Hazardous Materials.
2 At this point in time the Department is still
3 reviewing the documentation which has been provided
4 us. Due to the different divisions that impact --
5 that are impacted by DEM all the comments at this
6 point in time have not been coordinated, so at this
7 point in time we will be submitting to you a detailed
8 comment by the September 2nd date. This RI/FS and ROD
9 would be also discussed with respect to the consent
10 agreement that DEM currently has with L&RR in order to
11 see that they are within the confines of this
12 agreement also. Thank you.

13 MR. SILVERMAN: Thank you, Tom. I
14 would now like to ask that Carol Drainville come
15 forward.

16 MS. DRAINVILLE: I would like to pass
17 and wait until the question period because I would
18 like to clarify some points on that.

19 MR. SILVERMAN: Okay, fine. Then I
20 would next call on Kevin Burger.

21 MR. BURGER: Good evening. My name is
22 Kevin Burger. I am a Certified Environmental
23 Professional and the Manager of Environmental Services
24 for Wehran Engineering's New England Region located in

1 Methuen, Massachusetts. I have over 12 years of
2 experience at Wehran Engineering and previously with
3 the U.S. EPA Region II in the solid and hazardous
4 waste industry, conducting Remedial Investigations and
5 Feasibility Studies and other types of hazardous waste
6 type investigations and studies. I have also served
7 as the program manager for Wehran's statewide
8 Superfund Contract with the Commonwealth of
9 Massachusetts since March of 1985. Wehran Engineering
10 as a firm has over 20 years of experience in the solid
11 and hazardous waste industry and has been providing
12 engineering services at the L&RR Landfill site since
13 the late 1970's.

14 Wehran Engineering is presently conducting a
15 detailed technical review of the EPA's RI/FS report
16 dated June, 1988. As a result of this review, a
17 written statement of technical comments will be
18 provided to EPA prior to the closing of public
19 comment.

20 Wehran Engineering agrees with the results
21 contained in the RI/FS report for the groundwater,
22 subsurface soils, surface water, sediment and wetlands
23 investigations performed at the L&RR site. We further
24 agree with EPA in concluding that these environmental

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1 media and the associated impacts from the landfill on
2 these media do not pose a significant risk to public
3 health.

4 Wehran Engineering agrees with the results of the
5 RI/FS report which indicate that further work needs to
6 be conducted at the L&RR facility concerning landfill
7 gases. We further wish to point out that
8 implementation of the landfill gas recovery system
9 specified by Wehran Engineering in our 1983 plan will
10 eliminate the concerns for any risk to public health
11 associated with the landfill gases. Wehran
12 Engineering does have, however, some specific
13 technical concerns regarding the sampling methodology
14 and the concentrations of contaminants utilized by EPA
15 in evaluating the risks associated with the landfill
16 gases. These concerns will be addressed in our
17 written comments to be provided at a later date.

18 The results of EPA's environmental assessment
19 identified the wetlands as being the subject of an
20 environmental concern from sand eroding from the
21 landfill into the wetlands, even though this sand is
22 not contaminated. We recognize and agree that this is
23 an issue requiring remediation but do not consider
24 this to be a Superfund issue.

1 Wehran Engineering as a firm has significant
2 experience in performing RI/FS type studies in several
3 New England states including Massachusetts, New
4 Hampshire and Rhode Island. We fully recognize EPA's
5 requirements relative to conducting RI/FS
6 investigations. It is Wehran's opinion having been
7 involved in the engineering study at the L&RR site
8 since the late '70's that the plans as prepared in
9 June of 1983 which propose the implementation of
10 several remedial activities, and as identified in the
11 court order between L&RR and the DEM, would adequately
12 protect the environment and public health of the
13 citizens of North Smithfield and the State of Rhode
14 Island. In an overview sense, it is Wehran
15 Engineering's technical opinion that the remedial
16 alternative solutions proposed by EPA are not
17 justified based upon the environmental and public
18 health concerns identified in the RI/FS report. For
19 example, it is inappropriate in evaluating these
20 remedial alternatives to identify a no-action
21 alternative as a remedy. It is our point of view
22 that, even in considering the no-action alternative, a
23 significant number of remedial activities have already
24 been undertaken at the L&RR site since 1983, yet these

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1 actions do not appear to be factored into the
2 no-action alternative review. These activities have
3 included a seismic study, slope stabilization program,
4 monitoring well and landfill gas well installation and
5 the installation of a liner over the hazardous waste
6 disposal area.

7 It is Wehran's technical opinion that the remedial
8 alternatives identified in our 1983 reports, with the
9 single exception of the wetlands as a separate issue,
10 are appropriate and justifiable remedial alternatives
11 when considering the limited environmental and health
12 risks identified in the EPA's RI/FS for the LL&R site.
13 Further, the remedial alternatives identified in the
14 1983 reports were reviewed by EPA in 1983 before the
15 DEM signed the Consent Order and Agreement. After
16 reviewing the plans, the EPA then gave their approval
17 to DEM to sign this agreement.

18 We would request that EPA review the remedial
19 alternatives identified in the RI/FS report in
20 comparison to the remedial alternatives required of
21 L&RR in the 1983 court order. In concluding this
22 statement we would also point out for the record that
23 the remedial alternatives presently being proposed by
24 EPA in the RI/FS report are inconsistent with section

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1 121 of the Comprehensive Environmental Response and
2 Compensation Act of 1980, which is known as CERCLA
3 regulations, where it is stated clearly that,
4 "remedial actions shall be relevant and appropriate
5 under the circumstances presented by the release or
6 threat of release of such substance, pollutant or
7 contaminant."

8 We appreciate the time given to us this evening
9 for presenting these initial comments on behalf of
10 L&RR and look forward to an opportunity to provide
11 more detailed written comments prior to the close of
12 the public comment period on September 2nd. Thank
13 you.

14 MR. SILVERMAN: Thank you, Mr. Burger.
15 I would like to now call on Dean Temkin.

16 MR. TEMKIN: My name is Dean Temkin
17 and I represent several potentially responsible
18 parties.

19 What the EPA is recommending will cost over five
20 million dollars. However, that expenditure is not
21 cost-effective, it is not consistent with the national
22 contingency plan, and it offers no more protection to
23 the environment or to the public than what the State
24 has already been able to obtain, at no expense to

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1 either the State or to the taxpayers or to any of the
2 potentially responsible parties.

3 In 1983 the State imposed severe requirements for
4 the closure of this site. They were set form in a
5 Consent Order and Agreement. The DEM submitted that
6 Consent Order and Agreement to the court as being
7 environmentally sound and protective of the
8 environment. The Consent Order and Agreement was
9 approved by the court on that basis. The Town of
10 North Smithfield was a party to that case and bound by
11 that degree.

12 Those requirements required the landfill to
13 operate and close in conformity with stringent plans.
14 They required a cap to be put over the top. They
15 required methane recovery. They required post-closure
16 monitoring and maintenance. They required a fund of
17 several hundred thousand dollars be set aside for
18 long-term maintenance, monitoring, and slope
19 stabilization all at the expense of the operator.

20 Furthermore, in 1983 before the DEM signed the
21 Consent Order and Agreement, the DEM sent out all the
22 plans and proposals to the EPA for its review to make
23 sure they were sufficient. The EPA reviewed the
24 plans. The EPA met with the DEM. The EPA gave the

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1 DEM its blessing for the DEM to sign the agreement.
2 In reliance thereon, the state signed the agreement.
3 Since then, the State has kept on top of the situation
4 and made sure that those requirements were
5 implemented. Most recently, there was a site
6 inspection in December 1987. The DEM notified L&RR
7 that all that remained to be done at the site to be in
8 conformity with the court order was to install the
9 methane recovery system and do additional seeding.
10 The seeding has already been done. The methane gas
11 wells have already been installed, and the operator
12 has signed a contract with a company to install the
13 rest of the system.

14 The requirements the State imposed in 1983 have
15 proven to be sufficient and effective. The
16 requirements have been implemented, and they have
17 worked. Therefore, there is no reason to force
18 taxpayers or potentially responsible parties,
19 including the Town of North Smithfield, to spend any
20 additional money.

21 I would highlight that the Town of North
22 Smithfield is itself a potentially responsible party.
23 It is included in the list of potentially responsible
24 parties published by the EPA. According to EPA

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1 policy, each potentially responsible party is jointly
2 and severally liable for the cost of the entire
3 remedy. That means that if the \$5,000,000 remedy is
4 implemented, the Town of North Smithfield may be
5 jointly and severally liable for \$5,000,000.

6 However, there is no necessity for any such
7 expenditure. The proof that the State requirements
8 have worked is this EPA report. The paramount concern
9 of the State has always been the protection of ground
10 water. This EPA report concludes that the ground
11 water at the site does not present a significant risk
12 to public health. Therefore, if you read the EPA
13 report, you conclude that what the State required in
14 1983 has worked.

15 Furthermore, the State was able to get this level
16 of protection by getting the landfill operator to foot
17 the entire bill. All this work was done at no cost to
18 the State. It was done without bringing in any of the
19 potentially responsible parties.

20 Now, however, the EPA is proposing spending
21 another \$5,000,000 despite the fact that the EPA's
22 conclusions indicate that protection to health and
23 environment is already sufficient.

24 There is no reason to spend any additional money.

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1 In particular, there is no reason for the State of
2 Rhode Island to allow it. If the State of Rhode
3 Island had felt that these additional requirements
4 were necessary then the State of Rhode Island would
5 have required them back in 1983. But it didn't.
6 Evidently the State felt that the plans were
7 sufficient as is. Time has shown that the State was
8 right. This is born out by the fact that now five
9 years later the EPA report concludes that the ground
10 water at the site does not pose a significant risk to
11 public health.

12 The State has a big say in what will happen now.
13 The superfund law recognizes that states like Rhode
14 Island are interested in protecting their own
15 environments. The law recognizes that states know far
16 more about their own environments than the federal
17 government does. Consequently, under the Superfund
18 law, if a state like Rhode Island indicates that no
19 additional money should be spent, then it will not be
20 spent, and no liability will be imposed upon taxpayers
21 or potentially responsible parties. It is the State's
22 call. It is entirely within the hands of the State of
23 Rhode Island as to whether or not the taxpayers or
24 potentially responsible parties will have to spend any

1 money at the site. If I was the State I would wonder
2 what is going on with the EPA. The EPA's
3 recommendations today are totally inconsistent with
4 the EPA actions back in 1983. Let's not forget in
5 1983 before the State signed the Consent Order and
6 Agreement the State sent all the plans and proposals
7 to the EPA for its review to make sure the plans were
8 sufficient. The EPA reviewed those plans. The EPA
9 met with the DEM, and the EPA gave the DEM its
10 blessing to sign. In reliance on that, the DEM signed
11 the agreement.

12 Consequently, the discrepancy between the EPA's
13 actions in 1983 and what it is recommending today
14 totally undercuts its current recommendation. This
15 highlights the fact that what is proposed today is
16 neither necessary nor required because we already have
17 a remedy in place that works.

18 For the State of Rhode Island to approve any
19 additional spending at the site will force the
20 potentially responsible parties including the Town to
21 pay \$5,000,000 to provide a level of protection no
22 better than the level of protection already afforded.
23 Consequently, the term no action alternative in this
24 case is really misnamed. It should really be renamed

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1 Consent Order and Agreement Alternative. It should be
2 construed to mean requiring strict compliance with
3 that Consent Order and Agreement, which compliance has
4 already cost the operator L&RR over \$1,000,000.

5 The EPA summary of its report on Page 5 comes to
6 three conclusions. One, is that landfill gas be
7 treated. We agree. However, that is already
8 explicitly covered in the consent order and agreement
9 of 1983. L&RR committed in writing to do that, that
10 is part of the court order. L&RR has already signed a
11 contract with a company to install the methane
12 recovery system, has notified the DEM, and has
13 installed the methane recovery wells. Since that
14 issue is already covered, there is no reason to
15 require taxpayers or potentially responsible parties
16 to spend any money on it.

17 The second proposal has to do with sediment in a
18 wetland. However, wetland can be adequately handled
19 at the local level. The purpose of the Superfund is
20 to handle serious hazardous waste problems. It is not
21 to handle sand in a wetland. When the EPA lists this
22 as one of its three recommendations for the site, it
23 makes it look as if the EPA is grasping at straws to
24 find fault with this site.

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1 The third proposal of the EPA is to close,
2 monitor, and maintain the landfill so it is protective
3 of the public health and the environment. However,
4 that has already been done in accord with the Consent
5 Order and Agreement, which was offered to and approved
6 by the court as environmentally sound. Furthermore,
7 those requirements have worked.

8 Consequently, it is not cost-effective to spend
9 any more money. For instance, the EPA has made a
10 proposal to spend \$5,000,000 regrading the 2:1 slope
11 and building a terrace, based on an alleged current
12 for methane gas and ground water. However, after the
13 taxpayer and potentially responsibility parties spend
14 \$5,000,000 the site will be no safer to the public or
15 the environment than it is now.

16 As to methane gas, once the methane recovery
17 system is installed the gas will be drawn through the
18 methane recovery system. Consequently, the concern
19 about the gas does not justify spending any money.

20 As to the ground water, the wells in that area
21 have already been tested and the EPA concluded that
22 the ground water does not pose a significant risk to
23 public health. Therefore, concern about the ground
24 water does not justify spending any money. Basically

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1 there is no justification for this proposal. As proof
2 of that the fact is that the EPA in 1983 saw the plans
3 that called for the 2:1 slopes but nevertheless gave
4 its blessing for the DEM to sign this agreement. The
5 EPA's actions in 1983 contradict its recommendations
6 today.

7 Most importantly today in 1988, five years later,
8 the slope is stable. There is an old saying if it
9 ain't broken, don't fix it. That's the case here.
10 Why is it necessary to spend \$5,000,000 on something
11 that already works? The only logical justification
12 for this recommendation is that the EPA and the
13 contractor having spent perhaps a million dollars on
14 this study feel obligated to recommend that something
15 expensive be done at the site, if only to justify the
16 money they have already spent in doing the study.
17 That is not sufficient reason for spending taxpayers'
18 money. That is not sufficient reason for spending
19 money of potentially responsible parties. What is
20 proposed is not consistent with the court order, it is
21 not cost-effective, and it is not consistent with the
22 national contingency plan.

23 If the EPA report had found a substantial ground
24 water problem at the site then one would understand

1 the State approving additional expenditures. However,
2 the EPA report found that ground water does not pose a
3 significant risk to public health. Therefore, there
4 does not appear to be any reason why the State should
5 approve any additional expenditures. It might be
6 appropriate for a number of citizens and taxpayers and
7 potentially responsible parties to present this
8 position to the State in view of the fact that
9 spending \$5,000,000 extra will not buy any additional
10 improvement to the safety of the State or its
11 citizens.

12 In conclusion, there is one good thing you can say
13 about this EPA study, it proves that the actions that
14 DEM took in 1983 were correct and have worked. Thank
15 you.

16 MR. SILVERMAN: Thank you, Mr. Temkin.
17 I would now like to call on Muriel Halloran if you
18 have comments to make.

19 MS. HALLORAN: I have no comments at
20 the present time.

21 MR. SILVERMAN: Is there anyone else
22 here in the audience who would like to make a comment
23 during this formal part of the hearing tonight? This
24 is your last opportunity to speak up. If not, I want

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1 to thank you all for your participation this evening
2 and remind you of the September 2nd deadline for
3 making written comments to EPA. With that I will
4 hereby declare this hearing closed. As I did indicate
5 earlier, however, Lynne and I will remain here for as
6 long as you would like to answer informally any
7 questions you might have about the proposed plan for
8 the L&RR site. Thank you again for coming tonight.

9 (DISCUSSION OFF THE RECORD)

10 MR. SILVERMAN: There do appear to be
11 several members of the audience who have questions and
12 comments they would now like to raise after the close
13 of this formal part of the hearing. I have asked the
14 reporter to continue transcribing these and I would
15 like to handle these questions at least as formally as
16 having them be on the record because it will help us
17 as we consider all the issues that came out tonight in
18 the future to have the written record of what you may
19 be asking us. So if you could identify yourselves and
20 give your address and then ask us your questions and
21 we will respond and I hope this formality doesn't
22 inhibit anyone. We are here to answer your questions
23 also.

24 MR. VINEY: My name is Richard Viney.

1 I live on Pound Hill Road, North Smithfield and my
2 question to you is could I have a written transcript
3 of the proceedings tonight so that I may in my own way
4 sit down and read them very slowly. There seemed to
5 be a lot of information that was put forth and
6 obviously a great deal of it was by lawyers and not
7 being a lawyer I would like to have, you know, the
8 time to sit down and read it thoroughly, so that if I
9 am to participate and make comments then at least I
10 would have the information before me and I was willing
11 to pay a whole dollar for this information.

12 MS. FRATUS: That's no problem, if you
13 could give me your name and address, actually if you
14 write it on one of these I will make sure when we have
15 it finished I will send you a copy.

16 MR. VINEY: I appreciate that and if
17 there is a charge I will pay.

18 MR. SILVERMAN: Any other questions at
19 this time? Could you please stand and identify
20 yourself, name and address.

21 MS. DRAINVILLE: My name is Carol
22 Drainville, 70 Pound Hill Road, and the reason I
23 withdrew my question at the beginning was I felt -- my
24 question was who was going to put in the gas

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1 combustion system, and it appeared at the beginning
2 that it was EPA, however, in newspaper accounts after
3 the previous meeting it appeared that the landfill
4 operators were going to do that and I had several
5 concerns about that, number one. My question is first
6 of all how do we know what quality that combustion
7 system will be? Will the EPA be supervising this?

8 MS. FRATUS: Typically what happens in
9 the way the whole program is setup, the Superfund
10 Program, is that there is a sum of money there. What
11 we attempt to do is to negotiate with a responsible
12 party to conduct any of the activities or the whole
13 activity, or whatever part of the remedy selection
14 process, first of all. If they agreed to do the
15 remedy or a portion of the remedy or however it may
16 turn out they are not just left to do it. Basically
17 EPA would be involved, we would hire a contractor to
18 oversee everything they do from a design phase to
19 construction.

20 MS. DRAINVILLE: My next question is
21 maintenance because obviously it is going to be a
22 complicated system, we have to depend on these people
23 now to maintain it or will they be supervising the
24 maintenance of it?

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1 MS. FRATUS: Once again we will be
2 supervising. We will have a post closure monitoring
3 plan which would require them to monitor on a periodic
4 basis and to do periodic site inspections. Those
5 types of things would be sent to the agency and
6 reviewed on a periodic basis.

7 MS. DRAINVILLE: They would be doing
8 their own monitoring?

9 MS. FRATUS: That's correct.

10 MS. DRAINVILLE: There would be no
11 check monitoring at all?

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12 MR. SILVERMAN: The other half of the
13 story is if the responsible parties do not come
14 forward and successfully negotiate with EPA then EPA
15 may spend federal money to do the clean up. In which
16 case we will do it ourselves with our own contractors
17 and at that point the operation and the maintenance of
18 the system after it is in place becomes a State
19 responsibility under the law.

20 MS. DRAINVILLE: My concern is this is
21 going to be a money making proposition and that is of
22 interest to them if they are going to maintain it. We
23 are concerned during the monitoring of the site who
24 was going to be monitoring the well also and now we

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1 are in the same situation with the air and the gas
2 filtration plan, they are going to do their own
3 monitoring?

4 MS. PRATUS: That's correct.

5 MS. DRAINVILLE: What about when it
6 possibly becomes profitable?

7 MS. PRATUS: Well, at this point I
8 don't think it is a correct statement to say it is
9 profitable, so I wouldn't jump on that just because
10 they're generating electricity that is automatically a
11 profit. Technology, the cost of constructing a
12 combustion system and maintaining that system is
13 pretty high, and actually based on the information
14 that we found and actually as documented in the RI/FS
15 any profits that you would make would end up going
16 into the capital cost and O and M cost of the system
17 and in the long term if you take a look at it for 30
18 years it doesn't end up being a net profit.

19 MS. DRAINVILLE: We are in this
20 situation because of somebody trying to make a profit
21 and that was the only concern and it appears to be the
22 only concern now because there was a comment in the
23 paper made by the landfill operator saying he was not
24 going to spend money, he was going to make money in

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1 putting in this gas filtration system. That's a
2 concern as a resident and a concern to the town. We
3 are all now worried about the pollution to the air.

4 MS. FRATUS: That's correct.

5 MS. DRAINVILLE: So if we are back in
6 their hands again this has been a ten year process, we
7 are still going to be concerned about our health and
8 welfare.

9 MS. FRATUS: I see what you are saying,
10 and what I can say to that is the bottom line in what
11 EPA will approve will be something that first of all
12 will be protective of human health and the environment
13 and if that system happens to be a profit system we
14 would still be monitoring the operation and
15 maintenance of that system. Right now the ground
16 water monitoring plan is in agreement they have with
17 the state and basically EPA is not involved with that.
18 From here on in anything that would be done would be
19 definitely monitored by a federal agency as well.

20 MR. SILVERMAN: Is there anyone else in
21 the audience who has any questions or comments for us
22 now during this informal part of the meeting? Okay
23 then once again thank you all for coming tonight and
24 please remember to get your written comments to EPA in

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Boston by September 2nd. Thank you.

(HEARING CLOSED 8:30 P.M.)

C E R T I F I C A T E

I, Jane M. Poore, hereby certify that the foregoing is a true accurate, and complete transcript of my notes taken at the above-entitled hearing.

IN WITNESS WHEREOF I have hereunto set my hand this 19th day of August, 1988.

Jane M. Poore Notary Public

JANE M. POORE, NOTARY PUBLIC/CERTIFIED COURT REPORTER

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