

First Chlor-Alkali Superfund Site Reuse Planning Committee Meeting
Draft Meeting Summary
City Hall, Berlin, New Hampshire
Tuesday, December 11, 2007: 5:30 p.m. - 8:15 p.m.

Meeting Purpose & Overview

On December 11, 2007, the Chlor-Alkali Site Reuse Planning Committee (RPC) gathered at Berlin City Hall to the kick-off of the Chlor-Alkali Site Reuse Planning Process. The primary purpose of this process is to develop a set of community-based future land use goals and opportunities for the Chlor-Alkali Facility Superfund site (Chlor-Alkali site), also known as the Cell House property. The community-based planning process will provide EPA with the community's preferences and priorities regarding the future use of the Chlor-Alkali site. Reuse Planning Committee meeting is the first in a series of four.

The next meeting will take place at 5:30 p.m. on January 22, 2008. The meeting will be held at a location to be determined in early January 2008.

The RPC is an advisory body that will manage the Chlor-Alkali Site Reuse Planning Project. The Committee will meet four times over an approximately five-month period and host a public meeting to share its draft findings with the larger community for review and feedback. Fifteen Land Use Committee members, in addition to representatives from EPA, New Hampshire Department of Environmental Services (NHDES), and the project's consultant team, attended the meeting.

Attendees

Chlor-Alkali RPC Members

Ernie Allain, *Berlin Department of Public Works*

Terry Block, *Isaacson Structural Steel, Inc.*

Jack Crisp, *North American Dismantling Corp. / Crisp, Barrett, Herbert & Uchida, PLLC.*

Rick Cusson, *Public Service of New Hampshire*

Fran Cusson, *Berlin Planning Board*

Mike Galuszka, *Androscoggin River Watershed Council*

Kathleen Kelley, *Androscoggin Valley Economic Recovery Corporation*

Richard Lafleur, *Berlin City Council*

Tammie LaVoie, *Sevee & Maher Engineering*

Don Mercier, *Brookfield Power / Great Lakes Hydro America, LLC.*

George Pozzuto, *Northern Forest Heritage Park*

Stacia Roberge, *Berlin Main Street Program*

Lincoln Robertson, *North Woods Rafting*

Linda Upham-Bornstein, *History Consultant*

Laura Viger, *Berlin Health Officer*

Project Resource Members

Pamela Laflamme, *City of Berlin*

Drew Hoffman, *New Hampshire Department of Environmental Services*

Richard Pease, *New Hampshire Department of Environmental Services*

Darryl Luce, *EPA Region 1*

John Podgurski, *EPA Region 1*
Sarah White, *EPA Region 1*

Consultant Team Members

Michael Hancox, *E² Inc.*
Matt Robbie, *E² Inc.*
Johnny Zimmerman-Ward, *E² Inc.*

Reuse Planning Process Overview

Consultant team member, Matt Robbie reviewed the respective roles of RPC members, project resource members, and consultant team members for the project.

Committee Member Roles

- Meeting participants will serve as representatives of the Reuse Planning Committee.
- The RPC will be an advisory committee that will participate in discussions, develop a reuse strategy for the site, and identify future land use recommendations for the site.
- The planning process will seek to build consensus among RPC members and the Berlin community regarding the future use of the Chlor-Alkali site. If full consensus cannot be reached, the range of opinions expressed in Reuse Planning Process discussions will be included in advisory recommendations.
- The planning process will include four RPC meetings and one public forum that will provide an opportunity for the RPC to share its findings with the larger Berlin community.

Project Resource Member Roles

- The project's resource members are supporting the Committee and will be available for consultation throughout the planning process.
- Resource members will not make decisions about future land uses in the community, as part of this process.

Consultant Team Member Roles

- Environmental consulting firm E² Inc. will be providing research and analysis services, helping the RPC to develop a conceptual site reuse strategy; organizing the project's public outreach effort; facilitating Committee meetings; and serving as a liaison between the community's reuse planning process, the City's Master Planning Process, EPA, and NHDES.
- Consultant team members will serve as neutral third-party process facilitators whose role is to support the Committee and the City. The team will assist the Committee in identifying issues, gathering information, assessing options, seeking community input,

and offering recommendations to the Committee. The consultant team does not represent EPA and will not make decisions about future land uses on site

Ground Rules for RPC Discussions

Mr. Robbie reviewed potential project ground rules and solicited Committee feedback and additions. The Committee will be able to update these ground rules throughout the process:

- The planning process will serve as a means of reaching out to the community of Berlin to share information, gather feedback, and build capacity for further planning and revitalization projects.
- Reuse planning discussions should be an open forum for sharing a range of opinions and perspectives.
- Discussions should be respectful of the thoughts and views of all meeting participants.
- Technical terms and acronyms will be defined and explained in plain language.

Committee members did not identify any additional project ground rules.

Timeframe for the Chlor-Alkali Site Reuse Planning Process

Mr. Robbie presented a draft timeline for the planning process. Due to additional information requested by the RPC, an additional meeting was added to the original timeline.

- RPC Meeting #1 (December 11, 2007)
- RPC Meeting #2 (January 2008)
- RPC Meeting #3 (February 2008)
- Public Forum (April 2008)
- RPC Meeting #4 (April 2008)
- Summary Report (May 2008)

Discussion: General Goals for the Reuse Planning Process

Discussion Introduction

Consultant team member Michael Hancox facilitated a discussion with RPC members to identify the group's reuse planning process goals and concerns.

Mr. Hancox stressed that RPC members should find the process and outcomes valuable. Mr. Hancox reminded the RPC that the site as an approximately five-acre site within a larger 122-acre site and suggested that RPC members should be considering the reuse of the entire site to determine appropriate reuses for the five-acre site.

The discussion that followed focused on the following topic areas:

- RPC member goals for the process;
- EPA goals for the process;
- concerns about future land use and remedy selection;
- site ownership;
- scope of the area to be considered in the process;
- community education and outreach;
- additional information requests; and
- other parties that should be included on the RPC.

Discussion Topics Summary

RPC member goals for the process:

- Consider future use of river.
- Determine uses that are complimentary to the surrounding 122-acre property.
- Consider a reasonable planning horizon for the site and larger area.
- Determine who will own the property.
- Determine how to add value to the property.
- Educate the community on the process that the RPC is undertaking, as well as the status of the site.
- The process should be grounded and realistic.
- The process should include a strategy for implementation.
- The process should help to inform a cleanup that can support a variety of uses.
- The process should identify constraints that will influence the range of realistic alternatives for reuse.

EPA goals for the process:

- Determine what land uses the community would like to see.
- Put site in position where it can be reused.
- Ensure public health is protected.
- The RPC is responsible for the five-acre site, not the surrounding 122-acre site, but the RPC should consider uses there as well.

Concerns about future land use and remedy selection:

- Committee members discussed cleanup and remediation issues at the site. EPA Region 1's Darryl Luce and John Podgurski shared with the committee that EPA looks at the future use, among eight other criteria, to determine remedial actions. Region 1 is participating in this process to determine the community's reuse interests. EPA will ensure that human health and the environment are protected at the site, but EPA does not have unlimited resources, so it is not always feasible to clean a site to a level that would support residential reuse.
- Several RPC members suggested that the site be cleaned up to the best possible level, particularly because of the river alongside the site. Mr. Hancox said that sites are cleaned up to expected exposure levels and considered uses, as well as other factors. It is possible to have waste solidified in place and still be protective of certain uses. Consultant team

members agreed that further discussion on the topic of cleanup levels and anticipated land uses would be needed.

- The committee asked questions regarding EPA's process, some were concerned that EPA has already started clean up and has a clean up level in mind, and the group should be privy to that to rule out inappropriate reuses. Mr. Hancox advised the group that all reuses should be considered initially, and gradually, through research and other considerations, such as the market or technical issues, weed out impracticable reuses.
- RPC members had concerns that EPA's reuse assessment could become obsolete in the future when the site is actually available for reuse. Mr. Hancox suggested that many general uses could be considered over a period of time. It would be better to try not to narrow the reuse to a very specific use. For example, identifying the need for a campground on the site may lead to a narrow and potentially less useful designation than an outdoor recreational land use designation.
- RPC members asked to what extent the river frontage impacts cleanup. Mr. Luce discussed some of the river challenges in his presentation.
- One RPC member suggested that a goal of the process should be to come up with a reuse that reduces impacts to the surrounding 122 acres. Mr. Hancox mentioned that it may be possible for the 5 acre reuse to provide value to North American Dismantling.

Site ownership:

- The 4.9-acre property that includes the Chlor-Alkali site is currently in bankruptcy court, and does not currently have a viable potentially responsible party (PRP). EPA will be funding the site's cleanup.
- The committee asked about access to the property. The property is surrounded by the river on one side and by North American Dismantling on all other sides. The Committee asked about who takes ownership after the cleanup. The Committee agreed that it must consider that the property is land locked and consider the plans of existing and future owners during the reuse identification process.
- EPA representatives asked the RPC to consider that the biggest impediment to reuse is ownership and control. The RPC will likely need to consider if the City of Berlin would want to own the site in the future, or if other viable parties may be interested in site ownership. In making this determination, it will be important for the group to consider whether specific reuse goals require the City of Berlin to take over the site.
- Members were informed that the federal government cannot take ownership of the site.

Scope of the area to be considered in the process:

- RPC members suggested that reuse in close proximity to the river, as opposed to the biomass plant, is more important to consider. It is possible to look at reuse immediately on site and then in tiers out from site. A goal of the group is to have the five-acre reuse add value to the town, river front, and surrounding acreage.

- In order to avoid a potentially contentious subject unrelated to the reuse planning of the Chlor-Alkali site, the RPC decided not to address the subject of the potential biomass plant, but to consider it as a potentially heavy industrial use for a separate 50-acre portion of the 122-acre site.

Community education and outreach:

- Several RPC members asked that specific efforts be taken to provide updates about the Chlor-Alkali Reuse Planning Process to the various organizations that are represented on the RPC. The consulting team encouraged the RPC to take information from these meetings and share with the community. Information on the process, meeting notices, and updates can be shared via the Internet and newspapers.
- Committee members asked how this planning process can lead to effective outcomes for the community. Given that one of the outcomes of the process will be an advisory report, consultant team members suggested that the document that will be produced at the end of the process will serve as a resource for the City of Berlin and EPA; the document will probably be most effective and valuable if there is a consensus within the RPC about the recommendations being made.

Additional information requests:

- Determine river cleanup standards.
- The RPC would like to know how much power the community has to control the property.
- The RPC would like to see case studies of other sites in reuse and other sites that failed in the reuse process.
- Background materials on the site.
- Several community members suggested that it would be helpful to schedule an actual site visit as part of the process.
- Consider river and dams up and downstream of the site (for access).

Other Parties that Should Be Included on the RPC:

- Many RPC members are representing more than one group.
- One member suggested that Fraser NH, LLC. should be represented on the RPC.

Chlor-Alkali Site Status Update

Project resource member Darryl Luce from EPA Region 1 provided an update on the current status of the Chlor-Alkali site. The slides from the presentation are included at the end of the summary.

Questions and Discussion:

- The RPC discussed mercury contamination and the Committee had questions about other contaminants, such as radon. Mr. Luce said that radon was not an issue at the site. Mr. Luce said that the river was monitored for chemical composition from the site to the ocean. By collaborating with the National Oceanic and Atmospheric Administration (NOAA) and other entities, data could be analyzed to determine the extent of mercury contamination, knowing that there could be sources of mercury along the river other than the Chlor-Alkali site.
- RPC members asked if the site could grow if contamination was found off site, and Mr. Luce indicated that was a possibility that the RPC should consider.
- The RPC would like to visit the site (although there are access issues).

City of Berlin Master Planning Process Update

Pam Laflamme of the City of Berlin Planning Department explained that RPC members were invited to be a part of the RPC because of their history with the community and the individual strengths that each would likely bring to the RPCs discussions. The Chlor-Alkali site reuse planning will be tied into Berlin's city-wide master planning process, which will begin with a meeting on December 12, 2007. There are RPC members that are also serving on the Master Plan committee; this will help tie the two processes together.

Chlor-Alkali Site Reuse Factors Presentation

Project consultant team member Matt Robbie provided a summary analysis of the Chlor-Alkali site reuse factors, highlighting the site location, zoning and surrounding land uses, property ownership, access and circulation, former site operations, existing site conditions, site reuse considerations, and community-wide planning considerations. Hard copies of the maps presented were provided to all RPC members in attendance and are included at the end of this summary.

Questions and Discussion:

Property Ownership

- The RPC discussed property ownership at several properties adjacent to the Chlor-Alkali site. 400 acres east of North American Dismantling's 122 acres, known as the Dummer Yard, are owned by Pulp & Paper of America and is in bankruptcy court. The Dummer Yard includes two inactive landfill cells. The property ownership map will be corrected to show the appropriate ownership.

Access

- Public roads do not run to the Chlor-Alkali site, but access to the site may be possible through an easement along an internal privately owned road. More research is needed to determine the status and location of the easement.
- RPC members asked that white water use be considered in portions of the river downstream of the Sawmill Dam. Berlin Falls, located near the site, present an excellent recreational and eco-tourism opportunity.

Land Use Restriction

There is a use restriction on the site due to waste left in place, this may be lifted or changed when the site is cleaned up. Reuse considerations include pedestrian access, underutilized areas, river access, property ownership, and site access.

Next Steps

Following Mr. Robbie's presentation, the first meeting of the Reuse Planning Committee for the Chlor-Alkali Future Land Use Project concluded. At the January 2008 meeting, RPC members' outstanding questions and concerns voiced during the discussion of general goals for the process will be addressed, case studies will be presented to provide examples of Superfund sites in reuse; and RPC members' future land use priorities for the site will be discussed.

The second RPC meeting will take place at 5:30 p.m. on January 22, 2008. The meeting will be held at a location to be determined in early January 2008.

If Committee members have any project-related questions, please contact project consultant team member Matt Robbie at (802) 540-0243 / mrobbie@e2inc.com, or Pamela Laflamme at (603) 752-8587 / plaflamme@verizon.net.