
COMMONWEALTH OF MASSACHUSETTS

IN RE: TOWN OF LEE, BOARD OF HEALTH
ADJUDICATORY HEARING

TOWN OF LEE ADJUDICATORY HEARING
HELD ON
SATURDAY, NOVEMBER 19, 2022
AT THE
LEE MIDDLE AND HIGH SCHOOL AUDITORIUM
300 GREYLOCK STREET
LEE, MASSACHUSETTS

Reporter: Rebecca J. DeCarlo

APPEARANCES:

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Also in Attendance:
Robert Wespieser
James Wilusz
JoAnne Sullivan
Zach Roberts

EXHIBITS:

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(Exhibits retained by Mr. Bonifaz)

* * * * *

(Hearing commences at 10:06 a.m.)

MR. WESPIESER: Welcome,
everybody. Hello. Good morning. This is
the Lee Board of Health adjudicatory
hearing regarding the Upland disposal
facility. I'm sure if you're at the wrong
meeting --

UNIDENTIFIED MALE SPEAKER: We
can't hear you in the back.

MR. WESPIESER: Well, again,
welcome. And this is the Lee Board of
Health adjudicatory hearing regarding the
safety of the Upland disposal facility.

So we're going to get going
with this. There are a couple of ground
rules, facility things. Bathrooms are
around the corner to my right, your left,
in that corner. We do want you to use the
door that's open there. These other two
doors make a lot of noise when they close.

And this is being broadcast
and recorded, so we want to keep the
extraneous noise to a minimum, if

1 possible. What about the microphones?

2 MR. WILUSZ: This is going to
3 be challenging. We have expert testimony
4 later on. Just try to speak into the mic.
5 Not speaking into the mic won't get picked
6 up by CTSB. There will be a lot of dead
7 noise.

8 MR. WESPIESER: Thank you,
9 Jim. I would like to have the meeting
10 called to order then. Could I have a
11 motion?

12 MS. SULLIVAN: I make a motion
13 to call this meeting to order.

14 MR. WESPIESER: And I second
15 and vote. So JoAnne and I vote to start
16 it. In terms of who the Board of Health
17 is, my name is Robert Wespieser, and I'm
18 the chair at this time. We rotated. And
19 this is --

20 MS. SULLIVAN: JoAnne
21 Sullivan.

22 MR. WESPIESER: Our third
23 member, Carrisa Vincent, unfortunately
24 couldn't be here. She's quite ill. She's

1 put a ton of time into this and felt bad
2 about that, but it's unavoidable. I want
3 to thank her, though, and Jim and Zach. A
4 special thanks to Cristobal, our attorney
5 who's provided just a lot of expertise.
6 And you'll see some of that as this
7 meeting evolves, so -- and thanks to the
8 school. We have the Lee police for --
9 well, hopefully, just to watch.

10 And we'll get going. So the
11 meeting is called to order. I do want to
12 mention that there is a hybrid function.
13 Originally, we were hoping to get Carrisa,
14 our third member, in, but we're not going
15 to be able to do that, but we will, I
16 think, have one of our experts coming in
17 on hybrid. Is that true?

18 MR. WILUSZ: Yes.

19 MR. WESPIESER: Okay. Good.
20 That was as expected. So I wanted to
21 mention that.

22 I also wanted to mention this
23 is not just paper. So you'll see later
24 that there are a lot of documents. There

1 are exhibits that are going to be entered
2 in, and they're all available on the
3 Tri-Town website. So that's
4 tritownhealth.org.

5 And I'm going to offer up
6 Jim's Tri-Town e-mail as a source of
7 contact that people can send in questions
8 or comments later, and that is
9 jim@tritownhealth.org. These will be
10 posted a little later, but if anybody
11 needs them spelled out, please feel free
12 to ask any one of those and we can get
13 that written out for you.

14 There is a lot of paper, too.
15 We all have binders with the exhibits.
16 We've been doing our best to study it, but
17 the purpose overall of this hearing is to
18 tell the request, the petition request of
19 HRI, the Housatonic River Initiative, and
20 that is basically to ask us to hold the
21 hearing and weigh in on is this dump
22 facility, this disposal facility, safe for
23 humans, what is the impact to human health
24 and for our townsmen, for the residents of

1 Lee, and it's that key question that is to
2 be addressed by this hearing.

3 All right. So one of the
4 things that's important is people need to
5 state their name and their address. This
6 is being recorded from -- with recording,
7 as you can see, and it's very important
8 that we get people's names for the legal
9 aspects of the record, should this ever be
10 in court downstream.

11 All right. Let's see. So
12 we've invited expert testimony, and we've
13 invited GE. We've invited the EPA as
14 well. Both GE and the EPA have declined
15 to attend. The EPA has made reference.
16 They've been communicative. I know
17 there's been a lot of back-and-forth, but
18 they ask us to refer to their
19 administrative record that includes about
20 850 documents, thousands and thousands of
21 pages. They have helped us narrow it down
22 a little bit, but that is their testimony,
23 is the entire administrative record, and
24 that is their right to offer that.

1 So the other side, the side of
2 potentially why isn't this facility safe,
3 is being represented by expert testimony,
4 and it's with that in mind that a
5 significant part of this morning's hearing
6 will be taking place.

7 All right. Jim, help me out
8 here.

9 MR. WILUSZ: We've got to
10 enter all the exhibits into the record.
11 So I'll ask you for a motion. I'll state
12 the exhibit and title. Zach will show the
13 exhibit, and we have to enter all of those
14 into the record. After that, we'll begin
15 expert testimony.

16 MR. WESPIESER: So can we, in
17 the interest of just repetition, list the
18 exhibits first? And then with one motion,
19 we'll enter them all into the record. So
20 let's begin with that, Jim, if you could
21 help me out with that.

22 MR. WILUSZ: Mr. Chair, I
23 would ask for a motion to enter in Exhibit
24 1, which is the notice of adjudicatory

1 hearing, into the record.

2 (Exhibit 1, Town of Lee, Board of
3 Health, Notice of Adjudicatory Hearing,
4 Saturday, November 19, 2022, entered into
5 the record)

6 MR. WILUSZ: Exhibit No. 2.
7 That's a letter from the Lee Board of
8 Health to GE and EPA dated October 11,
9 2022.

10 (Exhibit 2, Letter dated October 11,
11 2022, entered into the record)

12 MR. WILUSZ: Exhibit No. 3 is
13 a letter from Andrew Silfer to Lee Board
14 of Health dated October 27, 2022.

15 (Exhibit 3, Letter dated October 27,
16 2022, entered into the record)

17 MR. WILUSZ: Exhibit No. 4,
18 Understanding PCB Risks at the
19 GE-Pittsfield/Housatonic River Site, EPA
20 publication.

21 (Exhibit 4, Understanding PCB Risks at
22 the GE-Pittsfield/Housatonic River Site,
23 entered into the record)

24 MR. WILUSZ: Exhibit No. 5,

1 Predesign Investigative Work Plan For
2 Upland Disposal Facility.

3 (Exhibit 5, Predesign Investigative Work
4 Plan For Upland Disposal Facility, entered
5 into the record)

6 MR. WILUSZ: Exhibit No. 6, a
7 letter from Lee Board of Health counsel to
8 EPA counsel dated September 28, 2022.

9 (Exhibit 6, Letter dated September 28,
10 2022, entered into the record)

11 MR. WILUSZ: Exhibit No. 7, a
12 letter from Lee Board of Health counsel to
13 EPA counsel dated October 31, 2022.

14 (Exhibit 7, Letter dated October 31,
15 2022, entered into the record)

16 MR. WILUSZ: Exhibit No. 8, a
17 letter from Lee Board of Health counsel to
18 EPA counsel dated November 3, 2022.

19 (Exhibit 8, Letter dated November 3,
20 2022, entered into the record)

21 MR. WILUSZ: Exhibit No. 9,
22 EPA's counsel response followed with
23 labeled EPA response, November 8, 2022.
24

1 (Exhibit 9, GE-Pittsfield/Housatonic
2 River Site/Rest of River Portion Petition
3 to Town of Lee Board of Health, EPA's
4 Counsel Responses to LBOH's Letter dated
5 September 28, October 31, and November 3,
6 2022, entered into the record)

7 MR. WILUSZ: Exhibit No. 10,
8 comparison of Exhibits 6, 7, 8 with
9 Exhibit 9.

10 (Exhibit 10, Comparison of Exhibits 6,
11 7, 8 with Exhibit 9, entered into the
12 record)

13 MR. WILUSZ: Exhibit No. 11,
14 it's the EPA New England permit issued in
15 November 2016 under the RCRA, the Resource
16 Conservation Recovery Act, as amended.

17 (Exhibit 11, United States Environmental
18 Protection Agency, EPA New England, Permit
19 Under The Resource And Recovery Act (RCRA)
20 As Amended (42 U.S.C. Section 6901, et
21 seq.), entered into the record)

22 MR. WILUSZ: Exhibit No. 12,
23 EPA New England permit issued in 2002
24 under the Resource Conservation and

1 Recovery Act as amended.

2 (Exhibit 12, United States Environmental
3 Protection Agency, EPA New England, Permit
4 Issued 2020 Under The Resource And
5 Conservations And Recovery Act (RCRA) As
6 Amended (42 U.S.C. Section 6901, et seq.),
7 entered into the record)

8 MR. WILUSZ: Exhibit No. 13,
9 it's correspondence from EPA to our
10 counsel, Cristobal Bonifaz, Esquire, dated
11 November 15, 2022.

12 (Exhibit 13, Letter dated November 15,
13 2022, entered into the record)

14 MR. WILUSZ: And last but not
15 least, Exhibit No. 14, it's correspondence
16 from EPA in reference to a Lee
17 agricultural commission letter sent to the
18 Lee Board of Health dated November 18,
19 2022.

20 (Exhibit 14, Letter dated November 18,
21 2022, entered into the record)

22 MR. WILUSZ: Mr. Chair, I ask
23 for a motion and approval to enter in
24 Exhibits 1 through 14 as stated.

1 MS. SULLIVAN: I make a motion
2 that we enter Exhibits 1 through 14 as
3 stated.

4 MR. WESPIESER: I second that
5 motion and vote yea.

6 MS. SULLIVAN: Yea.

7 MR. WESPIESER: So the motion
8 carries. The exhibits are entered.

9 MR. WESPIESER: We will be
10 inviting other expert testimony as it's
11 available today. And the process will
12 include taking that expert testimony
13 together with pertinent parts of the
14 administrative record, as supplied by the
15 EPA, and reviewing that.

16 The board will then at some
17 point -- it will depend a little bit
18 about -- with regard to how many questions
19 and how much review is necessary, but then
20 we will convene and vote on whether we
21 believe that this facility, the Upland
22 disposal facility, also called the PCB
23 dump, will be more likely than not to be
24 harmful to human health for the residents

1 of Lee.

2 And that process -- we don't
3 have an exact time frame on that. Again,
4 it will depend a little bit on what kind
5 of information and back-and-forth is going
6 to be required to clarify technical
7 details. There's a lot of interest in
8 this, getting all of you folks out on a
9 Saturday morning when there's so many
10 other things to do with holidays, et
11 cetera. So we understand there's a lot of
12 interest.

13 This hearing is a little bit
14 different, though, and it has to deal with
15 the technical details of safety. What are
16 the risks to human health? Is it on that
17 basis that the board has jurisdiction and
18 interest and legal history or precedent
19 with regard to that. At least we believe
20 we do.

21 So that is a fairly focused
22 limit of this board's action and, hence,
23 this meeting. We also know that there's a
24 lot of emotion around it, and I'd like you

1 to forgive me ahead of time if we need to
2 direct people to those technical matters
3 that are going to help us make this
4 decision. And there may be a time when
5 we're going to have to ask people to step
6 down away from that kind of thing.

7 In general, though, the way
8 the format of this meeting is set up is to
9 gather that expert testimony first. You
10 can see -- I don't know if the agenda is
11 up there or what, but then we're going to
12 have a time for the public at the end of
13 the meeting. One of the key pieces of
14 that will be specific questions that are
15 raised. Most helpfulness to the board
16 will be specific questions around the
17 expert testimony, things that may or may
18 not be evident, that require
19 clarification, or potentially more detail.

20 And we'll then possess those
21 questions best, I think, provided in
22 writing. We were just talking about this
23 morning, that we're really going to need
24 that for the legal record so that we can

1 then present those questions to the
2 experts with hopefully getting
3 clarification, answers, et cetera.

4 All right. So I think really
5 we're ready to invite -- we'd invite
6 Dr. DeSimone to come down to the mic and
7 introduce yourself. Am I saying that
8 right?

9 DR. DeSIMONE: DeSimone is
10 fine.

11 MR. WESPIESER: DeSimone,
12 okay.

13 DR. DeSIMONE: Good morning.
14 How are you?

15 MR. WESPIESER: If you could
16 please introduce yourself for the record.

17 DR. DeSIMONE: I'm David
18 DeSimone. I'm a consulting geoscientist
19 and retired professor from Williams
20 College. I still do a little bit of work
21 largely for Vermont geological survey or
22 geoarcheology clients, doing mapping of
23 glacial and postglacial deposits.

24 Good for everyone to

1 understand: I'm not a professional
2 geologist. I'm a professor, so I'm a
3 consulting research scientist. I don't
4 act in practical situations where a
5 licensed professional geologist needs to
6 act. I teach them how to become
7 professional geologists, but I'm not one
8 of them. It's odd how regulations work.

9 So I'm just basically here to
10 answer questions. I didn't have anything
11 planned for you guys.

12 MR. WESPIESER: Okay. Thank
13 you. We do have a report that was, I
14 believe, prepared by you. It's titled --
15 and it's one of our exhibits -- Geological
16 Evaluation of the Proposed Woods Pond
17 Landfill Site. That rings a bell --

18 DR. DeSIMONE: Correct.

19 MR. WESPIESER: -- obviously?
20 Okay. Good.

21 There wasn't a date on our
22 printed copy as it exists. Could you
23 provide us with a --

24 MR. DeSIMONE: January 2020.

1 MR. WESPIESER: January 2020.

2 Thank you. All right. Good.

3 And I just have a couple of
4 questions for you, if you don't mind.

5 DR. DeSIMONE: Sure.

6 MR. WESPIESER: Thank you,
7 first of all, for your expertise but also
8 coming out to our small town with a big
9 interest, though. And I appreciate your
10 considering just how important it is to
11 the board and to the town's people as we
12 try and navigate this kind of difficult
13 area.

14 Let's see. So we've got the
15 date now. We wanted to clarify that for
16 the record. It may come up again.

17 Let's see. The EPA, together
18 with GE, has a predesign investigation
19 where they outlined a lot of the
20 specifics. It's still not in the final
21 design phase, but they outlined intention,
22 some of the technical characteristics that
23 the dump or the landfill will be required
24 to have, et cetera.

1 Did you have a chance to
2 review that or have some knowledge of
3 that?

4 DR. DeSIMONE: Any documents
5 that postdated my report, I have not
6 looked at.

7 MR. WESPIESER: Okay.

8 DR. DeSIMONE: And I know
9 there are some more recent documents that
10 are 2020 and forward. I looked at
11 documents that related to the
12 understanding of the sufficient geology of
13 the proposed UDF, and those are sufficient
14 geologic maps and reports that came
15 through the USGS in the early '60s and
16 then the more -- most recent one in 2018.

17 MR. WESPIESER: Okay.

18 DR. DeSIMONE: So this is very
19 new and very reliable mapping from 2018.

20 MR. WESPIESER: Thank you.
21 Good. I know there are, as you mentioned,
22 some older data from the '60s, but just to
23 clarify for the record and to note that
24 there's been a lot of geological work in

1 the beginning, early 2000s, with some well
2 testing, some flow testing, et cetera,
3 that, as you just mentioned, carry up to
4 and including parts of 2018.

5 Just for the record, were
6 you -- did you have that information with
7 which to --

8 DR. DeSIMONE: No.

9 MR. WESPIESER: Okay. Thank
10 you. Good. Let's see what else I wanted
11 to ask you.

12 So one of the key points I
13 took away from your report and the board
14 has shared is that there are permeable
15 materials, geologic materials, the gravel,
16 the dirt that's underneath, and that that
17 then provides a risk potentially of
18 escaped chemicals or substances finding
19 its way into groundwater.

20 Could you clarify that and
21 just your understanding of that in brief?
22 I know there's a lot of detail in your
23 record, but for this morning's record, if
24 you could just speak to that briefly.

1 DR. DeSIMONE: Sure. The
2 original mapping that I looked at was by
3 G.W. Holmes, a 1962 USGS map, easterly
4 quadrangle. It identified the -- placing
5 sediment at the site as ice contact
6 stratified drift.

7 That, in a very typical way,
8 consists of highly-permeable,
9 highly-porous sand and gravel. And
10 indeed, the location is old gravel pits in
11 that vicinity, so it was mined previously
12 on that basis.

13 In an environment where ice
14 contact stratified drift is the positive
15 by melt water -- melting ice, you
16 typically do not produce consistent or,
17 even if it's present, a very thick layer
18 of impermeable glacial deposit of sediment
19 known as till, which is unsorted, very
20 low-permeability, low-hydraulic
21 conductivity. So you would not expect to
22 find that.

23 So even though I didn't see
24 well logs, I anticipated that the

1 permeable sand and gravel would probably
2 extend down to bedrock; or if there was
3 impermeable till underneath that sand and
4 gravel, it would not be a very consistent,
5 persistent layer of sufficient thickness
6 to, perhaps, impede further downward
7 penetration of any contaminates that might
8 leak through a landfill.

9 That identification of ice
10 contact stratified drift by Holmes in '62
11 was verified by the mapping of Byron and
12 Mary. They're friends and colleagues,
13 Byron Stone of USGS and Mary
14 DiGiacomo-Cohen. They're incredibly good
15 geologic mappers. They produced a
16 beautiful map and recently completed a
17 sufficient geologic map of Massachusetts
18 for the USGS. It's kind of Byron's
19 capstone as an employee. He's about to
20 retire from the USGS.

21 In any event, they used a
22 different designation term. And that's
23 just to update Holmes' identification of
24 ice contact stratified drift, but they

1 agreed with Holmes that this is a
2 thickness -- a variable thickness of
3 variable permeability, but largely porous
4 and permeable sand and gravel sediment
5 that may or may not extend all the way to
6 bedrock.

7 If there's no till layer
8 underneath the sand and gravel, the
9 bedrock aquifer underneath the sand and
10 gravel -- the sand and gravel itself
11 represents an unconfined overburden, but
12 with no impermeable barrier between the
13 sand and gravel and the bedrock
14 underneath, the bedrock being Stockbridge
15 formation of marble, dolomitic marble,
16 that was mapped by Nick Ratcliffe, 1985.

17 So that's a fairly recent
18 mapping as well, fairly recent. For
19 geologists, I think '85 is recent.

20 So without an impermeable
21 barrier between the sand and gravel and
22 the underlying Stockbridge marble, should
23 there be any contamination that would lead
24 from a landfill, it would not be inhibited

1 from entering the bedrock fractures. And
2 marble, as we know, tends to dissolve, and
3 fractures can be large, which can speed
4 the rate of the travel of groundwater if
5 it's bearing contaminants, contaminated
6 groundwater, in the subsurface in bedrock.

7 Those are ifs, right, without
8 understanding what the exact topography is
9 by looking at well logs from borings that
10 might have been done since 2020.

11 MR. WESPIESER: Okay. Thank
12 you.

13 UNIDENTIFIED MALE SPEAKER:
14 Can you put that in layman's terms for
15 everyone so that everyone understands
16 that?

17 MR. DeSIMONE: In layman's
18 terms, the site -- the engineered proposed
19 landfill, the barrier, the composite
20 liner, and leachate collection system, is
21 designed to be very effective. But should
22 they ever leak, there would not be a
23 barrier to further spread of the
24 contamination.

UNIDENTIFIED MALE SPEAKER:

You said "downward." How about upwards?
Because I've experienced it where it was
lower land, and it came upwards in my
town. And I live there, very concerned
about that.

MR. WESPIESER: We're going to
ask you to hold your question right now --

UNIDENTIFIED MALE SPEAKER:

Okay.

MR. WESPIESER: -- for the
public time frame.

UNIDENTIFIED MALE SPEAKER:

Sure.

MR. WESPIESER: David, thank
you. JoAnne, if you don't mind, I was
going to ask our expert about the EPA
record.

MS. SULLIVAN: Yes.

MR. WESPIESER: The EPA has
been made aware of your report. I think
they've seen it several times, and we've
asked them to comment on it for the
purposes of record we're forming here for

1 the Board of Health. I'd like to just
2 read, for the purposes of the record,
3 their main concern or criticism of the
4 report, so I'm going to go ahead with that
5 now.

6 And this is a direct case, a
7 direct section, from the EPA's letter.
8 "The primary finding of the DeSimone
9 report confirms what is already known and
10 documented in the administrative record.
11 There are permeable soils underlying the
12 UDF location. The EPA agrees that such
13 soils are permeable and, based upon
14 monitoring well elevation data, that the
15 localized groundwater flow toward the
16 river. EPA, however, has accounted for
17 these facts and has determined that the
18 UDF will be protected of human health and
19 the environment. The report neither
20 addresses or rebuts these findings. At
21 most, the reports expresses a mere
22 difference of opinion. Dr. DeSimone does
23 not address the low-level concentrations
24 of the PCBs designated for the UDF, the

1 chemical nature for PCBs that does not
2 make them prone to migration in
3 groundwater, or, based upon monitoring
4 well data, the upwelling of groundwater
5 near the UDF that would prevent any
6 contamination from receiving the bedrock.
7 Footnotes and citations omitted."

8 So that's the main section of
9 their concern, and you're here and they're
10 not. If you have a brief reflection on
11 that, you're welcome to provide it.

12 DR. DeSIMONE: I have read
13 that in the letter. I can't disagree.
14 They have done work with monitoring wells,
15 borings, and I would wonder and would
16 suggest to them that they have a longer
17 record that -- of groundwater monitoring
18 in those monitoring wells to see if any
19 upward direction of flow from bedrock into
20 overlying sand and gravel is something
21 which is persistent, which lasts through
22 different seasons, precipitation events.

23 Just by way of example, we
24 did -- Vermont geological survey, when I

1 was working for them under contract, we
2 drilled side-by-side wells in the town of
3 Manchester's, the village of Manchester's,
4 water supply well, which is about a
5 95-foot well in sandy gravel that sits
6 directly on similar bedrock. We drilled
7 side-by-side wells, one through the top of
8 bedrock in the sand and gravel and one
9 sealed and cased from the sand and gravel
10 in penetrated bedrock. We monitored those
11 wells and other wells around the village
12 aquifer's pumping well for changes in
13 groundwater over about a period of a year.

14 We did find that only during
15 pumping conditions was there a reversal of
16 flow, which had recharged to the gravel
17 aquifer coming up from bedrock. So there
18 are times -- there are hydrogeologic
19 conditions when flows may give downward or
20 upward between bedrock and sand and
21 gravel. As long as there's no barrier in
22 between -- and there isn't a barrier here,
23 and there isn't a barrier in Manchester's
24 water supply level.

1 So yes, I appreciate that they
2 may have data. They do have data that I
3 may not have seen, nor studied, that
4 indicates an upward flow from bedrock into
5 sand and gravel. If that's persistent and
6 always there, that does protect the
7 bedrock aquifer. It doesn't impact the
8 overlying sand and gravel aquifer, and
9 contamination there can be flow, perhaps
10 even seat back, to the surface and flow
11 downward toward the river.

12 So that's something I didn't
13 see addressed in their letter. I think a
14 longer time series of data from monitoring
15 wells would be useful data to have.

16 MR. WESPIESER: Thank you.
17 Jim, I would like to ask a favor, and that
18 is that we could get a -- I know this will
19 be transcribed, but the section of
20 Dr. DeSimone's last comment in the
21 beginning was a question to the EPA or a
22 recommendation for comment. I'd like to,
23 for the record, ask that we just get that
24 capsulized as one of the questions for the

1 record that will actually go to the EPA
2 and their administrative record, and we'll
3 see if their attorney can dig out a
4 specific reflection maybe with more well
5 data et cetera.

6 But because he -- because
7 Dr. DeSimone mentioned a specific question
8 for an expert, being an expert himself,
9 that's our process.

10 MR. WILUSZ: Absolutely.

11 MR. WESPIESER: All right.

12 Thank you. Because it's being recorded,
13 we'll have a chance to do that.

14 Now, I mean, maybe our last
15 and most important question is: What is
16 your opinion as to whether this disposal
17 facility, as described, is or -- in the
18 Exhibits 5 and 9 is a risk or not to the
19 health of residents of Lee?

20 DR. DeSIMONE: I'll paraphrase
21 what I said and stated in the report. And
22 that is, when we would teach environmental
23 geology at Williams, one thing we would
24 teach would be how do you select the site

1 for an underground facility, whether it's
2 highly-contaminated waste or low-level
3 waste, nuclear waste, or whatever.

4 And we would always state that
5 yes, double, triple composite liner
6 landfills with leachate collection are
7 great. They're fantastic bits of
8 engineering, and they work really, really
9 well until they leak. Once they leak, you
10 need to have -- I feel you need to have a
11 natural environment beneath that landfill
12 which contains impermeable sediment, and
13 that would be a thickness of till,
14 impermeable sediment. You'd probably want
15 a good ten feet of till, and I'm just
16 pulling that number out of memory.

17 If not till, you'd like
18 something similarly impermeable in the
19 overburden, like glacial lake clays and
20 silts, barbs. The valley where the
21 proposed UDF would be located did not have
22 a glacial lake with that kind of a setting
23 where you would accumulate ten or more
24 feet of barb sediment, which would have

1 very low permeability.

2 The idea of all this is to
3 protect the bedrock aquifer, expecting --
4 anticipating that if there's an overlying
5 unconfined aquifer above the impermeable
6 sediment, it's likely to become
7 contaminated should there ever be a leak.
8 And it's hard -- you know, I mean, it's
9 really hard to anticipate whether leaks
10 form or not.

11 A leak could form during
12 construction. It could tear the liner,
13 and you would not know it. And the liner
14 could be torn, and you could have a leak.
15 You just never know.

16 MR. WESPIESER: Doctor, in
17 your experience as an expert in this
18 field, did you have any reflections for
19 the board regarding the frequency of liner
20 failure or leaks for these -- not just
21 PCB, but hazardous waste facilities?

22 DR. DeSIMONE: I have no data
23 about how frequently they do fail. I do
24 know it does happen. And I believe the

1 EPA stated, in a long-ago report, that
2 leaks are inevitable. And some of that
3 can just come from freeze/thaw in the
4 environment with no one's human error
5 involved in construction or running over
6 the -- during completion of the landfill
7 to somehow penetrate the liner.

8 MR. WESPIESER: Okay. Thank
9 you for that.

10 JoAnne and I just conferred
11 briefly, and I was asking her if she had
12 any other questions. JoAnne mentioned no.

13 I would -- before we allow you
14 to sit down and -- we are very grateful
15 for your time today. Thank you.

16 I do want to ask colleagues if
17 I've forgotten a question I wanted to ask
18 you -- or we wanted to ask you, so if you
19 just hold for a second.

20 So I'm going to go in my
21 exhibit binder to Exhibits 5 and 9 and
22 just bring those to note. Exhibit 5 --
23 Exhibit 5 is the Predesign Investigation
24 Work Plan for the Upland Disposal

1 Facility. You mentioned that you haven't
2 had a chance -- I had asked you that in
3 the beginning -- you haven't had a chance
4 to see that, just to clarify for the
5 record.

6 And then 9 -- Exhibit 9 is
7 another EPA document. And just for the
8 record, to be specific about it, it's a
9 letter from the EPA dated November 8, 2022
10 to the Board of Health. Just to reiterate
11 the component that you mentioned earlier
12 in your discussion, and that's that "the
13 primary finding of the DeSimone report
14 confirms what is already known and
15 documented in the administrative record."

16 This, you might remember, was
17 part of the paragraph I read.

18 "There are permeable soils
19 underlying the UDF location, and the EPA
20 agrees that such soils are permeable.
21 Based on monitoring well information, this
22 localized groundwater flows to the river."

23 Would you agree with that
24 statement?

1 DR. DeSIMONE: Yes.

2 MR. WESPIESER: Okay. Thank
3 you. The EPA, however, has concluded that
4 the design of the UDF will be protected of
5 human health. And your report neither
6 addresses the human health aspects, I
7 suspect, because your report doesn't
8 necessarily address the technical aspects
9 of the design and follow-up monitoring; is
10 that fair to say?

11 DR. DeSIMONE: Yes, that's
12 very fair.

13 MR. WESPIESER: Okay. Do you
14 agree that -- I think you alluded to it,
15 but to be clear, this -- the report in
16 there, a rebuttal of sorts has --
17 comprises of difference of opinion?

18 DR. DeSIMONE: Yes.

19 MR. WESPIESER: Okay. Good.
20 Thank you.

21 DR. DeSIMONE: And also,
22 perhaps, a difference of opinion as to the
23 long-term effectiveness of the liner in a
24 landfill.

1 MR. WESPIESER: Okay. Very
2 good. Thank you. I'm sorry to go back
3 and kind of hammer you on it. We're going
4 to be much better at holding these
5 hearings after we practice in this one. I
6 appreciate it. I'd like to just see if
7 Attorney Bonifaz has had anything else.
8 Are there any questions you would like to
9 ask?

10 MR. BONIFAZ: No. You asked
11 everything.

12 MR. WESPIESER: Okay. Good.
13 JoAnne?

14 MS. SULLIVAN: No thanks. No,
15 I have no questions.

16 MR. WESPIESER: Jim?

17 MR. WILUSZ: No.

18 MR. WESPIESER: Okay. Thank
19 you again.

20 DR. DeSIMONE: You're very
21 welcome.

22 MR. WESPIESER: We were
23 anticipating a second expert,
24 Dr. Carpenter, I think, from the Albany

1 area, University of Albany. He's not
2 online at this time. We were hoping that
3 he would present himself in the hybrid
4 format. So we're going to have to defer.

5 Has he supplied any materials?
6 I'm not aware of a report or a specific --

7 MR. WILUSZ: Maybe through
8 you, Mr. Chair, to Tim because I know Tim
9 has contact with Dr. Carpenter. Maybe Tim
10 could come down and you could request
11 documentation from him so we can enter it
12 into the record later on.

13 MR. WESPIESER: Yes. As a
14 proxy of sorts for what Dr. Carpenter
15 might offer in terms of his expert
16 opinion, I would invite Tim Gray to at
17 least outline the technical
18 characteristics of what Dr. Carpenter
19 might offer. And we can at least weigh in
20 and provide to him more precise questions
21 or requests around that, again, technical
22 information around the potential safety
23 and health hazards that this Upland facil-
24 -- this UDF -- and as we're going to be

1 taking questions later under advisement,
2 we can supply additional data or reports
3 after this meeting adjourns as long as
4 we're following the due process and the
5 characteristic, you know, rule of evidence
6 that we're trying to preserve in the
7 interest of potential further legal
8 action.

9 So, Mr. Gray, let me open it
10 up to you to provide, as specifically as
11 you can, what Dr. Carpenter was intending
12 to offer as expert testimony today.

13 MR. GRAY: Okay. As you know,
14 Dr. Carpenter got hurt last week, and he
15 was supposed to be on the Zoom today. I
16 don't know what's happening here, but I
17 will do my best.

18 We've known David for 35
19 years, and David has worked for us pro
20 bono for 35 years. He's one of the
21 leading PCB scientists and probably the
22 most published scientist in the world on
23 PCBs, and his expertise -- he's a medical
24 doctor, but he's also very well versed in

1 PCBs and what they do to people and how
2 they can harm people.

3 So I assume Dr. Carpenter
4 would come in and talk about two of his
5 most famous studies. His first study that
6 he would probably talk about is what we
7 know as a ZIP Code study. You folks, I do
8 think -- I mean, the packet that I sent to
9 you months ago has that report in it. And
10 basically, a ZIP Code study was a study
11 that was done in New York state, and it
12 went to -- they got -- where hazardous
13 landfills are, and they studied the
14 hazardous landfills and then looked up the
15 diseases around these landfills.

16 In New York state they keep a
17 record, the hospitals, of what diseases
18 that people have. And what he found in
19 that study is that at hazardous waste
20 sites that have POCs, persistent organic
21 chemicals, and PCBs being one of them,
22 that they create diseases around these
23 facilities. And if you read his report,
24 it comes up with probably 10 -- 8 or 10

1 diseases that they have verified around
2 hazardous waste sites in New York at a
3 time.

4 So that's a very important
5 study because it's the first time that was
6 ever done. And it shows that if you live
7 next to a hazardous waste site, you're
8 much more likely to get these, you know,
9 like I say, seven to ten, maybe, diseases
10 that David writes up in that article.

11 His other article is about the
12 volatilization of PCBs, which is something
13 that's very important for everybody to
14 understand. PCBs are -- so anyway, he's
15 been studying volatilization for years,
16 and he got the Housatonic River Initiative
17 interested in volatilization. And we've
18 come, through the years, to understand
19 that PCBs get into the air. And why this
20 is sort of important is because they -- as
21 they travel through the air, they get
22 everybody, okay. They can get into a pond
23 that's a mile away, they can get up in the
24 atmosphere, and they end up in the Artic

1 and they rain down on polar bears. You
2 know, it's the food chain thing.

3 And PCBs, because they are one
4 of the most persistent organic chemicals
5 in the world, travel around the world like
6 that. And so it would be HRI's
7 assumption, I would say, but this is what
8 we've learned from David Carpenter, is
9 that having a water supply near a source
10 of persistent organic chemicals is not a
11 good thing.

12 Back in about -- in the '90s,
13 EPA picked a pond. I think it was in
14 Sheffield, and I believe it's called Three
15 Mile Pond, if my memory serves me right.
16 And that was supposed to be the -- you
17 know, sort of the test pond that didn't
18 have any PCBs. And I don't have to go one
19 step further and tell you what happened is
20 that this little test pond that was not
21 supposed to have PCBs had PCBs. How?
22 Because they volatilized. They move
23 through the air and they get into the
24 environment that way.

1 So that volatilization is so
2 important. It's also very important to
3 folks who live along the Housatonic River.
4 You know, if you've ever been along the
5 Housatonic River --

6 MR. WESPIESER: Tim?

7 MR. GRAY: Yes.

8 MR. WESPIESER: Tim, let me
9 interrupt you. Is this detail now you're
10 supplying part of Dr. Carpenter's proposed
11 expert testimony or is this -- excuse me,
12 but is this your own?

13 MR. GRAY: No. This is stuff
14 that we've learned from Dave. I mean, it
15 is --

16 MR. WESPIESER: Okay. So
17 he'll be providing us potentially detail
18 around this. I just want to keep our
19 focus on the expert testimony. I've asked
20 you to come up to talk about, you know,
21 what he'll be bringing to -- and we're
22 going to, you know, really welcome a
23 report or a series of reports from
24 Dr. Carpenter, but I want to focus on what

1 he'll be able to supply us, if at all
2 possible.

3 MR. GRAY: Well, I'm having a
4 little -- you know, I'm having trouble
5 understanding you, Bob, because the -- all
6 of these reports are in your possession,
7 and these are the published reports that
8 David has -- have peer reviewed and have
9 been published, you know, around the
10 world. So -- and that's what I'm talking
11 about, so I'm not quite sure where I'm
12 going astray here.

13 MR. WESPIESER: There is --
14 well, I just -- we want to focus on what
15 is the --

16 UNIDENTIFIED MALE SPEAKER:
17 Nobody's mentioned the fact that it's
18 carcinogenic?

19 MR. WESPIESER: What's that?

20 UNIDENTIFIED MALE SPEAKER:
21 Nobody's mentioned the fact that it's
22 carcinogenic at all.

23 [Cross talking]

24 UNIDENTIFIED MALE SPEAKER:

1 Transportation or distribution, when you
2 pull the truck in, does it go into the
3 air? You didn't address that. I wish you
4 would have.

5 MR. WESPIESER: Thank you.
6 I've asked you to hold your comments, and
7 I'll ask you again.

8 [Cross talking]

9 UNIDENTIFIED MALE SPEAKER:
10 But you didn't address what we need.

11 UNIDENTIFIED MALE SPEAKER: I
12 just wanted to mention that for legal
13 purposes.

14 MR. WESPIESER: Thank you.

15 UNIDENTIFIED MALE SPEAKER:
16 Well, in David Carpenter's study, too, he
17 does talk about potential of cancer. It's
18 a real thing. It changed from probable
19 carcinogen to a known carcinogen in the
20 last couple of years.

21 MR. WESPIESER: Thank you.

22 MR. BONIFAZ: I want to make a
23 comment. If you look at Exhibits 1
24 through 14, Exhibit 4 is an exhibit from

1 EPA, which recognizes every single thing
2 that they all say. It recognizes all the
3 disease, including cancer, including all
4 kinds of other diseases that are caused by
5 PCBs. So that is part of the record.

6 What we need is a report from
7 Dr. Carpenter after he has read the
8 record, Exhibits 1 through 14, to tell us
9 what he thinks about this specific
10 location and what is the (inaudible)
11 towards this specific location. That is
12 the testimony that we can accept because
13 basically when you get up there and you
14 say these things, it's all hearsay
15 testimony. It's not going to work in any
16 court.

17 So we need this report signed,
18 executed by him, submitted. And we will
19 love to give him 30 days, 60 days,
20 whatever he wants to do, to prepare this
21 report, then we will get it into the
22 record because we can sit over here and
23 read -- read the entire record, but the
24 record is for all of you to see. It's

1 posted on the web. There's no question
2 about it, and all of those diseases have
3 been covered.

4 MR. WESPIESER: Thank you.
5 That was well said. That was my point.
6 Thank you, Tim. Tim, we'll follow up with
7 a formal request to Dr. Carpenter coming
8 from us and just swing that by you in
9 terms of the nature of our request because
10 clearly you have a lot of information and
11 contact with him over, as you mentioned,
12 30-plus years. So it's valuable. Thank
13 you.

14 MR. GRAY: Thank you.

15 MR. WESPIESER: Cristobal, we
16 were going to conclude the expert
17 testimony part of our record soon, but I
18 wanted to ask you if this was a good time
19 to do that or if there's other additional
20 items that JoAnne and I should pursue from
21 the perspective of the Board of Health and
22 the recorded record?

23 MR. BONIFAZ: Well, see, not
24 all the testimony is in. We can give

1 people 30 days or 60 days to supply any
2 other expert testimony that they may want
3 to enter into the record.

4 The position of the Board of
5 Health -- for the Board of Health is
6 established. I mean, we have all of this
7 documentation on the record. I suggest
8 that you read the record before you see if
9 we didn't do the job right, but the stuff
10 is here. If you want to add anything to
11 this, great. We will wait 30 days to
12 decide, but everything is here. Please
13 read the record.

14 MR. WESPIESER: Okay. Very
15 good. Thank you. With that clarified,
16 we -- I would look for a motion to close
17 the expert testimony.

18 UNIDENTIFIED FEMALE SPEAKER:
19 I have Dr. Carpenter on the phone. He
20 never received the Zoom link.

21 MR. WESPIESER: Yeah, we'll
22 wait a minute for technical
23 considerations, see if we can get him.

24 UNIDENTIFIED MALE SPEAKER:

1 Hi. Can I be recognized?

2 MR. WESPIESER: Not --

3 UNIDENTIFIED MALE SPEAKER:

4 It's an expert report. I wanted to
5 provide this to the Board of Health. And
6 I just wanted to submit it as
7 documentation. I think it's an additional
8 report. It's on landfill failures, the
9 very truth. It's from the Center for
10 Health, Environment, and Justice from
11 Falls Church, Virginia, and it outlines
12 and documents the failure processes on
13 these landfills and that it's not a
14 question of if the landfill will fail,
15 it's when.

16 MR. WESPIESER: Of course you
17 can enter it. We just need you to sign
18 in. There's -- I think we have an expert
19 testimony sign-in sheet right at the front
20 here. And if you can please print, we
21 will definitely accept that.

22 UNIDENTIFIED MALE SPEAKER:

23 Thank you.

24 MR. BONIFAZ: Is this prepared

1 by you?

2 UNIDENTIFIED MALE SPEAKER:

3 It's not prepared by me.

4 MR. BONIFAZ: So what is this
5 a document from?

6 UNIDENTIFIED MALE SPEAKER:

7 It's from the Center -- it says it there
8 on the bottom there, yeah.

9 MR. BONIFAZ: Yeah, we'll put
10 it as part of the exhibits.

11 UNIDENTIFIED MALE SPEAKER:

12 It's a Wells Research document. It's a
13 175-page document. I only gave you the
14 ten pages. It's online, the complete
15 document, and it thoroughly outlines on
16 how this failed.

17 MR. BONIFAZ: Is it referenced
18 in this report about the UDF in
19 particular?

20 UNIDENTIFIED MALE SPEAKER:

21 It's all about that.

22 MS. SULLIVAN: No. The
23 particular one here in Lee.

24 MR. BONIFAZ: We have one

1 specific issue here. The obvious specific
2 issue of this record is whether the UDF
3 projected to the town of Lee (inaudible).

4 UNIDENTIFIED MALE SPEAKER: It
5 is a risk of health. It will fail.

6 MR. BONIFAZ: But why -- what
7 basis do you have to say that?

8 UNIDENTIFIED MALE SPEAKER:
9 This report --

10 [Cross talking]

11 UNIDENTIFIED MALE SPEAKER:
12 It's documented throughout the country
13 numerous times and in numerous locations
14 that these fail.

15 MR. BONIFAZ: The topic that's
16 up for discussion --

17 UNIDENTIFIED FEMALE SPEAKER:
18 Can you give him the mic so --

19 UNIDENTIFIED MALE SPEAKER:
20 Why don't you take your thing off? You're
21 protecting yourself, unless you have a
22 problem.

23 And I don't like what you said
24 in the beginning. You said "good

1 morning." It's not a good morning. And
2 furthermore, the town isn't here speaking,
3 okay, and you're going through paperwork.
4 I've lived through it, death, smog,
5 chemical factory, two-block town, across
6 the street. My neighbor, my wonderful
7 neighbor, got a brain tumor, same thing
8 PCBs. There's a creek below us, just a
9 little bit below us but a creek.

10 Oh, okay. Guess what happened
11 to my neighbor after he had the brain
12 tumor? He got it again. Guess what
13 happened to my next-door neighbor? He got
14 a brain tumor and died, okay. Guess what
15 happened to his wife who took care of him
16 the whole time? She got breast cancer and
17 then got it again. And then the neighbor
18 next to me got cancer and died.

19 And at the end of the
20 street -- I was warned when I moved in
21 that town, okay, that they had a chemical
22 spill through vapor, okay, and it only
23 went through that town. All of them died.

24 Then I moved there, and that's

1 when the brain tumors happened, after --
2 my friend, who I went to school with, was
3 a politician and walked me through it and
4 said how they layer it. All the -- they
5 put eight layers in soil, in toxic -- and
6 it came up and screwed us, okay, everyone.

7 And then you talk about the
8 water supply. The water supply was in the
9 next town over, and it was a little bit
10 higher. They had to cut it and go through
11 the other towns, and then it costs us more
12 money for water. In this day and age,
13 look at our water problems. They're
14 setting you up for maybe for your future,
15 okay, that you're going to have to rely on
16 another town or have it trucked in. And
17 we, in this beautiful Berkshires, okay --

18 MR. WESPIESER: Sir, finish
19 up, please.

20 UNIDENTIFIED MALE SPEAKER: I
21 just want to say this. Three or four
22 years ago, we were recognized as one of --
23 the cleanest air in the United States.
24 How could we let this happen here? What I

1 went through in a small town, okay --

2 MR. WESPIESER: Thank you.

3 UNIDENTIFIED MALE SPEAKER:

4 You look just like my brother, and my
5 brother did the same thing. He went to
6 Rutgers. I'm going to tell you what I
7 tell my mom. Don't look at that stack of
8 paper there. Look at common sense, where
9 I come from, and all the people that died
10 from cancer on a small street. And my
11 town was just like Lee, okay, and it's not
12 anymore.

13 They're not going to tell
14 you -- what are they going to tell you
15 when your house value goes down and the
16 trucks come through the street, okay, to
17 transport this stuff and your house value
18 goes down? I'm going to go right to the
19 level of lawyer, and I'm going to lawyer
20 up and I know a lawyer.

21 MR. WESPIESER: Sir --

22 UNIDENTIFIED MALE SPEAKER: I
23 know a lawyer that would match you on your
24 house values. And when you see the

1 increase, we will beat you. Finished.

2 MR. WESPIESER: Thank you.

3 You're welcome to sign in as an expert as
4 part of our expert testimony.

5 UNIDENTIFIED MALE SPEAKER:

6 I'm not an expert. I just lived through
7 death, and I ain't going to live through
8 it. I lived here for --

9 [Cross talking]

10 MR. WESPIESER: Thank you.

11 [Cross talking]

12 UNIDENTIFIED MALE SPEAKER: I
13 lived through it. I lived here for 20
14 years, good people, and I'm here.

15 MR. WESPIESER: Thank you.

16 UNIDENTIFIED MALE SPEAKER:

17 And I thank you for being on the board and
18 everything you do.

19 MR. WESPIESER: Yes.

20 UNIDENTIFIED MALE SPEAKER: Do
21 the right thing, though. Don't let
22 anybody catch you taking in a till or
23 something. We need this going somewhere
24 else.

1 [Cross talking]

2 MR. WESPIESER: I'm going to
3 redirect here.

4 UNIDENTIFIED MALE SPEAKER:
5 You misstated on the publication, when you
6 were showing the presentation. You were
7 speaking out the dates, but you were
8 actually misstating it to what was on the
9 publication of it. And also, you can
10 leave me alone, please. I'm literally
11 just stating something that --

12 MR. WESPIESER: Thank you. I
13 want to get back to the possibility of an
14 expert being on the line. Is
15 Dr. Carpenter --

16 MR. WILUSZ: He's not on the
17 line yet.

18 MR. WESPIESER: Okay. Do we
19 suspect -- do we know if that's going to
20 happen? I don't think so.

21 UNIDENTIFIED MALE SPEAKER: I
22 just wanted to get back to the report I
23 submitted, where it addresses the issues
24 item by item on how exactly this type of

1 landfill -- it's not a new technology
2 that's coming in. This is old technology.

3 The report scientifically, you
4 know, studied Lee, outlines why and how it
5 will fail. The vinyl itself, assume it's
6 placed into the ground, is reactive. And
7 then you put the elements on top of it,
8 more reactive. The plastic pipes,
9 reactive to the elements in there. All of
10 this is -- will fail. There's no question
11 about it.

12 MS. SULLIVAN: I think we
13 understand that. We understand your
14 passion. We have passion too, but I think
15 what Attorney Bonifaz says is it doesn't
16 matter in a court of law what happens
17 around the whole United States. It
18 matters what happens here in Lee and
19 what's going to be --

20 [Cross talking]

21 UNIDENTIFIED MALE SPEAKER:
22 You're going to lose. You're going to
23 lose.

24 MS. SULLIVAN: Excuse me, I'm

1 not going to be yelled at by you.

2 UNIDENTIFIED MALE SPEAKER:

3 I'll yell. I'll yell and fight. I know
4 what's right. I've seen it.

5 MS. SULLIVAN: This is not
6 public comment time.

7 UNIDENTIFIED MALE SPEAKER:
8 This started with toxic, the word "toxic."
9 This is toxic.

10 UNIDENTIFIED FEMALE SPEAKER:
11 They're doing their job.

12 UNIDENTIFIED MALE SPEAKER:
13 They're not doing their job.

14 UNIDENTIFIED FEMALE SPEAKER:
15 Yes, they are.

16 UNIDENTIFIED MALE SPEAKER:
17 There's data and there's facts. It's a
18 175-page report. It's very well
19 documented. (Inaudible). I submit this
20 report as evidence. It is useful. It's
21 scientific. It provides information
22 exactly pertaining to this toxic dump.

23 MR. WESPIESER: Well taken.
24 Thank you. And thank you for signing in.

1 [Cross talking]

2 MR. McQUEARY: I'm Charles
3 McQueary (phonetic). I submitted a letter
4 of technical comments. I wanted to
5 subsidize that.

6 MR. WESPIESER: A letter of
7 technical comments. Can you please sign
8 in as an expert? It's very important that
9 we record that. Again, this is being
10 recorded, not to give people a hard time
11 but so that we can observe the process for
12 later action if it becomes important or
13 available.

14 So this is information about
15 dioxin?

16 MR. McQUEARY: That's correct.

17 MR. WESPIESER: Thank you.

18 MR. McQUEARY: If you want to
19 hear about it, I'm prepared to --

20 MR. WESPIESER: We'll review
21 it. It's not -- it doesn't pertain
22 specifically until we have a chance to see
23 and review how it does pertain to the
24 technical aspects of this dump.

1 MR. McQUEARY: This woman
2 would like me to give my name. Charles
3 McQueary. I'm from Franklin,
4 Massachusetts. I'm a former LSP and a
5 former Department of Interior water
6 quality subject matter expert.

7 MR. WESPIESER: What is LSP?

8 MR. McQUEARY: Licensed site
9 professional.

10 MR. WESPIESER: Thank you.
11 Thank you very much. If Dr. Carpenter is
12 available, we'll proceed. If not, we're
13 going to close the expert testimony part
14 of our hearing today.

15 MR. BAILEY: Just a point of
16 order, if I could.

17 MR. WESPIESER: Point of
18 order?

19 MR. BAILEY: Thank you.
20 Gordon Bailey, 734 Pleasant Street in Lee.
21 Somebody's yelling from the back. And I
22 have to confirm that when you were reading
23 out the different documents, you did
24 misstate two or three of the dates. And

1 if that is a legal consideration, you may
2 want to revisit those. I know one was in
3 October, but you said November. I don't
4 know if that even matters, but I know that
5 somebody was yelling it out. And I just
6 want to point out if that's a concern
7 legally, then we should readdress those.

8 MR. BONIFAZ: You say that the
9 document is mislabeled, the date?

10 MR. BAILEY: No.

11 MR. WESPIESER: I misspoke.

12 MR. BAILEY: It was read
13 wrong.

14 MR. BONIFAZ: I think his
15 writing was --

16 MR. BAILEY: Okay. That was
17 someone's concern, and I just wanted to
18 point that out in case it mattered to the
19 case as it goes down the road.

20 MR. WESPIESER: Thank you. I
21 think Attorney Bonifaz's plan is that the
22 written record, as present in the binder,
23 is accurate and as stated. And that is
24 going to be the key piece or the concrete

1 piece that we move ahead with.

2 All right. JoAnne
3 mentioned -- and we're just informally
4 going to talk as we go through this
5 process because we're trying to be
6 resilient and flexible here, given
7 unexpected changes, circumstances,
8 mentioned to take a break, but then if we
9 have that break and -- we would want to
10 let the recorder and the attorney go, but
11 then if the expert's here, we can't do
12 that.

13 So I think if we end, then
14 we'll invite, right, as the attorney
15 stated -- we'll invite a report or reports
16 from Dr. Carpenter. And I am aware, based
17 on information HRI has given us, an
18 extent -- Dr. Carpenter does have an
19 extensive CV with hundreds of articles he
20 is an expert in is what's -- a lot of what
21 is in Exhibit 4 in our documents, and that
22 exhibit, as Attorney Bonifaz mentioned,
23 outlines a lot of the up-to-date and
24 recent well study, peer-reviewed data on

1 how dangerous PCBs are.

2 None of that is in question.

3 We know the detail around the danger of
4 PCBs. That's not our goal today. We
5 accept that as a priority. It is present
6 and well established. So none of our
7 comments or process is meant to discount
8 the importance that these chemicals are
9 dangerous to human health.

10 The trick for the Board of
11 Health -- the task for the Board of Health
12 is to decide is this UDF -- is this dump
13 facility a danger to human health as the
14 planning exists at this time.

15 So with that in mind, I would
16 entertain a motion --

17 MS. LAHEY: I would like to
18 present as an expert witness, as a
19 statistical analyst with an MS in
20 operation of research. I thought about
21 asking to be an expert witness. I have
22 read every single document right up
23 through all of those exhibits.

24 MR. WESPIESER: Very good. I

1 invite you. And you're clear to sign in
2 as an expert and provide reports as you
3 have them, and we'll be happy -- and it's
4 important that we'll review them and have
5 them reviewed as important parts of our
6 process.

7 Could you -- we would need to
8 state your qualifications again, I know,
9 for the purposes of the record.

10 MS. LAHEY: Most of you know
11 I'm Clare Lahey, 110 Mill Street, Lee. I
12 live right across from the river. And you
13 all know me as a tennis coach, but my
14 career before that was a statistical
15 analyst with my MS in operations research.
16 I actually took all my courses at Union
17 College with a whole class of GE
18 engineers.

19 So they were studying the same
20 things I was. They were getting ready to
21 be the analysts for GE. I have read this
22 report, looking at it as a statistical
23 analyst, looking for the reliability of
24 their statements throughout this report,

1 just to confirm that survey right now
2 about the number of failures that was
3 presented by The Center for Environment,
4 Health, & Justice.

5 One of my questions in here
6 was, how can GE keep asserting so
7 vehemently that this -- that they very
8 seldom leak? What surveys have they done?
9 Absolutely none. The data is out there.
10 We have The Center for Environment,
11 Health, & Justice that is ready to give us
12 so much technical information. They're
13 willing to look at our -- the reports that
14 are being done to see if they are valid,
15 to look at the reports that we're getting
16 from corporations.

17 I went through that report and
18 I was planning to read my document, but
19 that would take ten minutes because it's a
20 lot of information. I'll just highlight
21 real quick some of my big questions.

22 On -- I was -- this is
23 regarding the last preinvestigative report
24 on the UDF. It was just sent out a few

1 days ago, and it's quite lengthy. That's
2 the latest data that gives all the
3 information with the borings they've done,
4 how they plan to use that, and their -- it
5 mentioned in there that they have pretty
6 much just assumed about -- I'm going to
7 talk about the direction of groundwater
8 flow and the depth of groundwater.

9 This is what this whole report
10 was just recently. So they -- their
11 groundwater flow direction that they say
12 is based on assumption. And they say
13 this, that because the landfill that Lee
14 has nearby has an east-to-west flow
15 towards the river. They have not based it
16 yet on any borings or tests that they have
17 done. They haven't revealed those tests.
18 They started back in November a year ago,
19 said that they were going to test, do
20 these borings for groundwater depth.
21 Piezometer wells have been set up, and
22 ground wells, for monitoring at the base
23 of the (inaudible).

24 They have not revealed any of

1 the data they collected in the past year.
2 They given -- done the tests quarterly.
3 One of my comments on that is, just as
4 somebody else stated, you have to have a
5 longer period because of all the
6 variables. They're not considering
7 climate change and the affect that that is
8 going to have on future groundwater
9 levels.

10 Groundwater level is very
11 important, is crucial to this, because the
12 liner -- the bottom liner has to be 15
13 feet above groundwater. If the
14 groundwater is uprising or getting higher
15 because of increased rain downfall, storm
16 runoff, whatever, then the liner's
17 positioning will change. And they have to
18 do a forecast based on so many factors,
19 climate change, that -- you know, within
20 the next ten years, we could be seeing,
21 according to studies recently, 100-year
22 floods. Rather than every 100 years,
23 we'll see them every ten years.

24 MR. WESPIESER: Are these

1 questions outlined in your document?

2 MS. LAHEY: Yes, they are.

3 MR. WESPIESER: Okay. Thank
4 you. Good.

5 MS. LAHEY: So that's about
6 the flow that -- they have that
7 information. They're saying that they're
8 going to give -- tell us the results of
9 the studies they've done so far of the
10 borings, December 6 at the earliest. This
11 is what they told our conservation
12 commission. Why are they waiting until
13 then? This would help so much with our
14 decision.

15 You do not have the data you
16 need in order to -- they have not
17 established, for the record, or showed any
18 proof of predicting exactly what it's
19 going to be. They can take tests for a
20 year, but that's only going to show them
21 for a year.

22 As a statistical analyst, we
23 set up models for every factor, climate
24 change, the cutting the trees, the record

1 of groundwater storm events, and so on.
2 And that's all put into the model, and we
3 test every one of those factors for
4 reliability. This is a very complicated
5 prediction they're trying to make, and
6 they haven't even shown a process that
7 they will be using to make this
8 determination. They're simply basing it
9 on time-series analysis, which is just a
10 short period of data.

11 And we know from
12 statistical -- from the way that you're
13 taught, you have to have at least ten
14 years of data really to do a time-series
15 analysis, and that's the most basic kind
16 of analysis. It's not setting up a model
17 where you can put it into a computer.

18 UMass had a webinar just
19 recently, and I've been watching every
20 webinar that UMass does on
21 environmental -- and that's in there,
22 okay. It has -- they did a webinar on
23 their models for predicting the effect of
24 cutting trees, the effect of many

1 different factors.

2 MR. WESPIESER: I hate to
3 interrupt you, but does this pertain to
4 our --

5 MS. LAHEY: Yes, because they
6 have -- GE could be using i-Tree, i-Care,
7 which is the most up-to-date predictor.
8 [Cross talking]

9 MR. WESPIESER: The board is
10 going to want to have all important
11 technical contributions in order to make
12 them part of the record and to review them
13 in terms of our decision.

14 MS. LAHEY: Okay.

15 MR. WESPIESER: So if you
16 could make sure that we get the especially
17 technical data. We do have a lot of data
18 on the geological element. We heard it
19 today from Dr. DeSimone. So we know there
20 are, you know, potentially many decades of
21 information from surveys on the geologic
22 status, but I know from your previous
23 comments at a different meeting that
24 there's potentially some data coming out

1 that GE has or that the consultants have
2 with regard to the well data that they've
3 been accumulating most recently. And we
4 would, of course, want that data as well.

5 So the other thing is you
6 mentioned in the initial expert --
7 Mr. Manoli mentioned The Center for
8 Health, Environment, & Justice, and JoAnne
9 brought up that we would certainly
10 entertain if they were -- if it made sense
11 for interested parties to have them
12 present to us any specific -- again, as
13 Attorney Bonifaz has held us to the
14 fire -- specific insights and technical
15 information and analysis of our particular
16 design and situation.

17 That is going to be the most
18 important piece for us to reflect on.

19 MS. LAHEY: Right.

20 MR. WESPIESER: We're really
21 importantly focused on that. Again, we
22 know, both by Exhibit 4, by Dr. DeSimone's
23 testimony, that there's a lot of variables
24 here, too many for us to consider, except

1 as it applies to the potential impact on
2 health.

3 MS. LAHEY: Right.

4 MR. WESPIESER: So --

5 MS. LAHEY: So they have to
6 give you a -- prove to you without any --
7 with a really clear -- you know, there's
8 maybe only a 1 percent chance this will
9 fail or is it a 40 percent chance it's
10 going to fail? They should be able to do
11 that study and back it up and prove to
12 you.

13 Okay. So Dr. Carpenter is
14 waiting, and I appreciate your time.

15 MR. WESPIESER: Yes. Thank
16 you.

17 MS. LAHEY: Thank you so much.

18 MR. WESPIESER: Thank you very
19 much. Okay. So we have Dr. Carpenter on
20 the line. Dr. Carpenter, can you hear me?
21 Dr. Carpenter, can you hear me?

22 DR. CARPENTER: Yes, I can.

23 MR. WESPIESER: My name is
24 Robert Wespieser. This is JoAnne

1 Sullivan. We're both members of the Board
2 of Health.

3 DR. CARPENTER: I'm very sorry
4 that I'm not there in person.

5 MR. WESPIESER: Okay. Very
6 good. You know then that this is the
7 Board of Health of Lee. This is an
8 adjudicatory hearing. Our purpose is to
9 gather expert testimony around a decision
10 coming up, and that is, is this particular
11 dump facility a danger to the health and
12 well-being of the people of Lee's health
13 specifically.

14 So with that in mind, if you
15 don't mind introducing yourself.

16 DR. CARPENTER: Yes. I'm
17 David Carpenter. I'm a public health
18 physician. I'm a former director of the
19 New York State Department of Health
20 Laboratories, and then I became the dean
21 of the School of Public Health. I've
22 worked on PCBs. It has been my major
23 research institute since the late 1980s.
24 I've done a lot of work primarily along

1 the St. Lawrence River with the Native
2 American Mohawk Tribe.

3 I've been very much involved
4 with the issues of the Hudson River, and I
5 certainly conferred with people around
6 Housatonic over the years, although that's
7 not been the site of my research. I've
8 had probably 80 or 90 publications on
9 health effects of PCBs, again, many of
10 those with the Mohawks and Iroquois in
11 Northern New York.

12 And the diseases that come
13 from PCB exposure are just many. I won't
14 go into that right now, unless you have
15 questions about those specific diseases.

16 MR. WESPIESER: Thank you.
17 Thank you. We do have some questions for
18 you.

19 First, I'd like to mention
20 that we're specif- -- as I mentioned
21 briefly, we're specifically interested in
22 a focus on this particular PCB disposal
23 facility. And I did prepare a couple of
24 questions for you, if you don't mind me

1 asking.

2 Are you aware of this
3 particular facility, aware of, for
4 instance, its design characteristics,
5 its -- there's was a preimplementation
6 design document. It was processed. And
7 you may be familiar with that, but could
8 you state for us what your familiarity is
9 with this particular facility?

10 DR. CARPENTER: I have a
11 number of those documents. I can't say
12 that I've reviewed them very carefully.
13 As I understand, this facility is actually
14 in the town of Lee city limits. It's not
15 very far from the Housatonic.

16 And one of the concerns is
17 that they would be leaching from the
18 landfill back into the river. That's
19 certainly an appropriate concern. It
20 varies with the geology of the area.
21 Also, the issues of what kind of
22 containment, especially the liner.

23 Now, let me just quickly tell
24 you my experience. The major

1 contamination site from the General Motors
2 facility near the -- scenic New York was
3 dredged and cleaned up, but within five
4 years, there was leaching of the PCBs from
5 the landfill such that that landfill did
6 not have a liner, which is the difference,
7 of course, with what you're proposing, but
8 the contamination is now actually worse
9 than it was before the remediation five
10 years ago.

11 There is almost no way that
12 even with a good liner it's going to be
13 permanent because in time there will be
14 breaks in lining, and you will have decay
15 coming from a landfill. This means it's
16 extremely important. I mean, I understand
17 the need to dredge to get contaminated
18 sediments out. That's very obvious, you
19 know.

20 And what's extremely important
21 is if you're going to take contaminated
22 sediments and put them in a landfill, that
23 you put them in a landfill that's as far
24 as away from people, as far away from

1 rivers, as far away from any possible
2 source of harm, as possible.

3 UNIDENTIFIED FEMALE SPEAKER:

4 Yes.

5 MR. WESPIESER: Thank you.

6 The board understands you received
7 documents from us. We have them listed as
8 Exhibits 5 and 9. Are you familiar with
9 that, these documents?

10 DR. CARPENTER: I can't say I
11 know them by their numbers, but I received
12 documents.

13 MR. WESPIESER: Well,
14 descriptively, 5 is the predesign
15 investigative work that is available on
16 the website but also outlines the
17 predesign specific requirements short of
18 exact drafted plans because there's still
19 some things uncertain, of course, but it's
20 the predesign characteristics of this
21 particular disposal facility.

22 It sounds considerably
23 different than the example you gave, where
24 there was an unlined facility, but I

1 just -- for the record, I wanted to ask
2 you if you're familiar with the specifics
3 of the design outlined in that predesign
4 documents.

5 DR. CARPENTER: Yes, I did
6 review that document. You know, I can't
7 say that I reviewed it as carefully as I
8 should have, but I'm aware of the contents
9 of the document.

10 MR. WESPIESER: And do you
11 have any comment on it with regard to
12 safety or its potential impact with regard
13 to the health of the citizens of Lee?

14 DR. CARPENTER: Well, I think
15 there are two issues of major concern.
16 The first is -- well, as I said, I think
17 it should be placed as far away from
18 people and the river as possible, but the
19 source of exposure once you have a
20 landfill. Number one is leachate coming
21 out -- escaping from the underground
22 liner. I understand the risk to be the
23 liner. That may contain PCBs for a period
24 of years, but ultimately, they're going to

1 leak.

2 The other major concern I have
3 is escaping of PCBs from the surface of
4 the landfill into the air. A lot of my
5 work recently, both along the Hudson
6 River, along the St. Lawrence River, and
7 the studies I've done in Anniston, Alabama
8 around the Monsanto plant where PCBs were
9 manufactured, is inhaling PCBs has a very
10 important route of exposure. It hasn't
11 been given the consideration that it's
12 due.

13 But in our work both along the
14 St. Lawrence and my colleagues' work along
15 the Hudson River, if you live near a
16 contaminated site that is not totally
17 enclosed, PCBs escape into the air,
18 especially during warm weather, and
19 they -- you inhale them constantly. Well,
20 what I didn't see in the documents, but,
21 perhaps, this is because I didn't review
22 them as carefully as I should have, was
23 what the top enclosure was to be.

24 Usually, it will be a liner

1 plus a clean fill and then grass on top of
2 it. Perhaps, that's what was proposed,
3 but again, I don't recall (inaudible).

4 MR. WESPIESER: It is what's
5 proposed. I'm not an expert on the design
6 of these dumps, but the predesign document
7 that we call Exhibit 5 does outline a lot
8 of the detail around the specifics of that
9 upper liner plus the -- down to what, you
10 know, potential plans, et cetera, that
11 they'll be using on top of it. It talks
12 about the thickness of fill. It will be a
13 completely enclosed dump from the
14 description that's provided in the
15 predesign work.

16 Our Exhibit 9, I'd like to
17 have -- you're going to remember it, but
18 for the purposes of our record is a
19 response from the EPA with regard to
20 Dr. DeSimone's expert testimony with
21 regard to permeability and the flow of
22 groundwater from this site.

23 It also has specific detail
24 around concerns raised with regard to the

1 transportation of PCBs to and from this
2 site. As you may or may not know, some of
3 them were highly-contaminated sediment,
4 will be leaving the area, hence, will be
5 needed to be transported through our
6 region.

7 The other aspects that are
8 addressed in this document -- Exhibit, I'm
9 sorry, 9 from the EPA involve the
10 commentary around the safety of the liner.
11 Are you aware -- do you remember that
12 document? We were told you were
13 potentially going to be aware of that
14 document. Does that ring a bell, do you
15 know?

16 DR. CARPENTER: Yes, I'm aware
17 of it, but again, I can't (inaudible) --

18 MR. WESPIESER: Okay. Would
19 it be possible for us to make sure you see
20 these documents, and then potentially have
21 you comment on them?

22 DR. CARPENTER: I'd be happy
23 to, yes.

24 MR. WESPIESER: Okay. Very

1 good.

2 DR. CARPENTER: I apologize
3 again. I actually received it last night,
4 but in any case, I know I haven't reviewed
5 it carefully.

6 MR. WESPIESER: Okay. Good.
7 We will be specifically looking for,
8 again, your vast knowledge, but as it
9 applies to the description of this
10 particular dump as outlined in 5 -- and
11 there are other places too we can assist
12 you with regard to the description and the
13 technological or engineering
14 characteristics, but also from the
15 perspective of the alternative opinion, so
16 to speak, of the EPA's commentary that
17 they outline with regard to several
18 aspects, the dump, the liner, the expert
19 testimony regarding the geological
20 characteristics.

21 So we will be looking forward.
22 And we will frame this for you with copies
23 and then look for some input back from you
24 with regard to, again, I mean, the safety.

1 We're particularly focused on -- not the
2 diseases that PCBs can cause, where -- I
3 know from your CV, you've done just a
4 tremendous amount of work.

5 We have those outlined. And I
6 suspect you're a reference in our Exhibit
7 4, which is the EPA's own document about
8 how dangerous these chemicals, the PCBs,
9 can be. And that's a very important -- we
10 wouldn't be here if they weren't so
11 dangerous, but our specific focus is this
12 Upland facility and how it might impact
13 the health of our citizens.

14 So we can get you those two
15 documents, and then correspond with you
16 with regard to getting us back a -- some
17 comments and your expert opinion on those
18 safety characteristics. We'll then enter
19 those into our record, our adjudicatory
20 record, really. It won't, obviously, be
21 part of this hearing, but we'll be ready
22 to take those under consideration and use
23 them as we formulate an opinion on safety
24 risk of health, et cetera.

1 DR. CARPENTER: I'd be very
2 happy to do that.

3 MR. WESPIESER: Thank you.

4 DR. CARPENTER: Let me say
5 very briefly that I'm very much in favor
6 of getting PCB-contaminated sediments and
7 soils out. If you don't get them out,
8 they will be there forever. And
9 certainly, the process of removing them --
10 there may be a transient increase in
11 exposure to people, but if you don't
12 remove them, that's going to continue
13 forever.

14 So I'm certainly not opposed
15 to having landfills that are secure, but
16 they should be secure and secured for the
17 duration, not just the two years.

18 MR. WESPIESER: Excellent.
19 Thank you.

20 All right. I want to just
21 take a minute before we let go of this
22 hard one connection, just to check with my
23 colleagues to see if I'm -- if I was
24 thinking of saying anything else here.

1 JoAnne?

2 MS. SULLIVAN: Could you
3 please provide your name and your direct
4 address for this hearing?

5 DR. CARPENTER: My name is
6 David Carpenter, M.D. I'll use my home
7 address, which is 2749 Old Estate Road,
8 Schenectady, New York 12303.

9 MS. SULLIVAN: Thank you. And
10 your e-mail address?

11 DR. CARPENTER:
12 Dcarpenter@albany.edu.

13 MS. SULLIVAN: We'll send you
14 all the documents. Thank you.

15 DR. CARPENTER: Thank you very
16 much.

17 MR. WESPIESER: A personal
18 comment, we want to thank you. And I
19 think I speak for the board and your
20 auditorium. We hope you're feeling
21 better.

22 DR. CARPENTER: Well, again,
23 I'm sorry I'm not there in person.

24 MR. WESPIESER: We appreciate

1 any input you can give us. We know the
2 rate of pay is not particularly high, but
3 we appreciate it so much. And clearly,
4 your expert is both valued, and the
5 specifics of it will be greatly
6 anticipated. Thank you again.

7 DR. CARPENTER: Thanks very
8 much.

9 UNIDENTIFIED FEMALE SPEAKER:
10 Can we ask him a question?

11 UNIDENTIFIED MALE SPEAKER: I
12 have a question for Dr. Carpenter. Is
13 that possible?

14 MR. WESPIESER: We have not
15 received his testimony yet. So you will
16 be invited to ask him a question, but we
17 would like you to ask it to the board and
18 we will provide it to Dr. Carpenter.

19 MS. SULLIVAN: To submit it in
20 writing.

21 MR. WESPIESER: To submit it
22 in writing.

23 UNIDENTIFIED MALE SPEAKER:
24 Okay.

1 MR. WESPIESER: All right. So
2 then it will be appropriately part of the
3 record and usable. You know, we can refer
4 to it later.

5 UNIDENTIFIED MALE SPEAKER:
6 Thank you to the board and thank you to
7 Dr. Carpenter.

8 MR. WESPIESER: Yes. Thank
9 you.

10 All right. So, Attorney
11 Bonifaz, is there anything else that you'd
12 like to bring up at this time while --
13 before we let Dr. Carpenter go?

14 MR. BONIFAZ: I think that you
15 saw the testimony of Dr. Carpenter or
16 Dr. DeSimone. If you have any questions,
17 just send it to us. Dr. Carpenter has
18 volunteered to answer the questions from
19 everyone, including the ones we have,
20 which is wonderful because we didn't have
21 that before.

22 So as soon as we get the
23 materials, we will send it to
24 Dr. Carpenter. And he has volunteered to

1 provide whatever answers we ask him to do,
2 and we will do that. Okay. So we will
3 wait to do anything on this case until the
4 record's closed, and the record is still
5 opened until we have -- everybody feels
6 they did whatever they wanted to do.

7 MR. WESPIESER: Thank you.
8 JoAnne?

9 MS. SULLIVAN: Thank you. I
10 have no further questions for
11 Dr. Carpenter. Thank you for your time.

12 MR. WESPIESER: Jim or Zach,
13 are there any other items that we wanted
14 to --

15 MR. WILUSZ: I think we've got
16 them all.

17 MR. WESPIESER: Very good.
18 Thank you.

19 DR. CARPENTER: Thank you.

20 MR. WESPIESER: Good day.

21 UNIDENTIFIED FEMALE SPEAKER:
22 Will you be posting the questions online?

23 MR. BONIFAZ: This is a matter
24 of expertise. If you have any questions

1 at all, we have heard Dr. Carpenter
2 volunteer to answer anything you want. So
3 it's not our opinion. It's not the
4 board's opinion. So send us the
5 questions. We will send them to
6 Dr. Carpenter and we let him answer them,
7 which you can't have it any better than
8 that.

9 UNIDENTIFIED FEMALE SPEAKER:

10 Yes, which is great.

11 MR. WESPIESER: Just e-mail

12 your questions directly to me,
13 jim@tritownhealth.org, and I will get them
14 to the attorney and Dr. Carpenter.

15 UNIDENTIFIED FEMALE SPEAKER:

16 I understand that. And I think that's
17 wonderful, but for the people who are here
18 today, when this gentleman got up and said
19 he had a question for Dr. Carpenter, no
20 one else in the audience knows what his
21 question is going to be. So it would be
22 helpful if the questions that are posted
23 for Dr. Carpenter, if they could be posted
24 online --

1 MR. BONIFAZ: Sure.

2 UNIDENTIFIED FEMALE SPEAKER:

3 -- it would be great, and then I know he's
4 already asked the important question. I'm
5 not going to ask it a second time. It
6 would be wonderful. That's all.

7 MR. BONIFAZ: Very good.

8 UNIDENTIFIED FEMALE SPEAKER:

9 Thank you.

10 UNIDENTIFIED FEMALE SPEAKER:

11 If you put it up there, we can
12 (inaudible).

13 MR. WESPIESER: Good idea.

14 We'll do that.

15 UNIDENTIFIED FEMALE SPEAKER:

16 Will you have another open hearing after
17 you get all the additional expert
18 testimony and questions? Will there ever
19 be another open forum like this?

20 MS. SULLIVAN: I don't know
21 that it will be like this, but we'll have
22 to have a posted meeting to deliberate --

23 UNIDENTIFIED FEMALE SPEAKER:

24 Okay.

1 MR. WESPIESER: -- because we
2 have to do that. So I'm ready --

3 MS. SULLIVAN: I make a motion
4 that we take the time to close this expert
5 witness time, take a break, and we will
6 come back for public comment.

7 MR. WESPIESER: A five-minute
8 break.

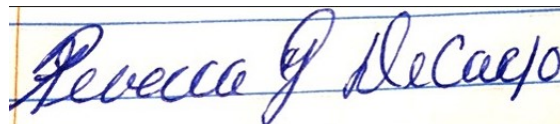
9 (Hearing expert testimony concluded)

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COMMONWEALTH OF MASSACHUSETTS

I, REBECCA J. DeCARLO, Notary Public Court
Reporter do hereby certify that the foregoing
testimony is true and accurate, to the best of
my knowledge and belief.

WITNESS MY HAND December 5, 2022.



Rebecca J. DeCarlo
Notary Public

My Commission expires:
July 28, 2028