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# Waste Traffic(ing): An anthropological analysis of one situated event in the environmental justice discourse.

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Major: Anthropology  
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Abstract: This narrative examines the repercussions of the proposal to build a solid waste facility in an environmental justice community. It documents one solid waste transfer station's permitting process required by Massachusetts General Laws, Codes of Regulations, and policies and the affiliated government agencies. All of these offices and laws incorporate vehicles for "meaningful community involvement," stressing its importance in all three steps of the process. Each chapter documents the incorporation of one impacted "environmental justice" community's "meaningful involvement" as the "proposed project" (solid waste transfer station) goes through the 3-step procedure for determining if the "site" is "suitable" for a solid waste facility, recording the events in chronological order as described by the laws, agencies, public record, local media, ethnographic data and observations.

## Acknowledgements

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I would like to thank my advisor, Debbora Battaglia. Professor Battaglia provided me with unwavering support and invaluable consolation throughout completing this thesis. Her guidance and confidence in my work, thoughts and beliefs set me on the path toward becoming an anthropologist in my sophomore year and helped me realize that, now, there is no looking back.

I would also like to thank the members of my defense committee, Joshua Roth and Giovanna Di Chiro. Since Anthropology 105, Professor Roth has been an essential part to my time at Mount Holyoke. The guidance of Professor Di Chiro through my internship at Nuestras Raices helped me obtain the knowledge essential for successfully completing this project.

And of course, I would like to thank my amazing parents.

I would also like to note that much of the theoretical basis for this thesis came from Zygmund Bauman's 2001 book *Community*, a text assigned by Professor Battaglia in my sophomore year. Bauman conceptualizes the meaning of community in the contemporary city as a "paradise lost." His invocation of Henning Bech in the afterward sums up what I see as his book's salience for the communities of Holyoke:

"The cities in which most of us live nowadays are 'large, dense and permanent clusters of heterogeneous human beings in circulation', places in which one is bound to mill in an 'ever-changing large crowd of varied strangers moving among one another', we tend to become surfaces to each other- for the simple reason that this is the only thing a person can notice in the urban space of lots of strangers'. What we see 'on the surface' is the sole available measure by which to evaluate a stranger. What we see may promise pleasure, but it may also portend danger; when it is but surfaces that meet (and always 'in passing'), there is little change of negotiating and finding out which is which...we all need to gain control over the conditions under which we struggle with the challenges of life- but for most of us such control can be gained only *collectively*."<sup>1</sup>

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<sup>1</sup> Bauman, Zygmund.  
2001 *Community*. Cambridge: Polity Press. 147-8.

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## PREFACE

The ethnographic fieldwork that provided the basis of my knowledge for this project began when I was working as an intern for Nuestras Raíces in the summer of 2008. At the end of the summer, the director of the Community Based Learning program at Mount Holyoke, Alan Bloomgarden, hired me as a community fellow. Essentially, this meant that Mount Holyoke funded me to continue working part-time for Nuestras Raíces. I was a participant in the efforts of the organization, yet I was also very much an outsider. I say this because I was one of many white, non-Spanish speaking students hosted by Latino/a community-based organization in the past. All interns like myself leave after the summer or semester and thus do not contribute to the long-term goals of Nuestras Raíces. Moreover, although I actually did live in Holyoke for a good portion of my employment I was always introduced as a Mount Holyoke student and thus I always felt outside of the community of Nuestras Raíces and Holyoke in general, since local people labeled and perceived me this way. Importantly, the social history of Holyoke is a large part of why I chose to become involved in the city. I saw the event of the waste transfer station as situated in the history of inequality in addition to being recognizable as an environmental justice event. I saw it in this light because of the knowledge that circulates concerning Holyoke's history at Mount Holyoke. When I first came to Mount Holyoke, I knew nothing about the city of Holyoke. Within the first few weeks of becoming a student, I heard many stories about the city's history and contemporary issues from classmates,

professors and friends who grew up in the area. The localized Mount Holyoke discourses circulated knowledge about the waste transfer station through the lens of environmental justice; the issue was presented to me as having the potential of perpetuating the history of injustice on the low income, Latino/a population of Holyoke. My participant observation fieldwork, beginning in July 2008, was born out of how I emotionally related to environmental justice discourse and the stories about Holyoke's history. Borrowing the words of María Lugones, I was brought into this event by joining in coalition with people I saw to be "standing outside or away from power narrowly conceived" (Lugones 2006: 75). Lugones defines those who feel outside of power as inhabiting a limen, "which is at the edge of hardened structures, a place where transgression of the reigning order is possible" (75). One can inhabit a limen by means of "historized identities, a combination of the construction of home places and of struggling in infrapolitical spaces" (Lugones 2006: 77). One can exist in coalition with those inhabiting a limen by a communicative gesture that does not "presuppose that the liminal site is empty of all power" (78). In order to make the communicative gesture, one must become a scavenger of collective memories in order to cement relational identities. Lugones opines that not enough theorists or activists examine the communicative barriers to joining in coalition. As such, this thesis seeks to narrate how the waste transfer station exposed the existence of multiple experiential knowledges in Holyoke and the communicative barriers between the two.

While working with Nuestras Raíces, I met the people who ethnographically grounded the stories I had heard about Holyoke's history, from the point of view of their realities. When my project turned toward the public debate surrounding a plan for a waste transfer facility to be located in Holyoke's present area, I was also brought into the public hearings by being affiliated with the organization since its employees were a large part of the resistance movement. On the first night of the hearings, I signed myself up to participate in the hearings as a member of Holyoke Organized to Protect the Environment (HOPE), a grassroots coalition based on the shared concerns that the transfer station would negatively impact the public health, safety and the environment of Holyoke:

HOPE  
 Holyoke Organizing to Protect the Environment

We are requesting to be  
~~participants~~ <sup>interveners</sup> in the Public Hearings

218-1659 \* Carlos Vega 51 Portland St Holyoke  
 Ginetta Candelario 1151 Northampton St Holyoke  
 Ojós Lolo Lora 19 Spruce St Holyoke  
 Rebecca Lisi 25 Reservation Rd.  
 Robert Chipman 10 Columbia St  
 Carl Hartig 11 Grant St.  
 Elizabeth A. Budd 45 Taylor (across the 217 Essex)  
 Caroline Bauer 54 Taylor Street, Holyoke  
 Helen F. Norris 2090 Northampton St Holyoke

Figure 1: Holyoke Organized to Protect the Environment registration sheet for intervener status at the Board of Health Site Assignment Public Hearings.

I am exposing this fact to show that my work with Nuestras Raíces and HOPE was essential to positioning me in this work. However, when I began observing the hearings, I stopped participating in their efforts of resistance to the transfer station. I did so for two reasons. The first was in order to become a more detached observer, and thereby a more effective resistance actor and the second was because I saw that the issue of the waste transfer station was not going to be resolved by the public hearings alone. That is, the extreme

opposition to the transfer station was based in deeper issues than the introduction of trash and truck traffic into a low-income Latino/a neighborhood. Rather, these people were opposing the denial that racism and classism are a reality of life in contemporary Holyoke. Moreover, the laws behind the process restricted communication in the public hearings to scientific experts. As such, I saw that the conflict could not be resolved by a legal decision. In fact, it wasn't. After the Board of Health issued their decision to move forward with the project in February 2009, HOPE filed to appeal their decision, and the appeal process continues as I am writing. I am in alliance with the members of HOPE, Springdale for a Better Community, and all other people who resisted the transfer station on grounds that it can be perceived as an oppressive act. Moreover, the transfer station very well could be the "tipping point" for the health and the quality of life for Springdale residents.

The activist María Lugones (2006) argues that not much theorizing has gone into coalition and communicative barriers to coalition. At a lecture I attended of hers, she stated "instead of oppression, let's talk about resistance." So, instead of talking about how the idea of a waste transfer station links to a historically hybridized community we all know to be culturally and economically marginalized or different, I aim to explore the communicative barriers hindering the resistance efforts to the project as I came to understand this during my multi-sited fieldwork. Marilyn Strathern (2000) notes that the work of the ethnographer inevitably produces a second-order description of

the actions of individuals in an event, yet this second-hand description reflects on a crucial difference between what she does with what is seen and what the participants do. The anthropologist produces knowledge by keeping the knowledge of all others out in the open, active and circulating. She provides an account with a different kind of transparency, one with accountability rather than presuppositions. At the beginning of my work as a community-based fellow Bloomgarden defined the difference between volunteer work and community based learning by stating, “volunteer work is community-based learning without self-reflection.” I argue that the waste transfer station exposed the fact that two different knowledge flows exist between individuals active in Holyoke’s economic development- which are reflexive and non-reflexive and I aim to keep knowledge of distinct but intertwined commitments out in the open with this project.

## CHAPTER I: Social Histories

In August 2007, United Waste Management, Inc. of Bolton, Massachusetts notified the Massachusetts Executive Office of Energy and Environmental Affairs (EOEA) of their desire to construct a Solid Waste Transfer Station on 686 Main Street in Holyoke, Massachusetts. In 2002, the EOEA passed the Environmental Justice Policy, representing the EOEA's official recognition that Holyoke houses an "Environmental Justice Population." The policy defines an environmental justice population as a "neighborhood whose annual median household income is equal to or less than 65 percent of the statewide median or whose population is made up 25 percent Minority, Foreign Born, or Lacking English Language Proficiency" (EOEA, 3). The environmental justice population of Holyoke meets all of these criteria, save for the Foreign Born criterion. The word "neighborhood" is important here. The city of Holyoke is divided into different wards determined by census tracts. The divisions are also marked by different neighborhood names as shown on Figure 2. 686 Main Street is located in the Springdale neighborhood, near its border with the neighborhood of South Holyoke. Holyoke residents living in the Springdale, South Holyoke, Downtown, and Flats neighborhoods are predominately Spanish speaking Latinos or Latinas. The majority of residential areas in these neighborhoods are large apartment buildings that exist today as Section 8 housing, state-funded rental units for low-income citizens. The section of the Holyoke population living in these neighborhoods is the population of concern in the

Environmental Justice Policy. The policy was passed in order to address disproportionate power differentiations, evident in this statement:

“Environmental justice populations are segments of the population that EOE has determined to be most at risk of being unaware of or unable to participate in environmental decision-making or to gain access to state environmental resources” (EOEA, 1).

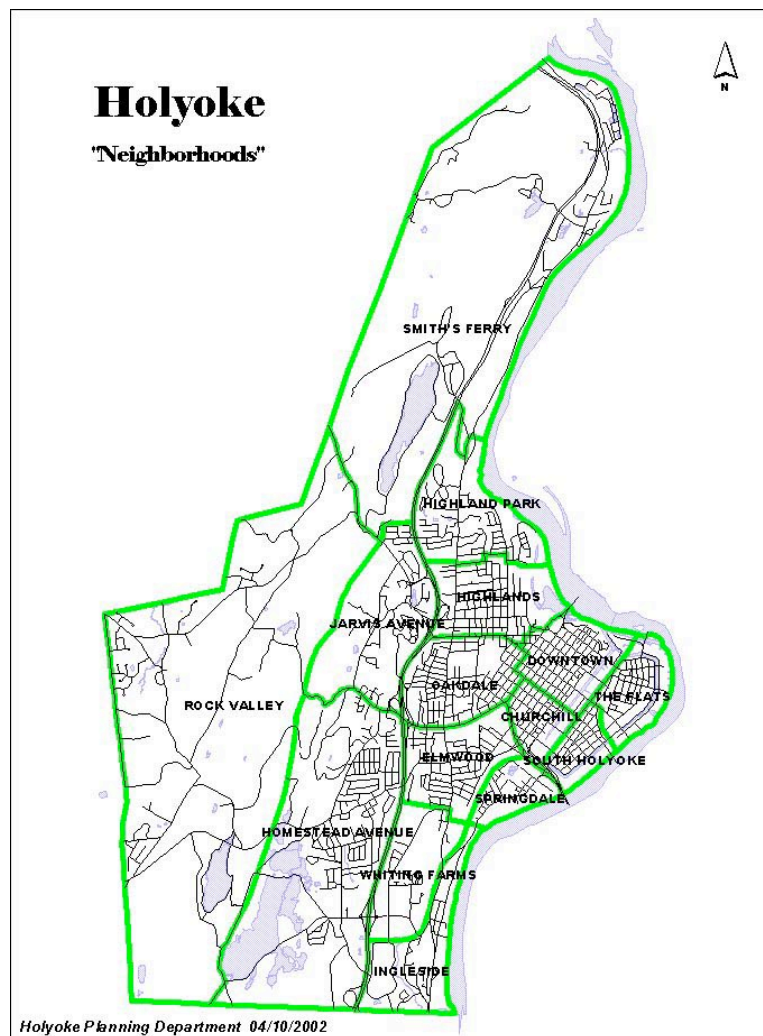


Figure 2: Map of the Holyoke Neighborhoods by the Holyoke Planning Department.  
Retrieved from: <http://youthtaskforce.org/index.html>



In February 2009, the Holyoke Board of Health issued its decision that 686 Main Street was suitable for United Waste Management's solid waste transfer station. However, not all Holyoke residents agreed. On February 20<sup>th</sup> 2009, two days after the Board of Health issued their decision, a local newspaper, *The Republican*, published an article by Ken Ross reporting on the decision and documenting the fragmented opinion of Holyoke residents with the statement "opponents and supporters of the project differ strongly on every issue." Also, the article quotes City Councilor Diosdado Lopez as saying, "This is not good for the neighborhood. This is something we don't need." Lopez is defined as a community activist in this article. It also quotes the Proponent<sup>1</sup>, United Waste Management CEO Scott Lemay as saying, "the approval process so far has been 'a long process' compared to other communities."<sup>2</sup>

The approval process for the community of Holyoke was a long process indeed. Spanning over two years, it included events such as passing a moratorium passed by the City Council on all waste handling facilities; a debate within the local government on the legality of the moratorium; the

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<sup>1</sup> 301 CMR 11.00 defines "Proponent" as: any Agency or Person, including a designee or successor in interest, that undertakes, or has a significant role in undertaking, a Project. Applicant is defined in 310 CMR 16.20: person named in the application as the owner of a property interest in the site and the operator of the proposed facility where the owner has entered into an agreement with an operator at the time the application is filed. The CEO of United Waste Management, Inc hired a lawyer and an environmental engineer to undertake the scientific and legal roles in the hearings, thus an interest in the undertaking of the Project of the Solid Waste Transfer Station. The terms Applicant and Proponent will be used interchangeably to describe this set of Person's actions in the public hearing process, however in all events before the public hearings the terms will be used as a moniker for the CEO of the company.

<sup>2</sup> All newspaper articles regarding the transfer station from *The Republican* and *The Valley Advocate* are listed in chronological order in Appendix 1.

requirement of a special permit for any waste facilities; the requirement that the Proponent complete a supplemental transmittal to the site suitability application addressing the high volume of community concerns received during the MassDEP comment period, and so forth. Some city councilors attempted to take 686 Main Street by eminent domain; there were multiple public rallies and protests; the public hearing process was extended to accommodate the high volume of resident involvement and the expert witnesses Holyoke residents hired to refute the Proponent's experts. The exchanges between residents, lawyers, scientists and government officials in the public hearings formulated forty-one conditions regarding the operations of the facility contingent with the Board's approval. In other words, if United Waste Management fails to follow these forty-one conditions regarding truck idling and nuisance controls such as vermin and odors, the Board of Health has the authority to shut the transfer station down. The process extended after the official approval was issued, with residents appealing the Board's decision, revealing that the Board of Health does not hold the unified opinion of all Holyoke residents. Moreover, the Board is also required for enforcement of these conditions. This is important because the Board expressed their feelings of being overburdened with enforcement responsibilities for all Holyoke businesses while issuing these conditions. This sentiment expressed in a statement made by the Director of the Board of Health, Daniel Bresnahan during the Board's open deliberations on the issue on February 18<sup>th</sup> 2009, acknowledging that the Board's limited employees and economic resources

make it difficult to complete their current enforcement duties. Bresnahan is quoted on the Board's enforcement responsibilities in the March 22<sup>nd</sup> 2009 article by Ross detailing the appeal process, saying, "Unfortunately, it's like all the unfunded mandates we have." Councilor Lopez is quoted expressing his concern about how the forty-one conditions will translate into reality, saying, "I'm afraid this area is going to become a dumping ground. The local Board of Health doesn't have the staff to handle it, and we'll be paying the price." According to the article, Councilor Lopez "hopes the appeal will result in the state monitoring the facility...Lopez believes the organization has a good chance of succeeding on appeal since much of the testimony in support of the project was paid for by the proposed developer."

Why did the approval process take such a long time in Holyoke? The anthropologist Marilyn Strathern notes that "opposing meaning structures contribute to environmental conflicts," and I argue that people committed to the transfer station saw the meaning behind it differently supporters of the project did (Strathern in Haenn & Casagrande 2007: 113). I argue that "opponents and supporters differed strongly on every issue" because of Holyoke's situated social, economic and political issues generate different ways of knowing the city, and different experiential knowledges about how the transfer station would affect the city. I argue that because of these situated social issues, residents interpreted the site of 686 Main Street as either within an environmental justice community or not, and that these different interpretations led to different determinations of the site's suitability for such

a project. The proposal of the transfer station threw those working for the economic and social revitalization of Holyoke into a state of crisis as it separated them into binary positions of opposition and support, hindering communication. This blockage is important to understand when we consider how “knowledge flows underpin the cultural construction of crisis as well as their resolutions” (Strathern in Haenn & Casagrande 2007: 113).

I argue these points after researching, for a year and a half, the repercussions resulting from the waste transfer station’s proposal in Holyoke. The event of the transfer station in discourse invoked environmental justice, to which anthropology has made many productive contributions. Also, the event is ripe for anthropological analysis because the laws behind the construction of waste facilities in Massachusetts, specifically 310 CMR 16.00, require the majority of social exchanges between state government agencies, city governments, the corporation and residents to be documented and kept as a public record for the purposes of the “meaningful resident involvement” also required by these laws. A large part of these relations in this narrative are from the documents kept at a table in a corner of the office of the Holyoke Board of Health. Importantly, anybody who is able to get to the Board’s office can review these documents. They can also be copied, yet the Board requires any person wishing to do so to pay twenty cents per page copied following 310 CMR 16.00 allowance of the Board to instigate a “reasonable copying fee.” The information contained in this space consists of all four applications prepared by the Proponent, which includes extensive scientific and

engineering reports detailing the specifics of the operation, maintenance and design of the facility. It also contains the entirety of the record created by the public hearings, which 310 CMR 16.00 requires the Board to base their approval and the forty-one conditions on which it is contingent. The record of the hearings is contained in three binders; the first with the pre-filed direct testimony of the expert witnesses in the public hearings, the second consisting of the exhibits in the public hearings, and the third consisting of all orders, pleadings and correspondence regarding the proceedings. There are also twenty five files containing newspaper articles, websites, reports, emails, City Council Orders, letters from state government agencies to residents and vice-versa, information submitted to the Board from community-based organizations regarding the health impacts of diesel pollution, bills, and public notices regarding the project. This work seeks to describe the event of the waste transfer station by weaving together all documented relations between residents regarding the event, however the sheer amount of documents and information contained in these files cannot be included in this narrative. In the interest of my argument, this work only includes the exchanges regarding the project as a source of concern for residents, which are usually focused through the lens of environmental justice. Furthermore, this thesis attempts to explain this complex situation through what Clifford Geertz (1973) calls a “thick description” of the event. It seeks not to generate new knowledge so much as to re-examine knowledge utilized by Holyoke residents in their approaches to the transfer station. Anthropology’s contribution to environmental justice

issues and the contestation of policy includes “the ability to act as a corrective to hegemonic ideas (e.g. privatization). Thus, anthropologists working in policy settings might better adopt an ethical code of conduct akin to that of journalists, in which ‘informants,’ ‘research subjects’ or ‘research collaborators’ are thought of as ‘sources’” (Haenn & Casagrande 2007: 100).

I construct the thesis in this spirit in order to hold the knowledge utilized in supporting or opposing the project accountable, rather than the individuals involved. Moreover, a large part of people who participated in resisting the transfer station acted in coalitions in the event. People who acted as individuals will be identified by their position of opposition or support for the project. In this way, they are identified as acting within a collective, and not critiqued on the basis of their primal identities. I also conducted interviews with people holding power, broadly conceived, in the economic development of Holyoke. All people I interviewed requested to remain anonymous, so they will be identified as Resident 1, 2, 3, et cetera. Importantly, the person identified as “Informant 8” is not a Holyoke resident, but has worked closely with the city government and various community based organizations involved in the economic development of the city. As I explain in depth later, I furthermore worked closely with several organizations and individuals involved in this event and had access to private conversations and closed-door meetings. Accordingly, I will exclude the names of participants when referencing meeting minutes. Most interview participants defined their position on the transfer station, some supported it, some resisted it, and some

chose to stay out of the debate yet they recognized the political and social concerns recruited by the address of the proposal. Informants stating their support for the transfer station usually justified their position by science and economics, while positions of opposition also justified their position by a different set of scientific and economic knowledge amongst other social, political and historical knowledges. Following are statements revealing the position of informants in regards to the transfer station.

Supporting the transfer station:

“The solid waste transfer station is one of the few projects coming into the city right now. Industrial opportunities are few and far between for cities like Holyoke. So if you find them you gotta grab them, or else you’ll lose them to some other city or state. I feel this project is a must for the city. Partially for revenue, it will be a source of jobs, it will enable the city to save money on waste disposal costs. Most of the landfills in the area are going to close in the next couple of years... The Waste Management plant is certainly a controversial subject. It can be handled properly. Hundreds of waste management facilities, probably thousands, have been built around the country to handle waste properly. It can be done. It can be policed; the Board of Health has regulations, they can do it. If {United Waste Management} is a lousy landlord, they’ll shut him down...I have a heavy *belief* in filtration equipment. I worked with the media inside of them years. I just feel that the problems for odor and micron particles are completely *misunderstood* by the *people who are opposed because of preconceived notions* and not in my backyard theories” (Interview 10).

“One thing I think is important about it is that it will bring tax revenue into the city. And I don’t understand exactly how it is inherently hurting people by being there. I’ve seen “Holyoke is not a Dump,” but it’s not like it is being dumped there, it is just being transferred. It’s not going to be visible; it is going to be in a contained space. I understand concerns, but from what I’ve read and what I’ve read about other transfer stations in other cities, *I don’t see why there is so much opposition*” (Interview 6).

“I look at this project that is coming up, the transfer station, *as 25 years of pro-resident policies that haven’t worked* either, and now the city is thinking, “we need jobs. We need to get the economy going.” So this is an important step, I really think this will be a fight. I just think that people are really going to oppose this...They are going to oppose this right off the bat, with a sort of

knee jerk reaction. This will be a time where industry to re-assert it's position in Holyoke and make a new Holyoke where everybody can work together. *It is going to be a fight*" (Interview 5).

These residents justified their position of support by emphasizing that transfer stations do not engender the typical problems associated with waste industries, such as smells or noise. All state their support on economic grounds. Each refers to the political aspect of the transfer station by referencing the opposition in the italicized portions of their interviews; resident 6 stated that she just didn't understand where the opposition comes from, while resident 5 claimed he knew that the transfer station would start a fight because he knew that it represented the re-assertion of industrial development over "pro-resident policies" in Holyoke. Resident 6 mentioned that she got her information about the transfer station from the United Waste Management Website, meaning that she knew from the scientific evidence provided by the Proponent that the transfer station was environmentally sound and would not endanger the health of residents. Resident 10 knows that those opposing the transfer station did not believe the science behind the transfer station due to *preconceptions*. I argue that those who opposed the transfer station did not trust the science behind the transfer station because they viewed it through the filter of their political knowledge. I argue this because I did it as well: We did not trust the air quality modeling, traffic generation modeling, and public health studies supporting United Waste Management, Inc's Site Suitability Application because they were paid for by the corporate entity that has a



significant interest in proving that his transfer station is safe and environmentally sound.

Anthropological literature notes that “scientific information utilized by policy makers is both uncertain and exclusive” (Haenn & Casagrande 2007: 102). In an April 9<sup>th</sup> article, Councilor Lopez references his mistrust of the science, saying, ““When you’re getting paid \$200, \$300 an hour, you’re going to do what the developer asks you to do’, Lopez said. In contrast, testimony against the project was provided for free, Lopez said.” Anthropological examination of environmental justice issues has found that “ the lay public fundamentally distrusts science as a source of solutions to environmental problems...citizens view science and other forms of expertise as themselves responsible for environmental degradation” (Haenn & Casagrande 2007: 100). However, all members of the lay public supporting the transfer station trusted the science behind the transfer station. Anthropologists note that “scientists need to regain a lost public trust and one way to do this is to level any hierarchies that may exist between scientists and the lay public...trust can be gained when scientists recognize the validity of local knowledge” (100). Resident 10 defined the preconception, or the politics in which the science was filtered for those opposing the transfer station as coming from “not in my backyard theories.” As this was an event recognizable in the discourse of environmental justice, there was something more behind the opposition than just “not in my backyard” struggle over the land within the Springdale community. Instead, this position came from the local knowledge of

Holyoke's social history shown by positions of support, revealing that there were many local knowledges involved and as many versions of social history. Following the recognition of resident 5 that the event would be a fight, David Pellow would define this fight as a *garbage war*, which are not "simply battles over natural resources management and community resources. If we do not view the garbage wars as environmental justice conflicts we miss a major portion of what activists and workers in communities of color think about the concentration of trash in their neighborhoods" (Pellow 2004: vii). Pellow defines the resources in question in garbage wars as "clean and safe working and living environments, natural resources, power and profit" (Pellow 2004:15). Perceiving the proposal of the waste transfer station and the subsequent events as struggles dealing with resources such as power and profit is essential for understanding why the issue was so controversial.

Opposing the transfer station:

Resident 7: Even though it is not going to be a dumping site, I think that overall it is a bad idea. The *location* is a bad idea, if there could maybe be a different location though. With all that of conversations could happen out of this debate. My main concern about it would be the traffic and the reputation. It would just give Holyoke that one more thing, where people are going to think: "Oh! There is a trash transfer station in Holyoke. I'm not moving there." And I think that that is a real concern, in not just Holyoke, but house values are going down already.... A trash transfer station underneath 391 near downtown Holyoke is just going to be not so good. Then we have that big chunk of area that nobody is going to do anything with, I mean nobody is going to put a restaurant near that, nobody is going to put anything near that. So it's going to be a big blotch- that would be my fear. I don't know enough about the tax issues and the jobs, because I don't know how many jobs it would create.

CB: 8.

7: Yeah, exactly. It's not about the jobs. Again, it is the city looking for tax dollars. And I get it. But, at *what point do you take tax dollars and sacrifice a lot of other potential things?*" (Interview 7).

“There are more people saying we don’t want it than saying that it is a good idea. Is this a facility that can bring tax revenue *and something good for the community*? The two things people talk about are asthma and trash. Everybody takes their own point of view on it, but if they are against the solid waste transfer station it is about property value, trash and asthma...Waste industries are sited in places where they don’t expect people will fight it...it would be invigorating for a small public group to say no, we are going to fight this as much as we can. There is a democratic process out there even if it is bureaucratic in its structure. There are rights there that you can fight for” (Interview 9).

“In theory, waste disposal has to happen in every city. And as far as waste disposal goes, the transfer station is better than say an incinerator. But, given the city’s history of inattention and perhaps dismissal of much of South Holyoke as a place that they don’t really care about into that mix, the fast-tracking that could happen to locate a facility that does have some environmental impacts just fits a pattern of what the EPA calls environmental racism or environmental justice. It fits because it is also a pattern of oversight by the city’s economic development machine. I’ve also been witness to the impact of economic development like the arts walk that really kind of skipped right by Main Street. Then to a decision to okay a transfer station on Main Street really seems *indicative of a dismissive attitude* toward that neighborhood. From this perspective, *it further marginalizes an already culturally and economically marginalized section of the Holyoke community*” (Interview 8).

Positions of opposition and neutrality utilized knowledge about the economic benefits of the transfer station, yet their political view on the project outweighed the economic benefits. Informant 8 mentioned that the project would marginalize an already ethnically and economically marginalized section of the community. Resident 7 mentioned that it would further stigmatize the city. Resident 9 justified her position via filtering science through her political beliefs. It can be said that these positions saw 686 Main Street by way of a “creative humanization of this locality, which transforms a part of terrestrial space into a place of historical life for people” (Bhaba 1994: 205). Anthropologists “emphasize locating knowledge (anthropological and

otherwise) within power configurations that stem from the local to the global...this move is not meant to flatten cultural differences but to acknowledge such differences and provide broad latitude in which they might operate” (Restrepo & Escobar in Haenn & Casagrande 2007: 101).

#### Neutral on the transfer station

“You have to figure out what fight to fight, if you know you’re going to lose a fight, you have to figure out what you need. Start working on enforcement now because that is the only thing that you can change” (Interview 3).

“The guy that is trying to put in the transfer station has a lot of money, so it is going to happen” (Interview 2)

These positions are born from viewing the Board of Health’s approval of the transfer station as inevitable. They justify this position on either economic or political grounds. Importantly, Resident 3 acknowledges the deeper meaning behind those opposing the transfer station by saying that they “have to figure out what fight to fight.” In other words, like Resident 5, she saw the transfer station proposal not as an event that stands alone, but an event invoking a “fight” that is temporally transcendent. Resident 2 saw the issue as an open and shut case because of the resources United Waste Management has, which implies that the resistance coalition is at material disadvantage in their struggle against the project.

#### **Multiplicity of Experiential Knowledge**

Evident from these statements, positions of opposition, support and even neutrality acknowledged the interdiscursive dimensions of interpreting the waste transfer station proposal. The exchanges between those supporting

and those opposing the transfer station utilized many different ways of knowing Holyoke's past and present and their visions for its revitalized future. Because these exchanges occurred in events in which the transfer station is only proposed, positions of support and opposition *projected the reality* of what the station's environmental, public health, safety, social and political impacts would be. These projections often opposed each other. Those resisting the transfer station projected only negative impacts, those supporting the transfer station projected only positive impacts.

In order to illustrate how the event of the transfer station exposed the existence of different knowledge flows exist among those striving for the common goal of revitalizing Holyoke, I borrow a model from Peter Galison. Galison opines that with the lack of a universal language to communicate knowledge derived from our senses, "image and logic are the hybrid epistemic basis for data" (Galison 1997: 808). As such, we should understand the transfer station as an image presented to these individuals in three parts: first, the actual facility of United Waste Management, Inc's Solid Waste Transfer Station; second, the rigorous three-step process for constructing solid waste facilities in Massachusetts, promulgated in the interest of protecting the public health, safety and the environment of the neighborhoods in which they are constructed to the fullest extent of the law; and third, the 400 plus pages of scientific evidence that the transfer station will meet the legal requirements and will provide economic uplift for the city. Following Strathern's notion of "more information, less understanding, and in particular *more information*,

*less trust,*” this image was seen by two different, yet equally logical, interpretations (Strathern 2000: 313). Again following Strathern’s notion of how “reality is knowingly eclipsed” (Strathern 2000: 315), a positive projection of the reality of the transfer station came from a reality eclipsed by logical economic and scientific knowledge, and the subjective experiential knowledge that the city was in an economic crisis and thus in need of any industry it could get its hands on. A negative projection of the transfer station’s reality came from a reality eclipsed by alternative and equally logical, economic and scientific knowledge contesting United Waste Management’s applications and the subjective experiential knowledge that the city was in an economic and social crisis and that a waste industry was not an appropriate means of developing the Springdale neighborhood. Residents opposing the transfer station did not trust the science in the Proponent’s applications, yet they presented scientific evidence substantiating their negative projection of reality. Anthropologists warn against “a kind of dueling science in which environmentalists and their opponents predictably occupy opposing positions on matters of data and data interpretation...oppositional science alienates a lay public and further undermines public confidence in science as a source of solutions to environmental problems” (Haenn & Casagrande 2006: 100).

Moving away from Pellow’s combative metaphor of the event as a garbage war, I borrow another metaphor from Galison to illustrate the sites that brought the two opinions together. The events and social exchanges

regarding the project were “a trading zone” where both sides exchanged their knowledge about the transfer station’s impacts with one another. Galison describes the trading zone as a symbolic space where “two webs meet, there are knots, local and dense sets of quasi-rigid connections that can be identified with partially autonomous clusters of actions and beliefs” (Galison 1997: 816). Building on this metaphor, Melissa Checker describes environmental justice victims perceiving the impacts of a new waste facility “through a ‘heavy knot’ of risks that derive from both ecological and social circumstances” (Cernea in Checker 2007: 118). Combining these two descriptions sheds light on the meaning behind those who mobilized in resistance to the transfer station; their actions were born from the belief that the social connections between those supporting the transfer station are oppressive toward the already marginalized community. These oppressive connections are striking in the history of the city and gave rise to the position of those opposing the transfer station, myself included, that it concretized the existence of oppression within Holyoke in the present. The belief behind our coordinated actions is only partially autonomous due to the fact oppression is conducted through social connections. Galison notes “trading zones enable cross-talk between domains and the discourse within to facilitate trade” (Galison 1997: 829). Those supporting the transfer station did not see the reality that the transfer station could “further marginalize an already culturally and economically marginalized community.” In this way, the event also exposed which knowledges these people trusted to incorporate their interests

in the projection of reality. The anthropological literature on environmental justice issues notes “lay citizens chart a course through contradictory data and scientific doubt by employing skepticism, ambivalence, and alienation, ultimately seeking trustworthy people and participatory processes. The more uncertainty an environmental setting presents, the more lay people turn to cultural rationality rather than formal science to fill in the gaps in their knowledge” (Haenn & Casagrande: 100). Throughout the process supporters and opponents of the transfer station repeatedly asserted their logical projection of its impact while disavowing the other’s. What is needed, then, is a theoretical framework for explaining why the issue escalated so sharply, as well as for suggesting solutions to the communicative problem the event exposed. Anthropological narratives must also include self-reflection, thus this work necessitates the social history of how I came to participate in and observe the event of the waste transfer station.

### **Cross-Connecting Social Histories**

The environmental justice discourse connects multiple stories of low-income communities and/or communities of color bearing a disproportionate burden of housing trash or other polluting industries and their experiences of being systemically excluded from the decision-making process of constructing such facilities. The discourse circulates knowledge of systemic racism and classism made tangible by the politics and laws behind land use decisions. Anthropologist Debora Battaglia calls discursive sites such as environmental justice *galaxies of discourse* “where conventionally distinct fields of



knowledge cross-connect, collide or pass through one another under {the discourse's} influence" (Battaglia 2005:2). In this case, the term "environmental justice" collides with environmental science, environmental engineering and mitigation technologies, health statistics, laws, policies, regulations, corporations and communities. Meanwhile, the term "environmental justice population" intersects with experiential knowledge of systemic exclusion from power and living intimately with sources of pollution. The anthropologist contributes to environmental justice issues by examining sites in which the collision of these knowledges causes conflict. For example, current anthropological literature on these issues has found that when experiential knowledge of living in an environmental justice community attempts to cross-connect with environmental science and engineering in a legal setting, scientific knowledge is given more legal authority than experiential knowledge. Environmental science cannot address what it feels like to physically embody pollution, nor can it address what it feels like to stand outside of power to decide what types of development go into your neighborhood. As such, "environmental science does not necessarily serve environmental justice issues" (Checker 2007: 113).

Battaglia argues that these galaxies of social discourse have an "E.T. effect." The E.T. effect is "deeply cultural and explicitly historical but also intersubjective. Emanating from the outerspaces of cultural imaginaries, it draws us to the horizons of subjects' innerspaces" (Battaglia 2005:2). Feeling as if you belong to the environmental justice galaxy of discourse means you

perceive the environment of your neighborhood as degraded, unhealthy and dangerous. You could also relate to the discourse by feeling victimized and oppressed due your racial, class or ethnic identity. Following Battaglia's notion that the E.T. effect is "deeply cultural and explicitly historical," relating to the environmental justice discourse by way of your oppression means that in your social history, you've felt outside of power to make decisions in your own municipality because of your cultural identity. Or, you can feel in alliance with innerspaces of subjects who feel victimized because of your understanding of their situation. Importantly, this is how I came into researching this event.

Knowledge of the waste transfer station proposal transgressed Holyoke city lines, seeping into social discourses within Mount Holyoke College in which I contribute and glean knowledge from. By the E.T. Effect, this knowledge related directly to my academic interests, or a portion of my intersubjective innerspace. When I heard about the waste transfer station I was in my junior year at Mount Holyoke, focusing my anthropology degree on the critical examination of the intersectionality of inequalities within the United States and the politics behind textual representation and scientific authority. Personal conversations about Holyoke's history and eventually about the waste transfer station are the part of my social history that drew me to conduct fieldwork in Holyoke. They focused on three themes; Holyoke as a dangerous city in an economic crisis of sorts, the history of industry and immigration, and the how the city is split into two communities. Interestingly,

when I began my participant-observation fieldwork in the city's economic development system in the summer of 2008, I heard some of the same stories from residents I spoke with. When I began conducting more formal ethnographic interviews residents (often unprompted) would describe Holyoke's history of industry and immigration by following the same pattern. These stories are essential for understanding the meaning behind event of the waste transfer station for Holyoke. I say this because the stories of stigma and historical patterns always reference that Holyoke is plagued with poverty, inequality, and ethnic marginalization. They also usually reference that the population is divided into two separate communities determined by place, ethnicity, class, and language proficiency, just like the Environmental Justice Policy. Following is a ethnographic description of the city's social past and present from formal interviews with individuals involved with the transfer station and from stories I've heard about the city.

### **Stigma**

At first, I heard about Holyoke from anecdotal stories presenting a dangerous or problematic image of the city. I was told that Holyoke had the highest rate of teen pregnancy in the nation. I was also told that if you run a red light in Holyoke and get pulled over, you can get out of a ticket by telling the police officer that you are from out of town and felt too unsafe to wait at a stop light when passing through the city. Someone informed me that the driving directions published on the college's website diverts drivers from traveling down Main Street in Holyoke because the college does not want the

degraded, de-industrial landscape to be the first impression potential students have of the area surrounding the college. Residents also acknowledge the stigma around the city:

“I walk through downtown and I feel safe. But I can see why many people don’t. Sort of an insider perspective, I know what the city is like so I know what to expect. I can see why people who aren’t from the city would not feel welcome in various parts of the city. I wouldn’t say that I feel unwelcome anywhere. Usually, when you smile at someone they’ll smile back no matter their ethnicity. Even yesterday, I walked by a man yesterday and smiled and said Hey good evening! And he smiled back, but it was somebody that you wouldn’t expect to smile back. Perception of the city is so subjective; the city is not unsafe and that is a very common stereotype...The city of Holyoke just has so many problems, in my opinion. The simple fact that our city is filthy. There is trash all over High Street...People will say that they live there because it is cheap. Yes, it’s cheap but you are living in a beautiful home” (Interview 6).

“The dangerous stigma is getting old. Neighborhood safety is not an issue” (Interview 3).

“The {stigma} has become representative of Holyoke. You could say that Holyoke has been in a state of decline for 85 years...It doesn’t help the city to see fire damaged buildings, empty buildings, buildings covered with graffiti, empty lots full of weeds, trash and garbage. How do you stimulate investment in an area that is loaded with that kind of stuff?” (Interview 10).

“{People I work with} view Holyoke as a morass, a political minefield. They stay away from Holyoke because of political factions, racial tensions and political divides between Main Street and High Street. Holyoke appears too difficult to navigate through these various issues” (Interview 8).

“There are a lot of negative perceptions of Holyoke. I was in South Hadley for 13 years and it is just sort of a general thing that people pick up on, you hear about drive by shootings, or drugs, or gangs, and I think that perception is there and it gets exaggerated. So whether it is reality or myth, there does seem to be an attitude especially from South Hadley. I think it is a larger thing, suburban people are afraid of cities in general. I know people {in South Hadley} talk about how it was in the 60s and 70s, you’d go to High street and go shopping, and that’s just not there anymore and people miss it. There was so much happening, and now it is just gone” (Interview 4).

A resident of South Hadley described Holyoke and Springfield as separated from the rest of the towns in the Pioneer Valley by a “tofu curtain.” This term is used because the rest of the towns in the Pioneer Valley are predominately white, middle class and have vastly more academic and economic resources as they house the Five Colleges. Holyoke and Springfield are conceptualized by residents within these cities and by residents on the other side of the tofu curtain as outside the “academic corridor.” As such, they saw that the stigma separated them from the rest of the Pioneer Valley.

### **Industrial Landscape**

The current state of the leftover industrial landscape dotted along Main Street, including the old mills, factories, apartment buildings and Victorian homes are seen as providing potential although they are currently degraded. At Mount Holyoke, many people acknowledged the beautiful architecture of these buildings as something to be cherished for their history and design, yet mentioned how Main Street currently looked like a ghost town. Many opined to me that if the industrial landscape of the lower wards and the old homes in the upper wards were restored, they would “totally move to Holyoke.” Residents also saw these structures as a problem while also a source of potential:

“My main purpose at this point is to be a presence as a business in downtown Holyoke. One of the things that is going to help Holyoke revitalize, or stay afloat, is going to be small businesses and people coming into downtown and utilizing all this space that is down here. We have all these amazing buildings, amazing architecture that if it doesn’t start getting fixed up it is going to start, with time, falling apart which would be very tragic... Holyoke was built on manufacturing; we’ve already got the green industry, we’ve got water powered plants, we’ve got hydro power already in place in most of these

factories that can be used again. And even if you didn't use the hydro power, we've got these buildings that are already built" (Interview 8).

"There are no ifs ands or buts as to whether {Holyoke's built environment} is a problem or not. I see it as a problem because we have too many vacant buildings that can only attract negative activities, run down neighborhoods where people are afraid to walk on the streets and what not" (Interview 1).

"I've always been intrigued by Holyoke's architecture. I could afford a nicer house in Holyoke and that's really why I chose to move here. The architecture of Holyoke inspired me to go back to school for landscape architecture and urban design" (Interview 4).

"...And then you have the four easterly wards of the city which are loaded with dilapidated buildings. And that was the subject two meetings ago of the City Council, about demolishing an apartment complex at the corner of Jackson and Maple. An absentee landlord apparently owns it, an LLC out of New York, and he doesn't want to do anything about it and the building is in danger of falling on the street. The landlords walked away from the building. The city has 200 blighted buildings; it is a tremendous problem for the city. The population is down to maybe 40,000 today" (Interview 10).

This resident's reference to the "easterly wards" describes the large apartment buildings in the lower wards of the city. These structures are explainable by Holyoke's history of industry and immigration.

### **Immigration Patterns**

Knowledge about Holyoke's industrial and immigration history circulates at Mount Holyoke more so than stories about its present; essentially, it is represented as a cycle of different ethnic communities moving up the ranks of power. Residents described it in the same pattern. Like the old industrial structures, they also referenced Holyoke's history as a source of potential despite the negative elements:

"Holyoke has a special identity, it was a mill town and it keeps recreating itself when a new group of people comes in. The Irish came in the 1840s, who were troubled by the French Canadians who came in the 1860s and 1870s. The Irish didn't want them around because they didn't speak their

language...does that not sound a little familiar? All the waves of immigrants all had the same problem when they get here. It is a basic American issue; you get off the boat, train plane, and you're plopped into a completely different community where you grasp onto your heritage. You continue the culture of your heritage, or you recreate it. Not just in Holyoke, not just in Lowell, but in industrial cities all over America, like San Francisco" (Interview 3).

"In 1920 Holyoke had 65,000 people. It was a booming industrial city. You know that Holyoke was originally Yankee Farmers as Ireland Parrish, It was part of Springfield. The dam was built mostly by Irish immigrants... You had the Yankee farm girls, then the men, then the Irish, then the Polish and then immigrants from all over the world that came into Holyoke. There are little pockets of lots of European ethnic groups throughout the city now. And then the major Puerto Rican immigration began in the 1960s. By then, as you can see in the city, hundreds and hundreds of large apartment buildings, many of them built to house the workers that manned the mills, and womaned the mills if you will. The canals were built to handle the factories and the workshops that supported the factories. The apartment houses held the immigrants. Higher up on the hill, you had the managers of the factories" (Interview 10).

"Holyoke has always been a microcosm of what is going on in the country. In the industrial revolution, we were on top of it. In the depression, things got tough, but we've always ridden the wave. So Holyoke is a place where people want to be, Hispanic, Irish, Black, White, everyone you want to be here" (Interview 7).

"I look at it not only in the situation that it is now, with poverty and what not, but what it has been. Holyoke had the highest amount of millionaires per capita in 1926, so there is an amazing history behind the city. It was based on...the city was built with the hard work of entrepreneurs who started companies here but then also the immigrants who came and worked here after. Being a first generation American, that always fascinates me" (Interview 6).

"The Irish came here, the Irish actually left fairly early. The few that are still here, the ones that are here today are the remnants. Holyoke churns through the Irish, they came...well they would have starved to death if they stayed in Ireland at the time. So, it became an engine of migration, they came here but they actually left, most of them. The French actually stayed much longer. Up until the 1960s you heard French spoken in the streets. Everywhere. It was like Spanish. And now you hear Spanish! So, this is the newest group... the Irish were treated very harshly when they came over. And then they took control and the French came, and they were treated harshly too. The Irish did not want the French here. And then the Puerto Ricans came in and nobody wanted the Puerto Ricans. And now, I don't see those issues at all" (Interview 5)

The last line of Resident 5's statement is important to note; according to him, the history of discrimination toward the immigrant community is just a thing of the past. He went on to say this:

“Puerto Ricans and Irish are all distinct groups in Holyoke and they do live in their community and there is very little interface between them... I don't see much racism in Holyoke. I mean, some of the older Irish and such they can be quite belligerent, but its in their lexicon. But it's not that they mean to be racist, it is just in their lexicon. It's not like they are out there going after people because of the color of their skin, I mean I don't see that happening... But structurally yeah, there is not enough representation for the Puerto Rican community, they are not very well represented in the government or in agencies. But to be fair, they don't come from a tradition of involvement in governments. Unlike say the Irish who are involved in everything governmental, it seems to be genetic with them. But I don't know how to address that.”

What is important here is that this resident acknowledges that the Irish and Puerto Ricans live in “distinct groups,” thus acknowledging that they live in separate communities. He justifies the possible existence of racism and under representation of the Puerto Ricans by either “belligerence” or “tradition.”

A part of my social history that contributes to my understanding of Holyoke comes from an anthropology Research Methods course I took in Spring 2007. My classmates and I interviewed the (entirely white) South Hadley High School class of 1956. After this class graduated, South Hadley High School moved from the Falls section of town to the middle of South Hadley. South Hadley Falls abuts the city of Holyoke, and many of the 1956 alums commented that the school moved because the “neighborhood began to



change.”<sup>3</sup> They were referencing the first wave of Latino/a immigration in the 1950s while the United States economy was undergoing de-industrialization. These alums chose to move out of Holyoke into the middle of South Hadley or the neighboring town of Granby, thus it could be said they were a part of the “white flight” out of Holyoke and South Hadley Falls.

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<sup>3</sup> For more information on this project including audio of the ethnographic interviews from the project, please visit the course website:  
<http://www.mtholyoke.edu/courses/jroth/website/index.htm>

## CHAPTER II: Community Divides & Political

### Representation

In interviews and in exchanges engendered by the transfer station, people often referred to the Holyoke population as divided into separate communities. The existence of multiple communities in Holyoke is rooted in Holyoke's history of immigration, seen in this resident's statement:

"The divide comes from the overall politics of the city. I think there is a real separation in Holyoke. It is real because people make it real. It is political, social and economic separation. It has been historically ingrained in Holyoke; it is just a cycle that keeps going" (Interview 9).

She described it as a historical cycle. Importantly, she defines the reality of the divide in the present by people's actions. Another resident described the divide with a similar sentiment, saying "I hesitate to say that there is a divide in the communities of Holyoke because I haven't felt it personally. But I know it is a reality. I know just from comments that people have made over the years in South Hadley" (Interview 4). Here, she references the stigmatized perception from people living in neighboring towns. Both denied that they had felt it personally in interactions, yet they know it still has a basis in reality. Resident 4 determined the divide is real from the wider social context by saying that "she knows we live in a racist society." She related the existence of systemic racism in United States society to its situated existence in Holyoke:

"There is a lot of misunderstanding, a lot of people don't even realize that Puerto Ricans are American citizens. There is a lot of misunderstanding and fear and language barriers. I think a bigger issue is that there is a feeling of loss for what the city was. People my age remember it as being this vital

place...it had 8 theaters at one time, et cetera. And so with the collapse of the manufacturing economy, people leave, business leaves, rent gets cheaper and poorer people move in, and then there is the association of the decline of the city with these new people. They're not what caused the decline, but I still think that in people's minds the face of those people represents that loss" (Interview 4).

Here, she references the city's de-industrialization as contributing to the problem. Another resident attributed the "deeply rooted" social divides in the Holyoke as coming not just from social exchanges in Holyoke but as coming from "something larger, from above, it is not grassroots, it is from the media, or from the family that runs the media influencing the attitudes toward the Latino/a community living in the lower wards. She continued to concretize the divide in reality by saying that "stereotypes exist on both sides here. Historically, you can see it as each group moves up the social ladder they beat up the other one. But when you're in it, you don't learn from this history" (Interview 3). The two sides of community dividing the Holyoke population referenced here is defined later in her interview as the older, Irish residents involved in city government and the Latino/a community. In this quote, she contextualizes their relations in the present as contingent on the history of community divides in Holyoke. Importantly, the Latino/a population of Holyoke is not proportionally represented in the city government; Councilor Lopez is the only City Councilor who identifies as Latino. One resident defined the under representation of Latino/as in the city government as coming from a wider social context than Holyoke, saying, "The thing is, we need to get *our own people* involved in political aspects, local and federal. When you're going after people to help support you they want to feel that this

is indeed going to help *my people*. But right now, *they*’ve always felt the gringo, or the American white man, has always tried to put *them* in a certain spot. So the last thing *they* want to do is follow what they...there’s not much trust” (Interview 1). The terms “Our own people,” “we,” “my people” and “them” italicized in this quote refer to the Latino/a population, it is clear from the use of these words that this resident perceives the community to be divided and that this divide is discriminatory. His logic of the “American white man” putting the community “in a certain spot” colludes with the acknowledgement of racial discrimination coming from discourses on United States society at large by residents 3 and 4. Another resident localizes this wider discourse as existing in the situated issues of Latino/a under representation in Holyoke government saying that he could “only imagine that the Hispanic community definitely feels outed, on the outside of a lot of things that they’re not considered. It is so entrenched in the old school of Holyoke with the Irish and all of that I’m sure they must feel like, how am I supposed to get involved?” (Interview 7).

Others spoke of the divisions as running along spatial, class, age, ethnic and power lines. These divisions sometimes intersect. For example, one resident described the state of community in Holyoke by saying:

“I think that there are two levels of community in Holyoke. I think there is one community, as a city, the whole community including everybody... There are definitely divisions in Holyoke, you could base them on community, I’d probably base them more on class. So there is still obviously a big community, the Irish community, the Hispanic community, and the two sometimes meet and sometimes don’t. Obviously, you could look at a map of Holyoke and look at Northampton Street as a marker of divisions in some ways, one my friends calls it Hi-Ho and Lo-Ho... I think there is some

recognition of each other but I think that there is more work to be done with that” (Interview 7).

This resident identifies an Irish community and the Hispanic community. He further divides them up in terms of class. He then goes on to divide them into Hi-Ho, the Highlands/Northampton Street, and “Lo-Ho”, Downtown/Main Street. Utilizing his language, we can see that he sees the community divides as the middle-class, Irish community living in the Highlands and the poorer Hispanic community living downtown.

Other residents collude with his logic:

“Most of the white residents of Holyoke live up there, they don’t see anything that’s going down down here. They don’t even have to come down to High Street to buy anything. They go to Stop and Shop or something. When you walk around downtown you don’t see any of them, but then when you go to school you see them everywhere. They have to come from somewhere, they’re coming to our school. Then you go by Northampton Street, and you imagine that they’re up there” (Interview 2).

Usually residents used the word “community” to talk about the Latino/a population in Holyoke. For example, when resident 6 described a walk through of a newly re-developed building in the downtown area she helped put on, she said “We actually had a lot of people from the *community* come.” I asked her if most of the people who attended the walk through were from outside Holyoke, and she responded, “Oh, I mean most of the people were from Holyoke, but weren’t immediately from downtown.” This invocation of community references the spatial and ethnic community divides, reinforced later in the interview with her statement, “there are no white people living downtown” (Interview 6).

**“Old Holyokers”**

Residents also categorized the local government as being dominated by older citizens. One younger resident said: “Things are dominated by older people in Holyoke. Very few young people are staying in Holyoke after they get out of High School. Most of the city is represented by people who are well into their 40s” (Interview 6). As previously referenced by resident 3, some categorized the divide as a result of the older, Irish citizens holding the most power in the local government and discriminating against the Latino/a community. Several invoked the term “Old Holyokers” to describe one their understanding of the Irish/Latino/a community relations and stereotypes:

“Old Holyokers are the Irish, French Canadians who don’t reflect upon themselves and how hard it was for their families when they first got here. If there was more self-reflection, then perhaps there wouldn’t be so much racism and all that... White Holyoke-ism is entrenched in politics, they purport themselves to be inclusive, but they really are not inclusive” (Interview 3).

“Old Holyoke-rs are families that have had brothers, uncles, in the politics over the years. So whether or not that person is actually in office, they still have some power. Whether it be through another family member. So, old Holyokers, so to speak, are used to just passing things and not having to deal with it. Especially if it is a “not in my backyard.” If you’re backyard is above Northampton street and there has been this attitude that I think is changing somewhat but this attitude that it is just downtown, it is basically half burned down anyways, it is half empty anyways, who cares what goes down there? If it gives us tax dollars, even better” (Interview 7).

Here, he references the transfer station as emblematic of something that “Old Holyokers” would not put in their backyard but would not think twice about putting downtown. People acknowledged that the “old school” of Holyoke politics is a barrier to revitalizing the city. One resident identified the Old Holyokers domination of the city government as a barrier because their lack of self-reflection engenders a negative attitude, saying, “you find the Irish

remaining and sort of the last man standing, but I don't think that is a positive thing. I know them, I work with them very closely, but I don't think they are positive thinkers. I think we need a more cosmopolitan rule of government as it is a much better system. We need all the different voices." This resident also believes that "the old school" of Holyoke politics is changing and being replaced by a new vision:

"I would say all the current politicians and such who are mostly Old-Holyoker's who carry the baggage of the past. It is very hard to separate yourself from that. When you have a family that goes back generations in this town and you are running for mayor and you have an Irish last name, it does cause problems... The old Holyokers, yeah, they are sort of hung up on the idea that Holyoke will come back, that they could come back to their Holyoke but that is never going to happen. The New Holyokers aren't hung up on it, they look around and think "Wow! Look at this place! I can do anything here, there is opportunity here" (Resident 5).

Importantly, most residents described the relationships between various communities as either strained or non-existent. Resident 10 denied the existence of discrimination against the Latino/a population, saying, "I think that is a lot of bologna." However, he followed up this statement by saying, "I don't believe that the people of Holyoke are prejudiced against the Puerto Ricans. I don't understand where that attitude comes from." This statement acknowledges a divide between the "people of Holyoke" and the "Puerto Ricans," yet if he doesn't believe the relationship between the two communities is based on prejudice, then he doesn't understand the logical knowledge of some residents who define the relationship as discriminatory.

In January 2008, I was an intern for the Race and Class Intersections Program at Class Action, a non-profit in Hadley, MA (also in the Pioneer

Valley). When discussing Holyoke one day, my supervisor told me that she used to work at a community-based organization located on Main Street. When she moved into her office, she hung up an Irish flag and a Puerto Rican flag on the door representing her cross-cutting ethnic heritage and a large element of her cultural identity. Soon after, a co-worker knocked on her door and advised her to take them down the flags so as not to upset her coworkers. The flags were calling attention not to complementarily but to inter-ethnic competition and strife.

The social history of Holyoke is a crucial part of why the event of the waste transfer station became so controversial. It is also a crucial part of my original resistance to the waste transfer station. From anecdotal stories, I originally conceptualized the event as fitting into a historical pattern of environmental injustice. I saw it as such because of the abundance of media attention on the issue; *The Valley Advocate* published four articles in the timeline of the event, and each focused on the coalition who resisted the project. The stories in the *Advocate* as well as stories I heard about Holyoke's history portrayed the immigrant community as always having been marginalized by their ethnicity, always working the blue-collar jobs in the Holyoke economy, always underrepresented in the local government, and always been toxically infused with whatever chemical pollution the industry of Holyoke was producing at the time. In other words, if the knowledge within the discourse of environmental justice was around in the 1850s, the environmental justice population would be identified as those living in the



tenements, by their accent and slang, Irish ethnicity and class status derived from mill worker wages.

### **Arson**

The collective memories of residents elicited in their interviews sometimes agreed with each other and sometimes did not. Throughout these quotes, several residents referenced the the downtown area being half burned, or the Old Holyoker's thinking "Let it Burn." Two of the residents remembered this history very differently:

"I was a fire commissioner 30 years ago, during the time when we made Time magazine as "Fire City." At one point, there were 10 major fires in 21 days when I was commissioner, all due to arson. Not arson for profit, arson for fun by vagrants, kids fooling around, for many reasons" (Interview 10).

"Our city was called 'Holy Smokes: the city on fire.' When I was doing some research on the history of Puerto Ricans in Holyoke, you would find in the 70s, 80s and 90s articles with the headline: 'Young Latino Youth sets fire to old Mill Building. Police will investigate.' But you would never see the end of the investigation, until three weeks later on the backside of the transcript telegram. And then it would say, oh, actually, the landlord set the fire for insurance purposes. Just kidding, it wasn't a Latino kid" (Interview 3).

When placed side by side, these two memories of Holyoke's history of arson expose the divide between communities in the city and how reference to these memories reinforces the divide in the present. For example, in July 2008, the former Parsons Paper factory on Sergeant Street (approximately a half mile away from 686 Main Street), was intentionally burned down. The chemical and gasoline tanks leftover from when Parsons Paper was operational were still underground at the time of the fire, releasing dangerous fumes into the air. Though the arsonist was determined to be a 13-year-old Latino male by

the authorities,<sup>4</sup> many residents I spoke with believed he was just a scapegoat and that the landlord of the building was at fault. The era of arson is directly remembered as a result of the racist climate of the city at the time by another resident:

“In the 70s, it was before my time in Holyoke but Holyoke had gone through this migration period and the Puerto Ricans had been here for about 10 years or so and they were suffering under severe racism. And all the whites were against Puerto Ricans at the time. And there was one incident, which started with something like, well I forget, but somebody stole a bike or something, it ended up being a white kid who did it not a Puerto Rican even but it sort of charged the whole community and there was like a lot of rioting, a lot of tenements were burned, but a lot of the burning was being done by property owners at the time. Because they could get insurance settlements so they were losing money at the time and by burning the building they could cash out their plan” (Interview 5).

Weaving together memories of immigration and de-industrialization, these different memories of the history of arson illustrate the subjective nature of historical memory. The culprit of both the arson of Parsons Paper and stealing the bike are racially marked as Latino, and even if their guilt or innocence was determined in the past, in the present it is left up for interpretation by the context in which the story is told. In the last story, describing the political and economic climate as switching from pro-business to pro-resident was justification for this resident to deny the existence of racism in the “economic machine” of Holyoke’s present.

### **Economic development schisms**

In the summer of 2008 I began working full time with the Nuestras Raíces Environmental Organizing program in the interest of joining in

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<sup>4</sup> Number 28 in Appendix 1.

coalition with those I perceived to be inhabiting a limen with which I was empathetic. Within the first few weeks, I began to see that there were a lot of barriers Nuestras Raíces had to cross in order to do their work of community-building and exchange beyond its boundaries. These barriers are economic; the organization is entirely funded by grants and thus must always be searching for new sources of funding to stay afloat. These barriers are social; the Environmental Organizing team had (and continues to have) a hard time getting the Latino/a community members to attend their education sessions or forums. These barriers are political; the directors of the various programs have a hard time maneuvering their initiatives through the bureaucracy of the Holyoke government. These barriers are ultimately happenstantial; community members cannot often come to their events because they work all day and are too tired to attend meetings in the evenings, family member's needs urgently intervene, or they do not have a car to transport themselves. The organization also has a high staff turnover rate. Many college students come into intern for a summer or a semester and leave in the midst of a project or without developing roots in the community, leading to the ineffectiveness of community education and research projects. Moreover, because the organization services the Latino/a community (the English translation of the organization's name is "Our Roots"), employees often conceptualized the vision they have for Holyoke as separate from the city government they must work so closely with. As residents holding positions in the city government are predominately white and reside in the upper wards, the schism between

economic development initiatives between the two is often attributed to the schism between communities. For example, one informant opined that “mainstream economic development machine of the city” has overlooked the interests of South Holyoke in their development plans, utilizing the logic that these actions are not intentionally antagonistic but rather that “the mayor and others in Holyoke have a very different idea for how to bring dollars into the city than to develop the low-income portions of the community. They’ve taken more of a big box, large, corporate tax incentive strategy. Doing neighborhood development, I don’t think, has ever been on their radar” (Interview 8). His reference to neighborhood development implies the vision of the multiple organizations dedicated to developing the downtown section of the city. Despite these barriers, Nuestras Raíces has much political pull in the city because of their funding and their social connections. Their community gardens program and has been featured in the *Boston Globe*, *The Nation*, and various publications catering to the third sector. They also turned a large, vacant plot of land off Main Street into a productive farm, defining the goals of the project on their website as “a new business incubator, environmental conservation and stewardship project, youth development initiative and cultural development project” ([www.nuestras-racies.org](http://www.nuestras-racies.org)). One employee defined his vision of the farm, or la finca, as a cultural project by saying, “when people get homesick for the islands of Puerto Rico they can go to la finca and feel like they are back in the islands.” By engaging in the workings of this organization, I met and spoke with individuals involved in the

economic development of Holyoke. Frequently, these people referenced the ineffectiveness of the Holyoke government as the reason why development efforts were difficult to translate into reality. This theme also came out in the interviews:

“So many issues like this just turn out to drag on for so long and there are these ongoing debates, it’s like, just decide! Make an educated decision about what is best for the city. There is a lot of ineffectiveness. There are always people that choose to stick to one side on issues” (Interview 6).

“City government employees aren’t completely devoted to the jobs their offices are trying to accomplish- the city’s master plan is an example. They only have to be committed from 9-4:15” (Interview 3).

Resident 5 defined the transfer station as a time for “industry to reassert it’s position in the city,” defining it as a switching point from pro-resident policies. He acknowledged the event of the waste transfer station as emblematic of the historical schism between the different visions for developing the city, stating: “Holyoke seems to be the only town that when you put in a very democratic process to get something done it gets very disrupted very quickly. And perhaps that is Holyoke’s history. Holyoke was a planned industrial community started and run by industrialists who completely controlled the city up until 1983 when Nueva Esperanza won it’s little legal settlements and they stopped tearing down tenements. The city was going to tear them all down at the time, and it was obviously racist at the time I have to say. They were really trying to get rid of the Puerto Rican community because we just had the race riots. So up until 1983 we had all these incidents and then the city started clearing out sections of tenements and Nueva Esperanza stopped them so they got a settlement, they got a fair housing plan. And after that time period, it was really pro-resident, not pro-business any longer” (Interview 5).

This resident’s reference to Nueva Esperanza’s Community Development Corporation grant as switching the economic plan for the city from pro-business to pro-resident came up frequently during the event of the transfer station. He continued to connect this pro-resident stance to the failures of the Latino/a community-based organization, stating that “there have been 25 years of activist groups in South Holyoke, but South Holyoke really has not

changed in 25 years. They get a grant, they do a study, they open a new community center. Well, okay. But what did you accomplish? You really didn't accomplish anything." I inquired what these organizations would have to do to accomplish something, and he responded:

"The problem is that much of the Puerto Rican community comes from the tradition of working for a landowner. These people were kicked out. These people got screwed. Many of them were uneducated when they came here, they had nothing. And we're talking, well I don't know what to call it but a sort of mud hut plantation kind of life. They came to Holyoke. They have no traditions of all this organizations and stuff. I mean older generations you see had a really hard time assimilating to New England culture. The younger kids are completely different from their parents. You must have noticed this. All the young kids all speak English...you don't actually speak Spanish. And their very well, much better educated. I see a larger number of the parents being unemployed, I see almost all the kids employed. So maybe it is just a generational thing, the circumstances that they come from just make it so difficult for them to assimilate."

His perception of the failure of the "pro-resident stance" of economic development for the city is defined in terms of Puerto Rican cultural heritage. He also attributed the failure of the pro-resident stance to the funding sources of Nuestras Raíces, proclaiming that because the organization "only exists through grants and such, it doesn't have an internal working mechanism, it is not self-supporting unlike other groups. And to me, the end result of that is failure. If you can't support yourself in the worst of times, it won't make it through those worst of times" (Interview 5). Thus, the pro-resident stance is marked by a history of Latino/a community based non-profits controlling the development of the downtown and Main Street area. This resident explicitly attributed this to the work of Nueva Esperanza and Nuestras Raíces in the

present. One resident referred to this “pro-resident” stance as hindering the revitalization efforts:

“I don’t think a city can be revitalized based on pity. I think that even in many of the organizations that we have downtown help poverty stricken people. That’s wonderful. But you don’t have anything to counteract that. Most of the information that people outside of Holyoke have about the city is based on pity. It’s always: ‘I want to help *Holyoke*.’ It’s not, ‘I want to move there because I see that there are opportunities there... There are many organizations and non-profits downtown to help people. But you don’t have any other non-profits that are based on just bringing people to the city. I don’t think there is a balance.

Her solution to the lack of balance was not industrial development, however.

She described her vision for the city’s revitalization as: “Holyoke needs another renaissance, and you cannot have a renaissance without an arts community,” continuing: “I think the city, overall, lacks balance. And I think that there needs to be more community based art programs, for example.

There are various ways to help an area, to help people, and I think that one of them is just bringing people into the city and showing them that it is not a bad place.” She encompassed the Latino/a community in describing her vision for the arts in Holyoke, saying, “for the large amount of Hispanics we have, I would love to see a dance club or something for them downtown instead of just service organizations” (Interview 6). Another attributed the issue as schisms *within* community-based organizations and lack of funds within

Holyoke as well as on the state and federal level:

“I think one of the disadvantages of having all of these non-profits, all of these social services in Holyoke is that a lot of them are fighting for the same money through grants. So you might get a really great grant written from Youth Build, another written from Nuestras Raíces, and they are all looking for the same money looking to help teens out with an after school program, but who is it going to go to? So the question is, can these groups alliance

themselves? Split the grant? So what can happen? The state's losing money, the nation is losing money, it will trickle down with Holyoke being at the bottom of the barrel. What I think, and I think most people that I talk with think, is that it is going to be private people or private funding that comes into Holyoke and does a lot of the re-building and revitalization.... It is not going to come from money within Holyoke, it is not going to come from State money, that is the reality" (Interview 7).

The schism between the government and community-based organizations gives rise to another common theme I came across while working at Nuestras Raíces and while conducting these interviews; those who have power in making economic development initiatives lack a unified vision for how to "revitalize" the city. Two residents discussed a proposal to build a Lowes occurring during the events of the waste transfer station:

"I think that there isn't a clear vision right now for Holyoke right now even the mayor, even City Hall. They are very limited in what they can do. Why they're looking at Lowes? Because they've had this property forever, they've been shopping it around, and nobody has picked up on it, they need money, and there is Lowes. Okay, could be worse, could be better, but I think that that is...Unfortunately everything in Holyoke needs money" (Interview 7).

"When we hear of a company like Lowe's that wants to come into the city and provide 146 jobs, those of us with a business bent if you will see this as a golden opportunity that shouldn't be missed. Others feel, one of the councilors feels that the emphasis should be on the downtown area. But as I told Elaine Pluta (a City Councilor) the other day, we can't afford to let anything get by us. If we have a company that wants to join in the city and will not impede the quality of life we've got to grab the opportunity" (Interview 10).

Both residents identify economic barriers as to why the city must choose industrial and corporate development issues. Another resident and employee of a "pro-resident" organization described his vision for revitalizing the city as only encompassing the interests of the (Latino/a) community, saying, "I think it is important for the community to be involved in what is going on in the



area, take pride in where they live, to become involved in the neighborhood activities...Once the businesses are open, hopefully we will begin getting foot traffic in the neighborhood again, hopefully bringing up the pride of the people in the neighborhood, the community” (Interview 1).

These people perceive barriers to their work, yet there are multiple explanations of their histories and definitions of their salience in the present. Drawing from the knowledge engendered from my social exchanges, I knew that the best way I could assist their various efforts was by documenting what social, historical, political and economic issues they perceived were hindering their revitalization efforts. Often unprompted, every person I interviewed referenced the stories I heard at Mount Holyoke about how the Holyoke population has always been split into separate communities, determined by place, ethnicity, class and power. They referenced these stories as a barrier to their work in the present. As such, they elicited their feelings that the divide exists today and that rift between the two communities leads to ineffectiveness. The economic development prospect of the waste transfer station acted as a magnet attracting the multiple, and sometimes polar opposite, views on the relations between the divided communities and the best way to revitalize the city.

### **The Public Hearings**

Through my work with Nuestras Raíces, I began attending HOPE meetings in August and September 2008. During the events of the transfer station, a group of individuals formed HOPE as an ad-hoc organization with

the goal of organizing the efforts of the various people aggrieved by the project's proposal into an effective, unified resistance movement. The main actors in this organization include Daniel Ross, Giovanna Di Chiro and Liz Budd, a Mount Holyoke student working with Nuestras Raíces at the time, Councilor Diosdado Lopez, Smith Sociology professor Ginetta Candelario, Carlos Vega, the former executive director of Nueva Esperanza, Helen Norris, a nurse and former City Councilor, Carl Hartig and Robert Chipman, two residents of Springdale. HOPE was formed in the early stages of the transfer station proposal and they organized many protests and rallies and attended all the events facilitated by the City Council and the Planning Department discussing the matter. The meetings I attended were to prepare for the Board of Health Site Assignment Public Hearings, which the group knew was their last chance to stop the construction of the transfer station as well as their most significant chance for presenting their knowledge as to why the transfer station would detriment the Springdale neighborhood and the environmental justice community it houses.

The Board of Health Public Hearings began on November 6<sup>th</sup> 2008 and continued until February 2<sup>nd</sup> 2009. I attended the first Public Hearing in affiliation with HOPE and brought a tape recorder in case any relevant issues came up in the proceedings about the community divides or other social barriers to unifying the efforts to revitalize the city. Throughout the first night of proceedings, which will be discussed in depth later in this work, all of the residents in attendance elicited concerns not about the transfer station itself,

but about “Holyoke’s history around issues like this.” People became visibly aggravated when informed that the hearings would run like a courtroom; the formal procedure excluded people from expressing their concerns about how the transfer station would affect their child’s asthma or the value of their home. There was much confusion and disarray and frequently individuals would have to informally translate the proceedings into Spanish so all residents in attendance could follow the proceedings. The three-hour hearing did not mention the specifics behind the design, operations or maintenance of the transfer station once, yet the majority of residents in attendance displayed their unwavering resistance to the transfer station. They did so by eliciting many concerns about the politics behind facilitating the hearings, and also acknowledged on the public record that their concerns were justified by historical precedent of how the city government has handled incorporating the environmental justice community. I observed the all-white Board of Health, whose members are appointed by the mayor, show either discomfort or frustration when Latino/a residents would bring up the issue of translating the hearings or moving them to a more accessible location. At times, they would just exchange knowing glances. During a break, I observed the CEO of United Waste Management approach the Board of Health and crack a joke to the great amusement of all members of the Board and their lawyer. This gave me the impression that the Board of Health did not have an interest of incorporating the input of residents resisting the transfer station. Combining the experience of the first night with my knowledge about Holyoke’s ethnically

and spatially divided communities, I saw the public hearings as an event that would expose how power is also divided between the communities. In other words, I began to see the public hearings as an unjust series of events that would concretize the localized, historical existence of ethnic discrimination by those in power toward the environmental justice community in the present.

The next of the 10 hearings was held nearly a month after this first night, and within this time I conducted an interview with a resident in support of the transfer station who attended the first meeting. He saw the proceedings as unjust from a different perspective; he saw the actions of those who expressed their resistance as coming from a “knee jerk reaction,” continuing,

“...it is almost like reverse racism backlash. Where for instance the Puerto Rican community comes out and cries racism on an issue that is a little shaky... Well, there is a Waste Transfer Station in Westfield and nobody cried racism there, it just happens. It is an extremely white community in fact, very few people of color live in Westfield, it turned into a completely separate issue there. But in Holyoke, if there is a minority group living in the immediate area of it, does that automatically make it racism? That lot was zoned for that purpose 11 years ago, and that was the only place that the developer could go. He didn’t mean to harm the community in any way, he just saw a need for a service in the community, found a place, and so he put it there. I kind of feel that it is getting counterproductive to cry racism at everything now, I mean you’ve got to pick your battles and find a really good issue” (Interview 5).

In other words, he saw the actions of those resisting the transfer station on political grounds as unjustified because he knows that the Board of Health, the Mayor and the CEO of United Waste Management are not racist.

Furthermore, he used the knowledge that these people aren’t racist to justify that the actions of those displaying resistance at the first hearing were born out of a historical precedent of these community activists having knee-jerk

reactions to any development initiative they did not develop themselves. As such, he saw the hearings as emblematic of a different barrier to efforts of revitalizing Holyoke; the “senseless bickering” that occurs when the issue of racism is brought to the table. Upon hearing his point of view of the transfer station, I initially dismissed his opinion as racist within itself and merely a source of unjustified opposition to the efforts of those resisting the transfer station. I planned on using his interview as a source of how denying the existence of racism in Holyoke merely perpetuates the existence of systemized racism within the power structure of the city because I saw his perspective on the situation as one not acknowledging the full reality of why individuals were so resistant to the transfer station. Shortly after his interview, I conducted another with another resident who was neutral on the actual issue of the transfer station but who saw the event as having a different reality:

“One of the big reasons {why the transfer station became so controversial} is because of the way it has been handled. You go to these public forums and they tell you that you have to submit something to the judge to then get your voice out, why? This is sort of emblematic, is that the right word?, of how things are done in Holyoke. Behind closed doors, maybe. When there is a public hearing, it is like it is done, it is already a done deal. And I think that because of the air of the last year people are getting more politically involved and they will not stand for this. “What’s going on here? We want to have a debate.” They’re not liking the way it is going. And I think that is why it’s becoming a hot topic. Because of people like yourself, and Liz Budd and Carlos Vega on the same organization. Liz Budd, she’s like 25 years old I think, and there is a 30 year difference between she and my Carlos and they are heading up the anti-transfer station. It is that kind of event, that kind of organization that brings these people together somewhere. And she is with Nuestras Raíces too, right? That’s great. I think it’s great that there is a debate about it. I think it is fabulous that people are getting up in arms about it. And that all these different groups are coming together to fight it, that is what has to happen. So I think that why it is dragging out is because maybe the people thought, this is a speculation, people that will come in, will get the land, will

put this trash transfer plant and it won't be a big deal. And so people are like, "well hold on!" Because there is a sense, I mean 5 minutes ago I said that people need a better sense of community, but there is a community here there is a sense that this is the people's home" (Interview 7).

His statement echoed my feeling that the debate between supporters and opponents of the transfer station was a social and political issue instead of being merely about the project. It can be said that we held the Holyoke government's history of behavior responsible as to why the event became so controversial. Resident 5 saw the hearings as a political issue as well, but held those with a history of "crying racism" responsible for the controversy.

Resident 6 saw the increased communication around the transfer station to be a positive thing, bringing people who otherwise don't exchange knowledge together in coalition with the Latino/a community. Before this interview, I conducted another with a resident who saw this in a negative light, saying "I didn't attend actually any of these meetings, but from what I saw of them in the news, most of the people at these meetings were not from Holyoke. They were not Holyoke residents, they were *just activists* from the Northampton, Amherst, Easthampton area. This makes absolutely no sense to me. They are just preventing the city from getting really important tax revenues" (Interview 6, emphasis added). I asked her what she believed their motivation was for participating in the process, and she replied: "to help the community," meaning help the Latino/a community. All residents identified the Latino/a community as divided from the rest of the population, and all acknowledged that this was the community that the transfer station involved. They also all

had much to say about the issue. When I asked Resident 6 about what she thought about pollution, she read the meaning behind my question as about the transfer station:

Caroline Bauer: Aside from visible street pollution, how do you think pollution in Holyoke affects the population of the city? Does that ever come into the forefront of your mind as a problem?

Resident 6: Well...um...are you referring to the transfer station?

CB: I'm just talking about environmental health.

6: I've never really thought about it before. Well, our storm drainage system empties into our sewer system...But pollution, in terms of air quality, I've never noticed a problem, and I don't live in the Highlands...I personally have never experienced any problems with pollution.

As a means of substantiating her view that Holyoke is not polluted, she included that she doesn't live in Highlands. This indicates that she knows that the lower wards of the city are perceived to be the polluted section of the city, yet her experiential knowledge of residing next to them did not lead her to believe that the city was polluted. After the hearings ended, I asked Resident 10 who is also in support of the transfer station, if he saw the city as polluted, and he replied:

"I don't think of Holyoke as polluted. Not like I picture Pittsburgh in the 1920s and 30s when you couldn't breathe in Pittsburgh. We never had that problem in Holyoke. Conversely, I remember when my company would dye the river a different color every time we made red, purple or green felt. We never knew any better, nobody did. And then a company in Easthampton started to find out {how bad it was} and around 1960 or so everybody realized. The Connecticut River had turned into a sewer. We started to dump our stuff into the sewer system instead of into the river, and then the sewer system couldn't handle it. Nobody knew how to handle industrial waste. Then they figured out ways to handle it, and of course we complied. Pollution control is a developing science" (Interview 10).

He also described his contempt for the *preconceptions* behind behavior of HOPE during the public hearings and failed to recognize their opposition to the project on environmental justice grounds by saying, “Do you think they feel that the plant is planned for that area as a knock on the Puerto Rican community? I can’t believe they could feel that way.” He justified his position by the history of the space, “that site, the building that is there right now was the old incinerator that used to blow smoke and filth all over the place until it was closed. Across Berkshire, from where the site is planned is a compost pile...The sewage treatment plant is there. I think the state has already designed this site for waste management. So where can the Puerto Rican community possibly believe that this is a racist move?” He also denied the existence of discrimination toward this separate community in the present, utilizing historical logic of his exchanges with them, “I abhor the idea of racism, I abhor prejudice. People downgrade the Puerto Ricans. I tell people that I could not have made a living without the Puerto Rican folks who worked with me for many many years in the factory” (Interview 10).

With these interviews in mind while attending the next several nights of the hearings, I realized that the people who did not grasp the reality of the coalition who mobilized in resistance had an understanding about the transfer station born out of a different reality. It was a reality that denied the existence of oppression within Holyoke, and thus resisted elicitation of discrimination as having no basis in reality. As such, I also began to see the actions of the Proponent of the project and the Board of Health and their legal counsel not as



unjust, but as rooted in a different reality than the actions of HOPE. More precisely, I saw the actions of the Proponent and the Board of Health as resistant to the efforts of those opposing the transfer station. They had scientific proof that the transfer station would not harm the Springdale neighborhood or the environmental justice community, and they had proof that it would bring money into the city which would increase the quality of life for all residents. If racism and classism are merely problems of Holyoke's past in their reality, then any elicitation of how the transfer station would perpetuate such problems cannot be understood by how they perceive the reality of the situation. Thus, they saw that any elicitation of these issues to be oppressing the city's efforts to revitalize itself, and thus oppressive to the entire population of Holyoke.

Throughout the course of the hearings, I observed how both sides labeled the other as oppressing their desires; either for accessible public participation in the hearings or their desire to approve a much needed, environmentally sound boost to their economy without all of this "senseless bickering." I no longer saw the relations between the parties as dichotomous relationship between the all-white government representatives and corporate oppressor discriminating and excluding the low-income Latino/a oppressed community from participating in the decision-making process. My view changed because at times, I saw those opposing the transfer station, with whom I originally felt in alliance, were categorically refusing to acknowledge that United Waste Management or the Board of Health was acting on any

desire other than to oppress. I saw that their support stemmed not from the desire to oppress residents, but rather their interest in bettering the Holyoke economy, in their terms. In short, I began to see the logic behind both sides of the argument.

The fact that I continue to be in coalition with a group who is always identified by their liminal status, however defined, remains. This said, I turn now to a courtroom ethnography documenting the events of the waste transfer station as a trading zone of knowledge between the coalition, the Proponent and supporters of the project. The knowledge traded in this zone included environmental science, health statistics, and theories about democracy and justice. It was also a site for the exchange of knowledge about Holyoke's social, political and economic present calling in experiences of the past. In the public hearings, the power to trade in this zone was restricted to scientific and engineering experts. Furthermore, the law also restricted knowledge allowable for trade in public hearings to matters of environmental science and engineering. I am not aiming to critique the legal structure behind this event or the adequacy of the science behind the evidence provided by the Proponent. I am also not aiming to prove that the transfer station will endanger the public health, safety or the environment of Holyoke. Instead, I examine the event through the exchanges between the residents who chose to participate in the process. I seek to answer if residents holding conflicting views of the transfer stations impacts on the reality of life in Holyoke can come into resolution

legally rendered following Battaglia's notion that "perhaps agency resides in the events that give rise to dissociative states" (Battaglia 2005: 7).

## CHAPTER III: Legal Process

Under Massachusetts General Law 111: Public Health, Section 150A: Solid waste disposal facilities; maintenance and operation; applications for site assignment: “No place in any city or town shall be maintained or operated by any person, including any political subdivision of the commonwealth, as a site for a facility, or as an expansion of an existing facility, unless, after a public hearing, such place has been assigned by the board of health of such city or town.” Authorizing local boards of health to have the final say in assigning a place for a solid waste facility represents the state’s recognition that such a facility might negatively impact the surrounding community. Since the passing of MGL 111 Section 150A in 1955, the process of assigning plots of land for solid waste disposal facilities evolved into a complex and extensive three part process that incorporates public notification and comment periods in every step.

David Pellow (2004) describes this legal evolution as emerging from a Movement-Policy Cycle, a national pattern in which: 1.) A waste management or other polluting technology is introduced. 2.) Strong vocal opposition by community activists follows. 3.) The city and/or the industry introduces stricter regulations and/or new, purportedly ‘cleaner’ technologies (Pellow 2004:29). He conceptualizes this cycle as within the discourse of environmental justice, stating that it “unfolds as industry develops a method of waste management that communities resist and label an environmental injustice” and in so doing “reveals the power of social movements” (Pellow:

74, vii). At the time of the Holyoke transfer station movement through the policy cycle (2007-2009), the application process required many scientific and engineering analyses detailing the existing traffic and road infrastructure, sources of air emissions, wastewater disposal infrastructure and the condition of the land at the proposed site amongst other factors. These analyses, prepared with a high level of scrutiny, are then compared with the levels of traffic, air emissions and wastewater the scientists and engineers project the transfer station to generate. After this, the existing conditions and the projected generations are then compared to regulatory thresholds set by the Massachusetts Environmental Policy Act office (MEPA office) in the first phase, and 19 criteria set by the Massachusetts Department of Environmental Protection (MassDEP) in the second phase. These thresholds and 19 criteria are set in the legal interest that all waste management facilities constructed in Massachusetts do not present a “danger to the public health, safety and the environment” of the municipality the project is proposed for. These three categories form the basis of determining if the project meets the 19 site suitability criteria laid out in 310 CMR 16.40. For example, criterion five for solid waste handling facilities states: “No site shall be determined to be suitable or be assigned as a solid waste handling facility where...a transfer station that proposes to receive less than or equal to 50 tons per day of solid waste is 250 feet from an occupied residential dwelling, a prison, health care facility, elementary school, middle school or high school, children’s preschool, licensed day care center, or senior center or youth center” (310

CMR 16.40(d)(5). So, if 686 Main Street was 250 feet or closer to any of these organizations, it would not be a site suitable for a transfer station according to the laws. In order to receive a positive report from the MEPA and MassDEP state offices, the corporation must demonstrate that the site is suitable for the project, meaning that it does not exceed these thresholds and that it meets the 19 criteria, respectively. If the analyses show that the project does exceed a threshold or does not meet a criterion, the corporation must detail how the project will utilize technology and Best Management Practices<sup>5</sup> in order to mitigate a negative impact on the public health, safety and the environment of the municipality. These positive reports are state seals of approval that the project's technology, facility construction and operation and maintenance procedures will not present a danger to the public health, safety and the environment to the residents residing near it, thus representing the successful completion of the first two steps of the process. Promulgation of the 19 criteria and requiring the corporation to prove, through complex and extensive scientific analyses, that their project meets them can be understood as the laws and state agencies acting with the interest of protecting the public health, safety and the environment of all Massachusetts municipalities. This intent is made clear in the language of the laws and in the websites and other publications in which these government agencies represent themselves.

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<sup>5</sup>“Best Management Practices” is a term used by the US EPA and MassDEP. Broadly defined in a MassDEP publication aimed to assist corporations in compiling their Site Suitability Applications, “a BMP is a preventative technology or measure that is implemented to limit potential impacts by facilities and to address public health and nuisance concerns” (MassDEP 2006, 7).

In issuing the final decision, the Board of Health is not required to abide by the state's determination of site suitability. The regulations require that the "board shall determine that a site is suitable for assignment as a site for a new or expanded solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40" (310 CMR 16.20(10)(k)(2)). In other words, though they are not required to abide by the state's determination of the site as suitable, they are required to base their determination on the same 19 criteria as the state agencies. The public hearings are included in the process in the interest of facilitating communication between the Board of Health, the Proponent and residents who choose to participate to address these issues. The hearings serve as a formal adjudicative procedure in a very legalistic setting. The record of the hearings on which the Board is to base their decision comes from pre-file direct testimony and cross-examination of witnesses. These witnesses are required to submit their curriculum vitae for the record, to prove that they are environmental science or engineering experts and thus qualified to speak on the project's potential impacts and if the site is suitable for it. The regulations require the Proponent pay a "technical fee" to the local government in order to cover the costs of running the hearings. The fee is used to hire a Hearing Officer to run the procedure as well as a lawyer for the Board of Health. The Proponent brings in the scientists, doctors and engineers who completed the scientific analyses within the already state

approved applications. The technical fee also pays for the Board of Health to hire third-party consultants to assess the validity behind the science of the Proponent's application and consult the Board of Health in maneuvering through the complex scientific knowledge utilized in the application. These third party consultants present their findings as expert witnesses and are subject to cross-examination. Residents can participate in the public hearing process as either "participants" or "interveners," and each role will be explained in depth in Chapter V. Importantly, the testimony of the expert witnesses hired by residents must also be structured around the 19 criteria in order to be included as relevant evidence for the record of the hearing. By authorizing the local Board of Health to issue the final decision, it can be said that the state agencies recognize that Massachusetts citizens place more trust in their local government for the interests of the public health, safety and the environment of their municipality than a detached state agency. It can also be said this requirement acknowledges that a municipality could have situated social, economic or political issues that necessitate increased communication around the decision to allow a new industry into the city's infrastructure.

Following the recognition that a waste facility might negatively impact a community, the laws require that the corporation notify the municipality of their desire at the same time they notify the state agency. As such, the United Waste Management, Inc (UWMI) notified the Holyoke Board of Health, the City Council, the Planning Board and the Conservation Commission of their desire to construct a transfer station in their municipality. It also requires that



the corporation publish a notice in the newspaper so the general public is informed. In the interest of notifying populations that predominately speak a language other than English, the regulations for public notification also require the notification to be published in a newspaper circulated in any other language predominantly spoken in the area. United Waste Management, Inc (UWMI) published notification in *The Republican* and *El Pueblo Latino* newspapers shortly after sending notification to the city government offices of Holyoke.

### **MEPA Process**

As the purpose of the MEPA process “is to provide meaningful opportunities for public review of the potential environmental impacts of Projects,” (301 CMR 11.01) the regulations require if “the municipality has a population of greater than 15% of residents who do not speak English as their primary language, the applicant shall publish an additional notice in a daily or weekly newspaper(s) circulated in that community written in the primary language(s) of these residents” (310 CMR 16.10(4)). It is clear here that the Environmental Justice Policy is not the only legal document recognizing community divides and the possibility for the disproportional distribution of access to political decision making due to the split; the regulations actually governing the process address this possibility as well.

The MEPA process was promulgated by MassDEP to move the review of a project’s environmental impacts to the state level of site assignment phase, streamlining the Department’s regulations and criteria for Solid Waste

Management facilities in “an informal administrative process that is intended to involve any interested Agency or Person as well as the Proponent and each Participating Agency” that “does not itself result in any formal adjudicative decision approving or disapproving a project” (301 CMR 11.01). Under the “Definitions” section of 301 CMR 11.02, “Damage to the Environment” is defined as “any destruction or impairment (not including insignificant damage or impairment), actual or probable, to any of the natural resources of the Commonwealth including, but not limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other surface or subsurface water resources, destruction of seashores, dunes, marine resources, underwater archaeological resources, wetlands, open spaces, natural areas, parks, or historic districts or sites.” “Agency Action” is defined as “any formal and final authorization, appropriation, execution of a contract or other decision by the Agency to proceed the commencement of a Project,” with Agency defined as “any agency, department, board, commission, or authority of the Commonwealth.” A Project is defined as “any work or activity that is undertaken by a Person and requires a Permit,” with Person defined as “any individual, corporation...or other business...or other entity that is not an Agency,” with Permit defined as “any permit...approval, or other entitlement for use, granted by an Agency for or by reason of a Project.” The definitions section also defines “Proponent” as “any agency or person, including a

designee or successor in interest that undertakes or has a significant role in undertaking a project.” In other words, as all Solid Waste Management facilities are required to apply for a permit with the MassDEP, a Proponent desiring to construct such a facility is required to submit to the MEPA process in the interest of incorporating public input on mitigation of Damage to the Environment on the state level.

Under 301 CMR 11.00, MEPA has the regulatory authority of defining a set of thresholds in which a Project’s impact on Land, state-listed endangered species, Wetlands, Waterways, and Tidelands, Water, Wastewater, Transportation, Energy, Air, Solid and Hazardous Waste, Historical and Archaeological Resources, Areas of Critical Environmental Concern, and reduction of Regulations, could directly or indirectly cause Damage to the Environment. If these thresholds are met or exceeded, the MEPA review could require an Environmental Impact Review. The first part of the MEPA process is the submission of an Environmental Notification Form (ENF) to the MEPA office by the Proponent desiring to construct the facility. The ENF is “a concise but accurate description of the Project and it’s alternatives” in which the Project Proponent must “identify any review thresholds the Project may meet or exceed and any Agency Action it may require, present the Proponent’s initial assessment of potential environmental impacts, propose mitigation measures, and may include a proposed Scope” (301 CMR 11.05(4)) with Scope defined as the specification of “the form, content, level of detail, and alternatives required for an EIR” (301 CMR

11.02). The completed ENF is then required to be submitted to the MEPA office on the 15<sup>th</sup> of the month to be published in MEPA's *Environmental Monitor*. No later than 30 days after the ENF's appearance in the *Environmental Monitor*, the Proponent (defined as "any Agency or Person, including a designee or successor in interest, that undertakes, or has a significant role in undertaking, a Project) must submit the ENF to the Board of Health, public library, Planning Department and the local newspaper of the municipality of the proposed site location (301 CMR 11.15). In this way, the ENF serves as the first of many applications for the Project to be constructed and the notification of the desire to construct the facility in the municipality where the site is located and its residents, and the first step initiating the construction or expansion of a new solid waste management facility.

After receipt and circulation of the ENF is a 30 day review period, with a 20 day period for public comment "concerning the Project, its alternatives, its potential environmental impacts, mitigation measures, and whether to require an EIR, and if so what to require in the Scope" (301 CMR 11.06(3)). At the close of this comment period, the Secretary of the department "may review relevant information from any other source to determine whether to require an EIR" and "schedule with the Proponent a site visit and public consultation session to review the Project and discuss its alternatives, its potential environmental impacts and mitigation measures" (301 CMR 11.06(2)). Importantly, this section also states that "any Agency or Person may inquire of the MEPA office as to the date, time and location of the

consultation session.” On the last day of the MEPA review period, the secretary issues a “written certificate stating whether or not an EIR is required,” ending the MEPA process (301 CMR 11.06(7)). Essentially, the MEPA review either allows a Project to proceed with obtaining the Permits stipulated by 310 CMR 19.000 as is or with modifications suggested by the EIR. Terry Bauer at Green Seal Environmental Engineering Group, based out of Sandwich prepared the ENF because the proposed Project will store and process “50 or more tpd of solid waste,” thus meeting a MEPA review threshold in the category of Solid and Hazardous Waste described in 301 CMR 11.03(9)(b). The ENF states that the Project will be constructed on a 2.1 acre parcel of land zoned for waste management and used in the past for a wastewater treatment plant and a sludge composting facility. The station will receive and transfer 750 tons of Construction and Demolition waste and Municipal Solid Waste. The waste will be tipped onto the floor of the proposed facility, sorted, and then transferred onto rail cars or trucks to be taken out of the station each day. All trucks will be bailed in the interest of eliminating odors. Five BMPs will be utilized in the operations and maintenance of the facility are listed in the ENF. Firstly, the 22,575 steel station will include indoor rail integration so tipping and transferring can occur entirely indoors. Secondly, the building will contain proper controls for the treatment and containment of stormwater, noise, odors and traffic congestion around the building. Thirdly, proper inspection and handling protocols will be intuited to limit on and off site nuisance conditions. Fourth,

an indoor odor control system will be installed to mitigate “fugitive odors.” And lastly, the station will function by “instituting proper controls to mitigate on/off site environmental impacts” (ENF). The ENF was published in the MEPA *Environmental Monitor* on August 22<sup>nd</sup>, 2007.

On August 28<sup>th</sup>, 2007, MEPA analyst Holly Johnson circulated an email as notice of the MEPA site consultation session scheduled for 10:00 am on September 5<sup>th</sup> “held to receive advice and comments from agencies, officials, and citizens regarding which environmental issues, if any, are significant for this project. Opinions as to the extent and significance of possible environmental impact will be welcome.” She paraphrased the ENF to give specifics for the project, listed the project contact as Bauer of Green Seal Environmental, notified the recipients of the September 11<sup>th</sup> due date for comments concerning the project, and at the end stated: “Pursuant to the requirements of the Americans with Disabilities Act, this Meeting Notice is available in alternative formats upon request.” Under 301 CMR 11.06(2), it is up to an Agency or Person to inquire to the MEPA office as to the date and time of the Consultation and Investigation session. The email was distributed to Bauer, numerous state officials, Daniel Bresnahan, Director of the Holyoke Board of Health, William Fuqua, General Superintendent of the Holyoke Department of Public Works, Andrea Dolon, River Steward for the Connecticut River Watershed Council, Alicia Zoeller of the Holyoke Conservation Commission, Timothy Brennan, Executive Director of the

Pioneer Valley Planning Commission, Donald Welch, Ward 1 Holyoke City Councilor, and the Holyoke Planning Board.

On September 5<sup>th</sup>, 2007, Johnson visited 686 Main Street to review the site in the “Consultant Information Meeting” stipulated by 301 CMR 11.06. In attendance at the site visit were, Bauer from Green Seal Environmental, Superintendent of the Holyoke Department of Public Works Bill Fuqua, Suzanne Jean of the organization Holyoke Friends of the River, Director of the Board of Health Daniel Bresnahan, Craig Givens and Mark Haley from MassDEP, and Bob Cummings from Engineering and Management Services, a consulting firm hired by the Proponent who aided in preparing the ENF. At the site visit, Bauer informed Johnson and those in attendance that the wastewater generated from the Transfer Station would be piped into the municipal sewage treatment facility to avoid increasing Holyoke’s issue of Combined Sewer Overflow (CSO). Holyoke’s storm drains flow into the same piping system as sewage, yet the sources remain separate on dry days and during light storms. When large storms hit the city, the stormwater overflows the city’s combined sewer system, pushing untreated sewage into the Connecticut River along with the excess stormwater.

#### **Community Comments during MEPA review**

On September 10<sup>th</sup>, Superintendent Fuqua sent two comments on his understanding of the proposed project in an email to Analyst Johnson. The first regarded the increased truck traffic, and his concern about their effect on

traffic flow and light efficiency. He requested a more in depth evaluation of the effects of the increased traffic on Holyoke's roadways. He also cites Section 10.1.2 of Holyoke's zoning ordinances, which stipulate that a project proposing the construction of a 22,575 square foot building and 25 new parking spaces requires a "site plan approval" by the city Planning Board. His comments mentioned nothing about human health or environmental degradation and only expressed concern for the project's impact on the humans in Holyoke only in their risk of experiencing traffic delays (Email, 9/10/07).

Timothy Brennan, the director of the Pioneer Valley Planning Commission, also submitted a comment letter on the 10<sup>th</sup>. The letter supports the project due to the appropriateness of the placement of the facility in the correct zoning area. Yet it elicits the concern of the possibility of combined storm sewer overflows, citing the same reasons as discussed at the consultation visit.

Michael Gorski, a Regional Director of MassDEP's Western Office submitted a comment letter regarding the project on September 11<sup>th</sup>. The letter addresses scientific categories; he outlines what MassDEP permits and regulations the project is subject to in the categories of Drinking Water, Air Pollution Control, Solid Waste, Hazardous Waste (as the facility will handle asbestos in the Construction and Demolition waste) and Industrial Wastewater.



Shemaya Laurel of the organization Holyoke Friends of The River sent an email describing three concerns her organization had about the proposed project. The first concerns the pumping of the lechate, or wastewater generated from solid waste sources, into the city's sewer system. According to Laurel, Friends of the River was concerned that the lechate would be treated for bacteria by the sewage system, yet "toxic chemicals and metals present in the influent are discharged into the river basically unchanged. Lechate from municipal solid waste and construction debris are a substantial source of a multitude of toxic materials." She also outlines a concern about the increased truck traffic on Main Street for both noise and air quality concerns: "...an increase of 80 trucks/day—a small portion of the estimated 150 to 225 new vehicle trips/day—would involve 10 additional trucks per hour, or one every six minutes. That's a lot of trucks, for individuals living on an already busy street, not mention the effect on the streets themselves." She requested a more in-depth study as to the routing of the new traffic, stating that such an analysis "is crucial to local neighborhood support." Holyoke Friends of the River's third concern was that of an increase of noise and odor emitting from the facility. She cites the sewage treatment facility next to the proposed site as already a source of odor, and mentions the sludge composting facility previously occupying the parcel as a previous odor problem the city had to address: "As well as being objectionable, molds and fumes from waste material---whether compost or municipal solid waste--- are a health issue for those who are consistently exposed to them. When the composting plant

closed, the neighborhood air quality improved dramatically. We are interested in maintaining that improved air quality.” Concern for the city’s road infrastructure was also cited, which belongs to the hybrid galaxy of discourse for effects on the human built environment, a concern like decreased property value that directly translates to the economic realm. Noise and odor emitting from the proposed project was also an expression of concern on human health; noise specifically cited as a detriment to the quality of life of those living in the neighborhood. The concern about leachate entering the CSO was purely an environmental concern. She closes her letter of concern with the following statement:

“From a larger, planning perspective, we at Holyoke Friends of the River would prefer to see Massachusetts waste material handled in the state... We think that this would be a more environmentally sound way to manage the issue, as well as making us better neighbors to our surrounding national community.

Furthermore, Holyoke, as an economically struggling community, becomes the target for locating this kind of smelly, noisy, ‘not-in-my-backyard’ kind of facility.”

The desire to handle her community’s waste, which accumulates inevitably, in a more local and “environmentally sound” fashion is a desire that the Proponent could meet only by not constructing the facility. Moreover, if MEPA were to address this proposal, it would require a change in the total infrastructure of waste management for the state. Needless to say, this concern was not addressed in the final MEPA certificate. Laurel’s organization followed the only channel for citizen input on the specifics of construction for waste site facilities in the state determined by the laws and regulations of MEPA, yet this particular piece of input was not considered in

issuing the MEPA certificate. In light of this, how “meaningful” is this instance of community involvement on the process of permitting these facilities? Her closing statement addresses Holyoke’s stigma in the valley as being “an economically struggling community.” The Proponent’s targeting of his “smelly, noisy” facility for Holyoke is understood by Laurel as an action coordinated around the belief that low-income communities should host these facilities; though she did not mention the impact on the low-income citizens of this particular community, her concern for the detriment to their social and health status is implied (Email, 9/11/07). Importantly, the Proponent responded to Laurel’s concerns directly. As hers were the first elicited concerns about the transfer station’s potential for stigmatizing the city of Holyoke and specifically the “economically struggling community,” this will be important to note later on.

Also on September 11<sup>th</sup>, Director of the Planning Department Kathleen Anderson submitted a comment letter. Her primary concern is that the ENF stated that the transfer station did not need to submit to a Site Plan Review by the Holyoke Planning Department. Because the facility is 22,575 square feet, Section 10 of the City’s Zoning Ordinance requires a Planning Board Site Plan Review. Her letter also notes the lack of letters of support from abutting property owners, evidence for her statement that the ENF’s inclusion of statements of overriding community interest are not “the most accurate representation of community feelings for this project.” She continues that Morgan Elementary School and five day care facilities are within ½ mile of

the facility, which violates a MEPA requirement. To display this, her letter includes a map of the site project and the ½ mile radius circling the facility. The letter also includes comments about the ENF's conflation of the City of Springfield planning initiatives with Holyoke's, the assertion that Holyoke is a city and not a town, the necessity for a clarification of traffic access points and a more extensive traffic impact study, and the necessity for a more detailed description of how the transfer station's use of the railroad would mitigate pollution and truck traffic.

On September 21<sup>st</sup>, 2007, EOEA Secretary Ian A. Bowles issued the ENF certificate, stating: "Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed with obtaining required State permits" (4). Secretary Bowles listed required Permits following this certificate on page 2 of his letter, which are: Site Assignment, Site Suitability, Authorization to Construct, Authorization to Operate, Underground Injection Control all from MassDEP, and a National Pollutant Discharge Elimination System (NPDES) Permit from the EPA. His letter also touches on the issue of constructing rail lines around the facility, quoting Green Seal employee Bauer: "{reconstructing the rail line} creates many benefits to the project and to the City of Holyoke, yet if it was not possible the project would still proceed." In his discussion of the Project's exceeding of the review threshold for Solid Waste, Bowles recommends that the Proponent "should consider" comments received by the MassDEP on the issues of waste ban, Construction

and Demolition fines and permitting requirements while preparing State permitting applications. It also goes over the combined sewer overflow problem and suggests that the facility's wastewater be connected to the city's municipal sewer system.

At the end of the certificate, Bowles recognizes Holyoke's status as an environmental justice community and thus "the project is subject to the EOEEA Environmental Justice Policy" as it exceeds the Solid Waste review threshold and is located within one mile of an "EJ population." Bowles notes that the ENF met the requirement of "enhanced public participation" by having a translated copy available and published in a Spanish language newspaper. Bowles notes that this notification is equal to required MEPA notification for non-Environmental Justice communities, and writes: "I strongly encourage the proponent to work with the City of Holyoke, including local government representatives and interest groups, through the Site Assignment and local permitting processes to address the needs of the Environmental Justice population by facilitating the public participation process via translation services or similar provisions" (5).

Bowles' strong encouragement is the first acknowledgement of Holyoke as an environmental justice community from a state government agency in this particular process. Importantly, the certificate does not mandate that translation be provided to facilitate public participation it only encourages it. This can be explained by the "Disclaimers" section on the final page of the Environmental Justice Policy, which reads: "This policy is

intended only to improve the internal management of EOEA agencies and is not intended to, nor does it create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against EOEA, its agencies, its officers, or any person” (EOEA, 12). In other words, despite the fact that the Environmental Justice Policy was promulgated in the recognition that low-income, minority and non-English speaking communities situated in particular places are segments of the population most at risk for being excluded from decision-making, the policy does not create requirements to the legal procedure for including them. Also, despite laying down the rules of recognizing who counts as an environmental justice population, the text of the policy fails to define what constitutes an act of injustice on these subject populations. Instead, the bulk of the policy details how the EOEA will service Environmental Justice populations by developing future programs “designed to enhance public participation, target compliance and enforcement, enhance the review of new large air sources and regional waste facilities, and encourage economic growth through the cleanup and redevelopment of brownfields sites” (5). These 45 services are listed on pages 5-12 of the policy.

The policy includes two services pertaining to the MEPA process. Number 14, “Enhanced Public Participation Under MEPA” requires that any Project within one mile of an Environmental Justice Population undergo a MEPA review, whether or not it meets or exceeds the MEPA thresholds. Number 15, “Enhanced Analysis of Impacts and Mitigation Under MEPA”

suggests that the ENF “*may* include analysis of multiple air impacts; data on baseline public health conditions within the affected EJ Population; analysis of technological, site planning and operational alternatives to reduce impacts; and proposed on-site and off-site mitigation measures to reduce multiple impacts and increase environmental benefits for the affect EJ Population” (8). The transfer station’s ENF did include the last two suggestions, however it did not include analysis of the multiple existing toxic release inventories around the proposed site or data on public health conditions of Springdale and the surrounding wards.

Number 13, “Agency Public Participation Program” contains the issue of translation. In the interest of “enhanced public participation, agencies *shall consider* the following outreach efforts:

1. Scheduling public meetings or hearings at locations and times convenient for neighborhood stakeholders.
2. Translating public notices into other languages.
3. Offering interpreters and translated documents at public meetings.
4. Providing notices as early as possible to all neighborhoods potentially impacted by a decision.
5. Assisting EJ populations with grant applications and questions about environmental regulations to assist them with compliance and sustainability.

Those opposing the transfer station constantly alluded to the lack of these five services throughout the process, most significantly in the public hearing phase. In fact, their resistance to the transfer station on political grounds was almost entirely focused around these five issues. Due to the fact that the Environmental Justice Policy merely suggests that agencies shall consider implementing these efforts, their realization in events such as siting a new waste facility is left up to the Proponent and the local government running the

public hearings. From the very beginning stages of the project's proposal, the resistance grabbed onto UWMI and the Board of Health's failure to provide these services and cited them as oppressive actions toward the Environmental Justice community living in the lower wards of Holyoke. For example, effort number four is suggested in the interest of promoting local government transparency in order to ensure a protection of the community's right to meaningful involvement. This was the first elicited concern about the project by the community that mobilized in resistance.

### **Lack of Communication During MEPA Process**

On September 13<sup>th</sup>, two days after the close of the MEPA review period, City Councilor Diosdado Lopez, representing the Springdale neighborhood, sent an email to the Director of the Holyoke Board of Health, Daniel Bresnahan:

“The project should be in another community, not Holyoke (poor Latino neighborhood with the highest rates of asthma and other issues. I would like of you (Board of Health), if we get to this point of holding public hearings in Spanish and English and that the information be provided (ahead of time) will be in Spanish and English. I will be organizing the neighborhood to oppose this project ASAP and filing orders thru the city Council asking for the rejection of the project completely. I do not see any benefits to the area just the only one of becoming a dumping and polluting ground for the surrounding cities and towns...Thanks. Also, Dan...I just want to ask you if you knew about the project and why I was not even notified in a timely manner...” (Email, 9/13/07).

The language of Councilor Lopez's email utilizes the language of the Environmental Justice Policy. As Councilor Lopez represents the neighborhood containing the location of the transfer station in a government agency, his lack of notification obviates the fact that the community itself was



not notified. Requesting the Board of Health to provide translation services at the hearing is emblematic of a lack of trust in the Board to do so on their own merit. His language in the email expresses his feelings of frustration that a transfer station would even be considered for Springdale on the grounds that the community is already suffering from disproportionate asthma rates due to their burden of polluting industries. It also highlights his feelings of the transfer station reinforcing the city's stigmatized reputation amongst the surrounding cities and towns, seconding Laurel's concern in her MEPA comment letter. The last line of the email alludes to Councilor Lopez's feelings of exclusion of being notified about the proposal of a solid waste transfer station. Importantly, the fact that Anderson's comment letter included reference to the ENF's lack of evidence of community support for the transfer station reinforces Councilor Lopez's claim that that the project was being fast-tracked by the Proponent through the city government without opportunity for community review. Anderson's letter and Counselor Lopez email are two attempts by city government of incorporating the input of the environmental justice community residing in Springdale into environmental planning decisions. Importantly, Lopez categorizes the Springdale community as an environmental justice one; this category is absent in Anderson's letter.

Councilor Lopez's concerns about the transfer station's impacts on the health and air quality of the region, evident mistrust of the Board of Health for providing equitable access to the decision making process and accusations of elusiveness within the Board were echoed by other City Council members

who recognized the transfer station's proposal for Holyoke a perpetuation of injustice on interdiscursive grounds. On September 18<sup>th</sup>, the transfer station was included on the Holyoke City Council meeting agenda. Councilor Lopez ordered that the council oppose the newly proposed project, with Councilors at-Large Elaine Pluta and Patricia Devine supporting the order. Lopez also ordered that the Mayor's Office, Planning Board, the Board of Health, State Representative Knapik and Senator Kane look into opposing the project on the grounds that:

“(This project will bring more pollution to an already polluted area via trucking (150 daily deliveries by trucks for 358 days of the year) of construction debris and others, from surrounding cities and towns. Holyoke has a great concentration of people suffering with asthma or breathing problems (specially South Holyoke), the benefits for Holyoke residents are minimal, the project will impact the neighborhood completely including Morgan School, local churches, Day Care Facilities and others with pollution. The traffic patterns will be adversely impacted by the daily 300 trucks(In and Out) trips to the facility.”

Councilor Pluta supported Councilor Lopez's order.

On September 22<sup>nd</sup>, Councilor Lopez composed an email to City Solicitor Karen Betournay, Director of the Planning Department Karen Mendrala, Councilors Devine, McGee, Leahy, O'Neill, Pluta, Tallman, City Council Administrative aide Dave Welch, City Clerk Susan Egan, former City Councilor Helen Norris, Daniel Ross and William Aponte (also of Nuestras Raíces), Robert Chipman, Senator Knapik, Representative Kane and Johnson requesting a list of those who attended the MEPA Consultation Visit and asking in bold, underlined print:

“Who at the Holyoke City Hall signed to receive the proposal on behalf of the City Council last August...**Do you know who signed on behalf of the Holyoke City Council**, b/c we never received the proposal and our chance of fair level game was taken away by this action” (Email).

Johnson replied the same day:

“In accordance with our regulations, the Holyoke City Council was sent a copy of the ENF, and a legal notification of the availability of an ENF for the project was presented in the local newspaper. The proponent has met all legal requirements under our regulations with regard to legal notification and distribution of the ENF” (Email, 9/22/07).

On September 28<sup>th</sup> Norris emailed the CEO of UWMI, Scott Lemay, informing him that he addressed the ENF to City Council Administrator Welch “with no mention of the City Council. Due to the way it was addressed, the City Council was not served with this ENF” (Email). This email was also sent to the entire City Council and the recipients of Lopez’s September 21<sup>st</sup> email regarding the same issue. This thread also includes an email from Consultant Bauer to Lemay, detailing that a Green Seal employee was instructed to send the ENF to Administrative Assistant Welch and not to the City Council. On October 1<sup>st</sup>, Lemay responded to Councilor Norris, referencing the email from Consultant Bauer, assuring her that “we want all of the information for this project to be available to any interested parties. I would also like to meet with you and any interested parties to discuss any of your concerns” (Email, 10/1/08). He also proposes that he can take those interested on a site visit of a similar facility, which Councilor Lopez requested of Lemay in a September 12<sup>th</sup> email, similar to his September 12<sup>th</sup> email to Bresnahan:

“...This proposal never made it to us (City Councilors)...I also must inform that the area that you selected (in my opinion) is not suitable for more pollution due to the chronic health issues that we are facing such as the highest rates of Asthma in the State. Could you inform me of any nearby states, cities or towns, where I could find a similar plant. I would like to visit. Scott, thank you for contacting me at the last minute.” (Email, 9/12/08)

At an October 2<sup>nd</sup> meeting of the City Council, Councilor Lopez issued five orders pertaining to the project. The first, issued to the Public Safety Committee, ordered that the Bresnahan, Fuqua and the City Council Administrator Welch attend the next Public Safety Committee Meeting to discuss why the City Council was never notified of the Waste Management Project in detail and to inform the Committee as to the “details of the benefits and problems for the residents” about this facility.<sup>6</sup> He also ordered that the Building Commissioner meet with the Public Safety Committee before issuing any permits for United Waste Management, Inc. The next order was issued to the Board of Health and approved by the Mayor, requesting that they “consider holding the Public Hearing for the Proposed United Waste Management, INC at Morgan School and that the meeting be bilingual (English/Spanish) before issuing any permits.” The same request for a bilingual public hearing at Morgan School for the Site Plan Review stage (for the permit previously referenced by Superintendent Fuqua in his MEPA comments) was issued to the Planning Board Commission, the section of Holyoke city government responsible for such hearings. He also issued a second order that the City Council look into opposing the “proposed facility.”

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<sup>6</sup> Minutes from meetings of the Holyoke City Council are available from: [https://mail.ci.holyoke.ma.us/City\\_Databases/councilmeet.nsf/Minutes%20Output?openView](https://mail.ci.holyoke.ma.us/City_Databases/councilmeet.nsf/Minutes%20Output?openView)

## Chapter IV: Concretizing the Schism

Failure of the City Council to be notified in time to participate in the MEPA process can be considered the first instance appropriated by the resistance movement of the environmental justice community's exclusion from the political avenues for environmental decision-making. Throughout the repercussions of the MEPA process, Councilor Lopez connected with Ross and Vega in sharing his feelings of the Board of Health's lack of transparency during the MEPA process. In fact, these individuals formed the crux of the resistance movement and were active throughout the entire process. This statement is the legal recognition of the bulk of the resistance movement's elicited concerns; those opposing the transfer station mobilized upon first notification of the project as described by Budd:

"I think {the resistance} started off with an alarm of the community members that Nuestras serves regarding the health impacts of the Waste Transfer facility. What we grabbed at immediately was the fact that it was going to bring in, from the original Environmental Notification Form which said that 255 trucks per day...I forget where the original information came from but we got an email or a letter saying: "Did you know?" because none of us had seen the notifications in the newspapers because they are tiny little 1-inch by 1-inch little notifications. Nobody had seen those and we hadn't even gotten to write responses to the initial proposal for the Waste Transfer station that other organizations had done... I think the big thing was trash, also. I mean people were alarmed at the idea of more trash coming into the city. When we started getting together and talking, I remember one of the first meetings, there was like 30 of us and we were at Nueva Esperanza in one of their big classrooms. And we had just come out with some of the air quality stuff so we presented that to them so on top of the issue of people just being alarmed about trash, they then began to understand the issue of air quality and understand that more. People really began to get riled up when issues of asthma came up and how the facility might impact those... {Those in attendance were from} all across the city. Mostly in the downtown areas, we have a couple of people from the Highlands as I recall, which is kind of where I live, came down because they we're, they worked or were associated with some of the organizations that are in the southern part of Holyoke, or the downtown area.

But mostly it was the people who Enlace de Familias, Nueva Esperanza and Nuestras Raíces served.”

This memory of the first gathering of those resisting the project includes references to the split communities of Holyoke, evident in the statements “the alarm of the community members that Nuestras Raíces serves” and “the people who Enlace de Familias (another community-based organization on Main Street), Nueva Esperanza and Nuestras Raíces served.” She also makes it clear that the resistance was not restricted to one community in Holyoke, evident in the fact that she herself is a resident of the Highlands, a neighborhood considered part of the upper wards.

Referencing the description of the transfer station provided by the Proponent, residents in attendance at this meeting knew the waste transfer station’s generation of diesel truck traffic would present a danger to the safety of all Holyoke residents sharing the city’s roads with these trucks and walking alongside them. They knew that the transfer station’s diesel trucks would generate diesel exhaust containing particulate matter. Particulate matter pollution is linked to causing a vast array of health problems including asthma and COPD, two ailments that Holyoke has unusually high rates of. Thus, residents at this meeting knew that the transfer station would threaten the public health of all Holyoke residents. In addition, they knew that sharing their neighborhood with a waste facility would decrease the pride in their living space as well as decrease the value of their homes; they knew that the transfer station would threaten the environment of Holyoke. The residents referenced the analyses within the MEPA application, based on the thresholds

in the first step of the process. At the time of their meeting, the state office issued their approval that the transfer station successfully demonstrated that it would not threaten the public health, safety and the environment of Holyoke. Clearly, residents in attendance at this meeting did not trust that UWMI has an interest to protect the public health, safety and environment of Holyoke residents. Instead of trusting that the scientific analyses proved the transfer station had the interests of the community at heart, they relied on them as evidence substantiating their mistrust in UWMI. Moreover, the more detailed analyses in the MassDEP application around the 19 criteria did not yet exist when their initial concerns arose. They mistrusted the science because the political exclusion of the minority community of Holyoke is deeply entrenched in discourses on Holyoke's industrial and immigration history. Importantly, the experiences of Councilor Lopez were a crucial contribution to this discourse, yet he is a member of the minority community based on his identity as a Latino and a city government official. Councilor Lopez' experience and existence as the only Latino in city government appears to be an example of how Holyoke's history of oppression does invariably continue into the present. His elicitations of Latino political exclusion in the early stages of the transfer station and the subsequent similar assertions of the resistance movement express that they *know* the problem still exists despite any surface appearance that suggests otherwise. Thus, the discourses regarding how the Holyoke population is split into separate communities

determined by place and cultural identity complicate anything seen “in reality.”

### **Public Rally**

The first significant public display of the mobilized resistance was a public protest before an October 16<sup>th</sup> City Council meeting in which the transfer station was on the agenda for discussion. The day before the meeting, Ross published an article entitled “Transfer Station Question Arises.” The article discusses the next day’s City Council meeting, and advertises a resident rally will take place beforehand in support of a “resolution opposing a solid waste transfer station.” The resolution in question here is a 12-month moratorium prohibiting any applications for a new waste facility to be constructed in the city. The specifics about the transfer station are not outlined in the article, yet Ross states that the project has been approved by the EOE, referencing the September 21<sup>st</sup> MEPA certificate. According to the article, Councilor Lopez introduced opposition to the project in previous City Council meetings and introduced a 12-month moratorium on the construction of waste facilities in Holyoke, basing his decision to do so on a list of “20 reasons why the project proposed by United Waste Management, Inc. is bad for the city...heavy traffic, its close proximity to nearby residents, possible health hazards, its 24-hour-a-day-, 358-day-a-year operation and the sheer volume of trash that would pass through the station each day.” The article quotes Councilor Lopez as saying: “the neighborhood doesn’t want it. It’s a big project. There will be a lot of trash.” HOPE is represented in the article as “a



resident group opposed to the transfer station,” quoting Candelario as saying: “The public wasn’t fully informed. We want more community involvement in the process.” The current director of Nueva Esperanza, John Linehan, is also quoted in opposition to the project on the grounds that a lot of money has been spent building housing in the neighborhood of Springdale, building a waste facility in the area would “fly in the face of the amount of resources put in the neighborhood.”

Candelario’s quote in this article emphasizes that the existence of political exclusion was a reason crucial to the formulation of HOPE. Throughout the process, Candelario taught two courses at Smith focused on the social issues of the transfer station, one in the Spring 2008 semester and one in the Fall 2008 semester. She had her students conduct interviews with Lemay and various city government officials, using the transfer station as an example of the continuation of the city’s history of marginalizing the Puerto Rican population. Secondly, Linehan’s comment that a lot of money has been spent building the housing in the Springdale neighborhood is a reference Nueva Esperanza’s Community Development Corporation grant.

### **Moratorium**

The City Council’s passage of the Moratorium was due to the residents and government officials who mobilized in resistance to the project on interdiscursive grounds. However, the passage of the moratorium also marks the point in which the transfer station became a controversially debated issue for the city. Mobilized support for the transfer station began with the

contestation of the moratorium by city government and citizens alike.

Resident support for the transfer station came from viewing the tax revenue and reduction in waste hauling costs a necessary source of economic uplift for the city suffering from the economic repercussions of de-industrialization.

Ross' October 15<sup>th</sup> article advertising the public rally attributes Councilor Lopez as the individual responsible for introducing the moratorium. The minutes from the October 16<sup>th</sup> City Council meeting contradict Ross' representation. The minutes attribute Councilors Lopez, Devine, Jourdain, Leahy, Lecca, McGee, O'Neill, Pluta, Tallman, Welch, and Whelihan as the individuals responsible for introducing the 12-month moratorium on applications for waste processing and/or transfer facilities and accessory facilities associated with waste processing and/or transfer facilities. The moratorium was proposed in order to give the City Council and other Agencies time to review and possibly amend the regulations and standards of the Holyoke Zoning Ordinance (as promulgated by the Planning Board Commissioners and the Board of Health Commissioners) for permitting waste facilities, in order to ensure that all information is known about the "facility size, location, environmental impact, transportation and operations" in reference to any waste management facility proposed for Holyoke and that the rules and regulations are written in the interest of addressing a facility's possible impact on "environment, neighborhood traffic & properties values, public health and surrounding land uses" (Minutes). The moratorium was unanimously passed and took effect on the date of the meeting, ensuring that

“no pending or future applications for new, expanded or modified waste processing and/or transfer facilities, or any accessory uses associated with waste processing and/or transfer facilities shall be accepted, considered, or acted upon during the 12-month moratorium period. If any section, subsection, sentence, or portion of this declaration is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this amendment,” promulgated under the authority of the City of Holyoke Zoning Ordinances. The moratorium was sent to the Ordinance Committee and the Mayor’s office.

According to the article documenting the event, more than 80 “protestors attended ...cramming the council chambers and spilling out into the hallway...chanted slogans like ‘This project stinks’ and carried signs reading ‘Don’t Dump on Us,’” and applauded at the Council’s passing of the 12-month moratorium. Candelario was quoted again as saying, “What we’d like to do is stop the project altogether.” Ramon L. Morales, a resident living “less than a quarter-mile” from 686 Main Street, was quoted as saying “Our children deserve clean air and clean water. Why allow it? I have property there and I know the property values will go down.” His quote is followed by one in agreement from “fellow resident and protestor” Robert W. Chipman, an individual included in Councilor Norris and Lopez’s emails to Lemay and Johnson regarding notification of the ENF and MEPA review, saying “It’s

not a good thing for the city. A project like this should be located in a dump area, not a residential area.” Chipman is a Springdale resident and founded another grassroots organization, Springdale for a Better Community, in response to the transfer station. This organization participated in the public hearing process in coalition with HOPE. This article does not quote or mention any residents or government officials in support of the transfer station.

On October 22<sup>nd</sup>, City Solicitor Karen Betournay sent a letter of legal opinion to Mayor Michael Sullivan and the City Council regarding the moratorium. The letter states: “that the moratorium was invalid by a matter of law as the Council failed to hold a public hearing required for a zone change. Additionally, as no application is required for the construction of solid waste transfer stations under the city’s zone ordinances, a moratorium prohibiting applications of this nature is not legally sound.” As a result, Mayor Sullivan vetoed the Moratorium. Ross published an article on the issue on November 27<sup>th</sup>, representing Sullivan’s position as such: “Sullivan said he thinks some reactions to the proposed solid waste transfer station have been extreme. ‘I think a lot of people have taken sides in this, and I haven’t,’ he said. ‘We need to progress slowly.’ Specifically, Sullivan said residents need to examine how such a facility might benefit the city...’We have to spend a tremendous amount of money on transportation costs,’ Sullivan said.” The article was published on page B03 of the newspaper, and included a short description of the protest and specified the station as “permitted to transfer up to 750 tons, or

1.5 million pounds, of trash each day.” Ross’ articles published on the issue up to this point emphasizes the amount of trash the station would handle and focalizes the community involvement in the issue as only in opposition. This could be because the only resident involvement in the issue up to this point is mobilized resistance, but it also could be due to biased reporting on the issue. This is important to note because his articles became a topic of concern to those mobilized in support later on in the process.

The passage and the subsequent veto of the moratorium became a source of conflict between the City Council and the Mayor. Ross published two articles pertaining to this debate, in “Mayor’s veto questioned” published December 24<sup>th</sup> on page B01, City Councilor at Large Kevin Jourdain is quoted as saying that “The moratorium is the law as it stands now” as the City Council did not get a chance to vote on overriding the veto. In order to override the veto, the City Council must have two thirds vote to do so. Mayor Sullivan is quoted contradicting Jourdain’s statement, stating that even if the City Council voted to override the moratorium, “it wouldn’t stand anyway because it is not legal.” Sullivan’s position is based on a December 4<sup>th</sup> letter from Betournay amending her October 22<sup>nd</sup> letter, stating “the City Council may impose reasonable conditions on the construction and operation of the facility by means of a special permit. The Council may not prohibit the construction of such facilities” (Moratorium Deemed Illegal). The moratorium is still deemed illegal by Betournay due to the fact that the Zoning Ordinances do not require an application specific for waste facilities and that they failed to

hold a public hearing before its passage. She states that the Council can impose conditions such as a buffer zone, traffic or the time of day that the facility can operate. “Once a parcel is properly zoned, you can’t do anything to prevent {an appropriate facility} from being built” (Betournay quoted in Moratorium Deemed Illegal).

### **Past Resistance**

The zoning of 686 Main Street for the purpose of waste management was part of the discourse on resistance to the station. In 1986, the Board of Alderman (now known as the City Council) voted 13-2 in favor of re-zoning the parcel for the purposes of waste management. This was an instance of spot zoning; meaning that the decision was passed without holding a public hearing and to permit a specific facility, a trash incinerator. Candelario’s Spring 2008 colloquium course researched the history waste management use for this parcel of land. The incinerator became as contested an issue as the transfer station, if not more so, and those who mobilized in resistance convinced the Board of Health that the facility would pose a danger to the public health, safety and the environment of the Springdale neighborhood and thus the facility was not constructed. However, in this process the site of 686 Main Street was deemed suitable by the MassDEP, meaning that the site has already been state approved for a facility like the waste transfer station.

### **Requests for accountability**

After the veto of the 12-month moratorium, the City Council and the Planning Department began planning the required public hearings detailed in Betourney's letter.

On November 6<sup>th</sup>, Bresnahan received requests for notification of any proposals, requests, exchanges, public events, hearings, or other correspondence regarding the transfer station from HOPE and Nuestras Raíces. The linkage between the two groups is evident by the language of each request, which both describe the reason for their requests as: "As neighbors of the proposed site and citizens of Holyoke, we wish to participate in any process considering permitting for the project." Additionally, both letters contain the same closing line: "We thank you for diligent efforts on behalf of the health of our city and look forward to being closely involved in the future." Clearly, these letters serve to make Bresnahan and the Board's actions more transparent than during the MEPA process. Bresnahan responded to both requests in a singular email on November 21st: "...I do appreciate your enthusiasm when it comes to the health of those living in the great city of Holyoke. I will do my best to keep you all abreast of this issue, but I do suggest that, as in all public meetings, you look to appropriate places for upcoming agendas and events... You must realize that it is difficult to notify all agencies of all the public events this office is trying to stay on top of. This office is involved with many diverse issues that this great city of Holyoke is faced with on a daily basis both positive and negative..."(Email, 11/21/07). Bresnahan's insinuation in this email is that the Board of Health is

overloaded with regulation, notification and enforcement responsibilities for the various businesses within the city. Importantly, the Board of Health is the entity responsible for making sure the transfer station follows the state's anti-idling laws and other operation and maintenance regulations required by MassDEP and the EOE.

Before the passage of the moratorium and during the debate over its legality, the City Council issued 10 orders regarding the issue. The majority of these orders pertain to the issue of accessibility to the decision-making process regarding to the transfer station. They also require the transparency of various government offices communications with UWMI in order to ensure that the project was not being fast-tracked by government officials supporting the project. Just like the debate over the moratorium, they highlight how the various city government offices were divided on the issue as well as residents. This divide became antagonistic in some instances, evident by a November 29<sup>th</sup> email from Councilor Lopez to Bresnahan. The email informs him of the December 4<sup>th</sup> order regarding the time and location of the public hearings prior to its passage. Bresnahan responded to Councilor Lopez's prior notice of the order in an email on the same day, where he states:

"Diosdado, I told you via email yesterday and today in person that the Board of Health will let you know as soon as this office knows what is happening and if anything is happening with the transfer station especially if there is a meeting. I also question the legality of 'ordering' the Board of Health Commissioners when they have to hold their meetings. This office does its best to accommodate the City Council but within reason. A simple, professional phone call to either myself or Dr. John McHugh, Chair, to discuss your proposal of a time change, I feel would be more courteous and more respectful. Again, we are all on the same team. I also encourage you to



contact the DEP on this matter of the transfer station, they are the lead agency on this” (Email, 11/29/08).

The language of Director Bresnahan’s response indicates irritation at Councilor Lopez’s suggestion that the Board of Health is the Agency responsible for the procedure and notification requirements for the construction of waste facilities in the city. It also addresses Councilor Lopez’ actions on a personal level, insinuating that his actions are aggressive and unprofessional.

### **Moratorium Public Hearings**

The three public hearings ensuing from the fragmented opinion on the transfer station occurred on January 29<sup>th</sup>, February 26<sup>th</sup> and March 25<sup>th</sup> 2008. The hearings served to incorporate public opinion on whether the city should place a 12-month moratorium on the construction of waste facilities; banning not just UWMI’s transfer station but all waste handling facilities in general. As the moratorium was already passed yet deemed illegal by the City’s legal representative, the public hearings also incorporated community input on the option to require a special permitting process for waste facilities (again in general terms) if public opinion upheld the moratorium’s illegality. The issue was not resolved until May 6<sup>th</sup>, two months after the close of the hearings. The special permit imposed conditions determined by the Holyoke government. for the operation and maintenance of the transfer station. After the failure of the 12-month construction ban, Councilor Lopez proposed a 4-month moratorium, which also failed to get enough votes in the City Council.

During this period, Ross published 17 articles covering the events leading to the City Council and Planning Department requiring the special permit and denying the moratorium. His articles included quotes from community members and government officials both supporting and opposing the project. The first article, “Transfer Station Hearing Tonight” published on January 26<sup>th</sup>, mentions a January 12<sup>th</sup> Board of Health public hearing on the issue, where those in attendance “raised questions about who will monitor the transfer station and pay for monitoring.” The article focalizes support for the project on economic grounds, creating tax revenue and job opportunities. It focalizes opposition toward the project on the grounds that it will “exacerbate existing air pollution and traffic problems in the neighborhood.” It quotes employees of Tighe & Bond consulting firm, stating that the entity responsible for monitoring the transfer station has not been established and that the project is a “low generator of traffic.”. The article concludes with a description of the debate over the “proper zoning” of 686 Main Street for waste management: “Supporters also note that the site is the only parcel in the city zoned for trash related activities. But opponents insist that’s simply because of a previous failed attempt by a business owner to build a \$93 million trash-burning plant at the same location. That project was voted down in 1986, but the property was rezoned that year and declared a “waste management district”” (Transfer Station Hearing Tonight).”

The next article, “Trash stations worry residents” quotes Candelario as saying “I’m very concerned about the potential impact of a solid waste

transfer station. Directly following this quote is one from Michael L. Rennie, stating: “I am very concerned about extra permitting.” Rennie is the vice president and general manager of the Pioneer Valley Railroad (PVRR). He participated as the only intervener in the public hearings in support of the project. He grounded his support for the project on its potential use of the PVRR owned rail lines and economic benefit to the city, obviating his elicited concern about the special permitting process. This article focalizes the opposition on “fears” about excessive traffic and the lowering of property values. The article quotes Nancy Patruno, a member of HOPE throughout the whole process, as saying “We don’t want to drive down neighborhoods.” The CEO of UWMI, Scott Lemay attended all of these hearings, and is quoted in this article as saying “It’s very important for the public to understand what they are getting...there is a significant amount of economic benefit created by a facility like this. The *reality* is they’re dumping it in a building and everything in the building leaves” (emphasis added). His invocation of reality is important to note. Lemay relies on information created by engineers and scientists he hired to test and explain the reality of what the transfer station’s impacts will be on the public health, safety and environment of Holyoke. The logic behind his conception of the reality of impacts is sound; the information generated through scientific impact assessments analyzing any and every potential impact of his transfer station meets the legal criteria for determining that his facility will have no negative impacts. In other words, Lemay trusts the science utilized in “an incredibly scrutinized process” required by law to

test for negative impacts of his project, and thus trusts their scrutiny to protect the people of Springdale and Holyoke (Lemay quoted in Residents seek Moratorium). This trust is the logic behind his statement: “I’m against the moratorium because the restrictions are a tremendous burden on the community.”<sup>7</sup> Lemay’s notion that a moratorium would be a burden on the community is grounded in logically trusting that the scientific information he patroned is the only information needed in describing the reality of the transfer station, thus negating the need for time to gather auxiliary information. Rennie echoes Lemay’s notion that the special permit or moratorium would be a burden on the community is on economic grounds in the March 10<sup>th</sup> article “Transfer stations hearing set” stating, “additional regulations have tended to drive business away.”

In the same article, Vega negates the idea that the moratorium is a burden on the community, affirming the need for it on the grounds that it “would really give us time to research {the transfer station}.” William Aponte, an employee of Nuestras Raíces at the time, echoed this affirmation, stating, “We really need to take our time and study the numbers.” Chipman is quoted as saying “we have the power to regulate business in our city.” City Councilor Leahy is quoted as sharing Chipman’s opinion, saying “we keep the pulse on the city.” Thus, those supporting the moratorium see it not as a *burden* but as an *opportunity* to incorporate information about the reality of the impacts of the transfer station from sources of knowledge other than

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<sup>7</sup> Number 20 in Appendix 1

science and economics. Lemay's notion of the moratorium burdening the community intersects the scientific knowledge with the economic knowledge of the project, leading to a description of the positive reality of its impacts. As such, those supporting the project share his projected reality of the transfer station's impacts, a reality conjured by eclipsing scientific and economic knowledge leading to only positive impacts.

Importantly, the March 3<sup>rd</sup> article "Transfer Station Halt Supported" contains the statement: "the vast majority of residents and officials spoke strongly in favor of requiring special permits." The last section of this article demonstrates an experience engendering the knowledge left out of Lemay's projected reality of the station:

"Candelario also informed city officials that Holyoke is legally considered an 'environmental justice community' due to the city's large minority population and low income residents. As a result, Candelario said the city needs to be mindful of any possible hazards created by such a facility. 'Environmental justice is legally mandated,' Candelario said. 'You are legally required to bear that in mind.' Candelario and others also accused city officials of limiting their input at the meeting and giving Lemay more than 20 minutes to speak personally at the public hearing. 'How come it is you only ask Latinos to stop speaking,' Candelario said to raucous applause. 'Hold him to the same standard.' Their case was substantiated by an February 21<sup>st</sup> article published in Valley

Advocate by Maureen Turner: "Trash Talk: Does a Proposed Transfer Station unfairly target one Holyoke neighborhood?" Like Ross' articles, Turner's presents the events through the lens of environmental justice and the eyes of the resistant community.

Simultaneously to the efforts to prove the projected reality opposing the project, the Proponent attempted to prove the projected reality supportive

of the project. His efforts included inviting the City Councilors and anybody else interested on a tour of a transfer station in Connecticut. The City Council sought legal counsel on the invitation on the grounds that it might violate the Massachusetts Open Meeting Law. Betournay confirmed that it did not, and tour took place on February 23<sup>rd</sup>. Another effort appealing to the positive projected reality was UWMI's launching of a website about the project after the first public hearing: [www.uwmholyoke.com](http://www.uwmholyoke.com). The article "Transfer station picks up steam" advertises the website as containing "information about the proposed facility." The website consists of digital renditions of a transfer station on a freshly landscaped 686 Main Street. One of the pictures from the site is shown in Figure 3:



Figure 3: Digital rendition of a the interior of a transfer station. Retrieved from:  
[http://uwmholyoke.com/Transfer\\_Stations.html](http://uwmholyoke.com/Transfer_Stations.html)

Tabs entitled "Overview" "Benefits" "Misconceptions" "The Site" "What is a Transfer Station" and "The Company" group this information by relevance. Five out of the six tabs contain information appealing to the positive reality of the station rooted scientific and economic knowledge. The Misconceptions tab addresses the issues leading to a negative projection of the reality of the transfer station, leading off with the statement: "Please notice the real facts

and understand that any project that involves ‘waste’ can bring about many unfounded fears.” The site lists seven misconceptions, no doubt derived from the elicitations of the community that mobilized in resistance. They include:

1. Your community will not be dumped on.
2. There will not be excessive traffic issues.
3. There will not be unacceptable pollution.
4. Our project will actually be good for the environment.
5. The project is not inconsistent with the immediate vicinity.
6. The project will not reduce property values in the area.
7. The public and City officials will not be cut out of the permitting process.

The site refutes these misconceptions in a paragraph underneath each. The description utilizes economic, scientific and legal information to *negate* the existence of these misconceptions in projecting the reality of the transfer station. Thus, it negates the experiential knowledge forming the basis of the mobilized resistance in order to prove that the transfer station is a positive development for Holyoke.

### **VanDog’s Blog**

The event of the waste transfer station inspired a resident to re-launch a blog he created dedicated to discussing pertinent social, political and economic issues for Holyoke. Most media attention devoted to the project focused it through the lens of environmental justice and thus sparked interest by engendering opposition to the project. However, this resident’s decision to blog about the issue came from disagreeing with the position of environmental justice. Specifically, he was inspired to begin commentating on the issue after reading Ross’ article describing the February 26<sup>th</sup> moratorium public hearing.

His first post follows: “Funny how things I remember most about Feb 26th meeting were not mentioned in the *The Republican* Newspaper's story about the meeting. Like the police being called to remove disruptive protesters. The protesters were attempting to hijack the meeting. They mocked the Committee by forwarding motions from the gallery, and all voting in unison to pass the motion. There was also rhythmic clapping, to disrupt the speaking time of people they didn't like. Most of the protesters seemed to be connected to Nuestras Raíces, and their Militant Environmental Justice Program. But the most outrageous thing in my mind was the Motion by Ginetta Candelario from the gallery. She tried to strike from the record, comments she and the protesters didn't like, something to the affect of ‘comments of people who are in favor of the transfer station are inappropriate, and should be removed.’ First of all, Motions from the gallery are illegal, and any subversion of the public record is certainly cause for concern. The State Attorney General's office would be all over that one. *The Republican* never mentioned any of this in it's write up of the meeting. I bristled at Ginetta Candelario's attempt to squash free speech, and expected to read about the heavy-handed tactics of the protesters in the Republican's article about the meeting. Yet the Republican completely failed to report the truth about what happened at that meeting” (Rambling VanDog).

This resident, who chooses to remain anonymous in his blog and thus will remain anonymous in this work as well, critiques the actions of Candelario and the environmental organizing team as aggressive and



disruptive to a political process. This point of view of members of the coalition resisting the transfer station is few and far between in media representations regarding the transfer station, who instead see their actions as struggling for justice rather than blocking it. VanDog continued to blog throughout the process, and his entries regarding the transfer station will now be included in this narrative.

### **Diesel Particulate Matter**

In collaboration with the EPA Region One office and Northeast States for Coordinated Air Use Management (NESCAUM), Nuestras Raíces and the Pioneer Valley Community Environmental Health Coalition conducted an air quality study from March through June 2008. The study was completed by placing an aetholometer, an instrument that captures amounts of particular toxins present in the ambient air, in a home directly on Main Street. The coalition conducting the study chose this particular area because of its proximity to the major roadways 391, 91 and 202, which carry large numbers of diesel trucks. As such, the group deduced that those living in and around this section of the city experience the worst air quality of the entirety of Holyoke. The results of the study found that during the course of commercial truck traffic throughout the day, the ambient air in this region holds three to 15 times more diesel particulate matter than the “Cancer Health Benchmark” as determined by a California state standard. These findings were a crucial component of why the coalition resisted the transfer station on public health grounds. Diesel particulate matter is connected with asthma as well as a host

of other chronic illnesses. Asthma is a chronic disease of particular concern to the lower wards, where rates of childhood asthma are well above the median rates for the state. Di Chiro, Ross and Budd all participated in the study and disseminated the knowledge of the high rates of particulate matter in the Springdale region amongst the resistant coalition.

### **Site Assignment Major Modification Application: Scientific Basis of Support**

During the moratorium public hearing process, the Proponent compiled the Site Assignment Application for Site Suitability Review by the MassDEP, step two in the three-step procedure pursuant to 310 CMR 16.21 and 310 CMR 19.020. The regulations require the Proponent to hire a registered professional engineer “knowledgeable in solid waste facility design, construction and operation” to present the “design, operation, maintenance or engineering” and “contain sufficient data and other relevant information” with “the level of analysis presented in an application shall be commensurate with the nature and complexity of the proposed facility” (310 CMR 16.05). As the site, 686 Main Street, was determined suitable by MassDEP and the Holyoke Board of Health for the 20 ton per day sewage sludge composting facility, UWMI was required to submit a Site Suitability Major Modification Application (Bureau of Waste Prevention Solid Waste Management Form 38) under 310 CMR 16.21 and 310 CMR 19.020). The Application was submitted on January 25<sup>th</sup>. Lemay and Tighe & Bond referenced the complex

impact analyses in the Application as the basis of their scientifically projected reality of the transfer station.

The Application is structured around 7 criteria specific to Solid Waste Handling Facilities and 12 more general criteria determining the suitability of a particular site for any Proposed Project promulgated by 310 CMR 16.40.

These 19 criteria address the environmental, public health and safety impacts of a Proposed Project, providing a government-regulated standard of compliance for all Solid Waste Management facilities. These standards also provide the foundation for the Board of Health's Site Assignment Hearings, the final determination of a Project's suitability. As such, they are the crux of establishing and enforcing that any existing or proposed SWM project is safe for the public health, safety and the environment of the state. There are seven general criteria for any SWM project, and 12 criteria specific to transfer stations. Each of these criteria incorporates the understandings of a Project's potential threat to the public health of the community for which it is proposed by assessing its impacts on drinking water supply and other surrounding bodies of water. The language of the criteria is such that some impacts are up for interpretation. For example, the determination of a Proposed Project's potential impacts on categories such as Traffic, (f) Air Quality, (g) Creation of Nuisance Conditions, (k) Consideration of Other Sources of Contamination or Pollution are up for interpretation by the hired engineer. Furthermore, the regulations stipulate factors for determining a Project's impact on these categories, limiting the potential impacts to these factors only. For example,

in order to meet criteria (b) Traffic and Access to the Site, the engineer will examine the project's potential impacts on traffic congestion, pedestrian and vehicular safety, road configuration, alternative routes and vehicle emissions. Any transfer station will bring an increase of traffic to it's surrounding area, increasing congestion, emissions, and potential for accidents, how much of an increase is required to "constitute a danger to the public health, safety or the environment"? Wording the criteria in this way leaves the decision open to the engineer's scientific interpretation of studies conducted to determine if it meets the criteria. I do not seek to argue that the professional scientists and engineers conducting these complex analyses and impact studies, as they are no doubt an acceptable authoritative source to predict the impacts of the transfer station in the specified criteria.

### **Comment Period**

During the Public Comment period for the MassDEP application, Vega, Di Chiro, Budd, Nancy Patruno, Nuestras Raíces and Nueva Esperanza and a resident named Minerva Padua all submitted letters to the state office opposing the transfer station on interdiscursive grounds. Over 150 people, including Carl Hartig and Bob Chipman signed stock letters written by HOPE and mailed the to the state office. All the letters cite the demographics of Springdale, the reduction of property value in the neighborhood, the impact of trash on the city's stigma, the increase of diesel exhaust and public health impacts as to why the oppose the project. All are included in Appendix 2. Despite the high volume of public comments, the application was approved on

July 22<sup>nd</sup> 2008 with a letter from the MassDEP. However, the Proponent issued a Supplemental Transmittal to his Site Suitability Application, responding to the comments. This supplemental application includes the South Holyoke Revitalization Report completed by the Cecil Group in 2007. The plan highlights community development initiatives that would benefit the neighborhood of South Holyoke, and the Proponent's promises to contribute to a neighborhood fund in the interest of economically benefitting the area. It also includes more detailed air modeling and traffic analysis reports.

On May 11<sup>th</sup>, Candelario's Spring 2008 sociology colloquium class studying environmental justice issues in Holyoke presented their sociological research in a public forum at the El Mercado Café on Main Street. According to an article by Ross, more than 40 people were in attendance including Councilor Lopez and Lemay. The class concluded that residents supporting the project on economic grounds have "a narrow view of the situation, because the project is coming into a broader political, economic, social and environmental context in Holyoke." The students also stated they believe such a facility would "increase social inequalities by further stigmatizing the community with the negative associations of trash." In addition to Candelario's class, students from the Five Colleges also participated in researching the event through the lens of environmental justice. A Hampshire student, Dana Finkelstein, worked with Candelario's Spring 2008 colloquium class and also wrote her Division III senior project on the issue, researching

the conflicting paradigms of social justice in a community and the need for facilities like the transfer station.

Also on the 15<sup>th</sup>, Canderlario was also quoted in an article on the transfer station by Turner in *The Advocate* titled “Garbage’s Grand Central: Holyoke residents hope to shape plans for a proposed trash transfer station.” The article focuses on the opposition to the project, stating, “In addition to issues like pollution and traffic, the project raises ‘social, cultural and economic issues that carry as much weight,’ Candelario notes. She questions why the project is targeted for Ward 2, a poor neighborhood with a large Spanish-speaking population and high asthma rates, where residents already live alongside numerous industries.” Candelario is also quoted regarding her issues with process, saying, “we have some concerns about the political process itself, how do you create real community participation in this kind of process?” Councilor Lisi is also mentioned in this article, as saying “I really hope that {residents} can become reinvigorated in the process instead of just feeling like they lost, because there’s a lot of need for public input and public advocacy, This is going to be a wearing battle.”

On September 2<sup>nd</sup>, Councilor Lopez introduced an order for the City Council to recommend the mayor to take 686 Main Street by eminent domain. This was a last attempt to stop the transfer station before the public hearings commenced. The order failed. As a last attempt of communicating the concerns about diesel exhaust and the air quality near Main Street to the Board of Health, the Nuestras Raíces Environmental Organizing team, myself

included, scheduled a meeting with Bresnahan to discuss the issue at the Board of Health's office. We created an annotated bibliography entitled "Air Quality and Public Health," with studies connecting diesel exhaust to a host of health problems. The packet also included a copy of the air quality study that was so influential to engendering resistance to the project. However, Bresnahan failed to show and rescheduled for a week later. In October, Nuestras Raíces put on the Harvest Festival, an annual event that takes place on the farm off Main Street. The environmental organizing team commissioned an artist to make murals with residents in attendance. The artist, Joann Moran, met with several Holyoke High School students and the team a couple days before the event in order to discuss how we could aesthetically represent the transfer station's negative impacts on Holyoke as the murals were made with the interest of using them to protest the transfer station. Our collaborative ideas included painting somebody picking through garbage and writing "do you want this job?" across the top. Another idea was painting a man kicking another man in the crotch. The one kicking would be, wearing a United Waste Management tee shirt and the one receiving would be wearing a city of Holyoke tee shirt. The students decided to make series of murals that all said You Decide/Tu Decides across the top, and each contained a picture of the transfer station's negative impacts on the city. For example, one was a picture of the city split into two parts; one side depicted a lush, agricultural landscape while the other side contained a smoggy, industrial landscape. Another was a picture of a woman breathing in light, blue clouds,

and wearing a gas mask on the other side. These murals were not used in the events of the transfer station, yet many residents in attendance at the Harvest Festival created them and in their collaboration exchanged knowledge about the transfer station.

### **The Public Hearings**

On November 6<sup>th</sup>, the Board of Health Site Assignment Public Hearing process began. Liz Bieber, a student of Candelario's recorded the proceedings on video, which I can provide if requested. Following the requirements laid out in 310 CMR 16.20: Conduct of Public Hearing, the technical assistance fee requires the Proponent to hire a Hearing Officer with no interest in the project to act as an impartial judge in the hearings. Arthur Kreiger, an environmental, land use and litigation lawyer with 25 years of experience was hired to serve this purpose. As previously mentioned, the technical fee also pays for Tighe & Bond, the third party consultants to assist the Board of Health with maneuvering through the science and engineering language to determine if 686 Main Street is a site suitable for the transfer station. It also pays for legal counsel for the Board of Health to maneuver through the public hearing process. Kerry Ryan, also an environmental lawyer, was hired to serve this purpose. The Board of Health also chose to hire two police officers, whose services were not paid for by the technical fee, to attend every night of the hearings.

Galison's trading zone metaphor successfully conceptualizes the happenings of the Board of Health Site Assignment Hearings on two levels.



First, the event of hearings itself is a trading zone, a site bringing different knowledges about the transfer station into contact with each other to trade. However, in the public hearings the terms of exchange are imposed by Massachusetts regulations and general laws. The first hearing was exclusively for laying out the rules governing the exchanges within this trading zone. 310 CMR 16.20 stipulates that the Proponent and the Board of Health are parties in the hearings, each with lawyers and third party consultants to help them maneuver through the process. Lemay's lawyer was Thomas Mackie, and Greg Wirsén from Green Seal Environmental who attended every night of the hearings and assisted him through the process. Ryan and Cunha attended every night of the hearing as well as the three consultants from Tighe & Bond. Residents can be a party with equal standing as the Board and Proponent if they register as interveners. Throughout the ten nights, the three parties trade knowledge about the design and operations of the transfer station in order to determine if 686 Main Street is a site suitable for the project. This trading of knowledge is kept on record, and from this record the Board decides if the site is suitable, meaning that the transfer station's impacts will not jeopardize the public health, safety or the environment of the Springdale neighborhood and Holyoke at large. The record includes the testimony and cross examination of the scientists, engineers and doctor hired to complete the Proponent's three applications. Their testimony must be filed seven days in advance of their appearance so legal counsel can prepare their cross-examinations. Importantly, the applications were all state approved at the time of the

hearing. Following the Proponent's presentation of the science behind the transfer station, the Tighe & Bond consultants then present their critique of the Proponent's applications following the same procedure.

If residents register to intervene in the hearings and the Hearing Officer grants them party status, their presentation comes after the Board's consultants also following the same procedure. The record also includes the curriculum vitae of all witnesses serving as proof that they are experts in their particular field. In other words, the trading zone re-emerged as an expert trading zone in the public hearings; only expert scientific knowledge was included on the official record in which the Board was to base their decision. Any party can also present "fact witnesses", which Kreiger defined as "witnesses saying what they have observed, what they know rather than opinions given on expert matters." These "fact witnesses" do not have to file their testimony seven days in advance nor are they subject to cross-examination. The observational, experiential knowledge these witnesses of fact present in the trading zone is not included in the official record and thus cannot be used if anybody decides to appeal the Board's decision; their knowledge is not given as much weight as the opinions of scientific experts. Importantly, the technical fee that paid for the Board's lawyer does not cover the cost of a lawyer for residents. Nor does it pay for the residents to hire scientists or engineers as expert witnesses. Moreover, in order for residents to include their knowledge on the record, they first had to prove to the hearing officer that they were "sufficiently and substantively" affected by the transfer

station or the proceedings. As such, exclusion from power in the trading zone of knowledge about the transfer station's impacts was explicit and definable in this process. Moreover, one member of HOPE explained the process of becoming an intervenor as becoming differentiated from other residents in terms of power, "We're not technically considered the 'common public' any more, as HOPE, the members of HOPE are considered interveners, we have political power...Our participation as HOPE and our ability to bring in expert witnesses is going to weigh heavier with the Board of Health than at the open public hearing where community members get to have a say" (Interview 9). This differentiation between formally registered interveners and community members in terms of power is important to note. As the hearings progressed, public involvement aside from the interveners dwindled after the first night.

Kreiger described how residents prove their case to become interveners to those in attendance at the first night as follows: "you will be allowed to intervene if I determine that you are specifically and substantially affected by the hearing. Certain people will automatically meet that standard, any abutters to the site, that is somebody connected to the site, or any group of abutters are automatically deemed to be specifically and substantially affected. Any group of 10 or more people who do not live directly next to the site who are addressing impacts to the public health, safety or the environment are deemed to meet that standard and will be permitted to intervene. Beyond that, anyone else can request to intervene in writing and I will determine case by case if you are specifically and substantially affected." He then explained that

residents can also register as participants, which he described as such: “A participant is someone who is not a third party to the hearing but wants to be heard like the other parties more than just a 10 minute or 5 minute trip to the microphone. A participant may present testimony, you may offer up witnesses and documents. You may make a closing argument and you may follow a brief after the hearing, so you get to speak and be heard like a party but you are not actually a full party. Participants may or may not be subject to cross-examination.” The testimony of participants is also not included on the official record.

Despite Lopez’s aggressive requests for translation and accessible location, issues that the Environmental Justice Policy directly addresses, on October 31<sup>st</sup>, 2008, Kreiger sent out a Pre-Hearing Order to the Board of Health stating that the Public Hearings were to be at Holyoke High School. The location and the dates for the first seven hearing were determined by a “pre-hearing conference call with counsel.” Importantly, on August 8<sup>th</sup>, 2<sup>nd</sup> assistant to the City Solicitor Kara Cunha sent an email to Bresnahan referencing Councilor Lopez’ orders, stating: “There were orders filed by the City Council to have it at the Morgan School and it probably would be a good idea to have a larger room to accommodate all the people that I would expect to show up. The regulations don’t specify where it has to be held, but do say it should be in a public location large enough to accommodate all participants” (Email, 8/8/08). Kreiger’s pre-hearing order also states “these dates are subject to the Board members and witness’ schedules’ with no mention of

community member's schedules. Kreiger briefly reviews 310 CMR 16.20 regulations for the Public Hearing process, detailing the requirement for the name, address and testimony of each witness to be timely filed 7 business days before their scheduled appearance. This order was not distributed to Lopez or other City Councilors, despite his consistent requests for copies of all correspondence and procedural matters submitted to the Board of Health. Moreover, the Environmental Justice Policy stipulates enabling neighborhoods through "administrative assistance to participate fully through education and training means" (EOEA, 3). During a HOPE meeting on November 11<sup>th</sup> 2008, Lopez referenced an encounter he had with Cunha the week before the hearing on the 6<sup>th</sup>, in which he requested a copy of the procedure. Cunha denied such access, stating that he would have to come in and pay for copies. However, she furnished the same request to Mia Teitelbaum, a student in Candelairo's colloquium class, in the same week, free of "the reasonable copying fee" city government offices are allowed to charge members of the public to access public documents. The Board of Health charges .20 cents per page of copies as their reasonable fee.

Perhaps due to Cunha's failure of providing adequate counsel on the procedure, HOPE and Springdale for a Better Community planned their participation efforts under the impression that the first night was only to inform the public about the process of the hearings and that there would be no opportunities for public involvement. They organized a public rally outside of

the high school thirty minutes before the start of the hearing, and advertised it with this flyer:

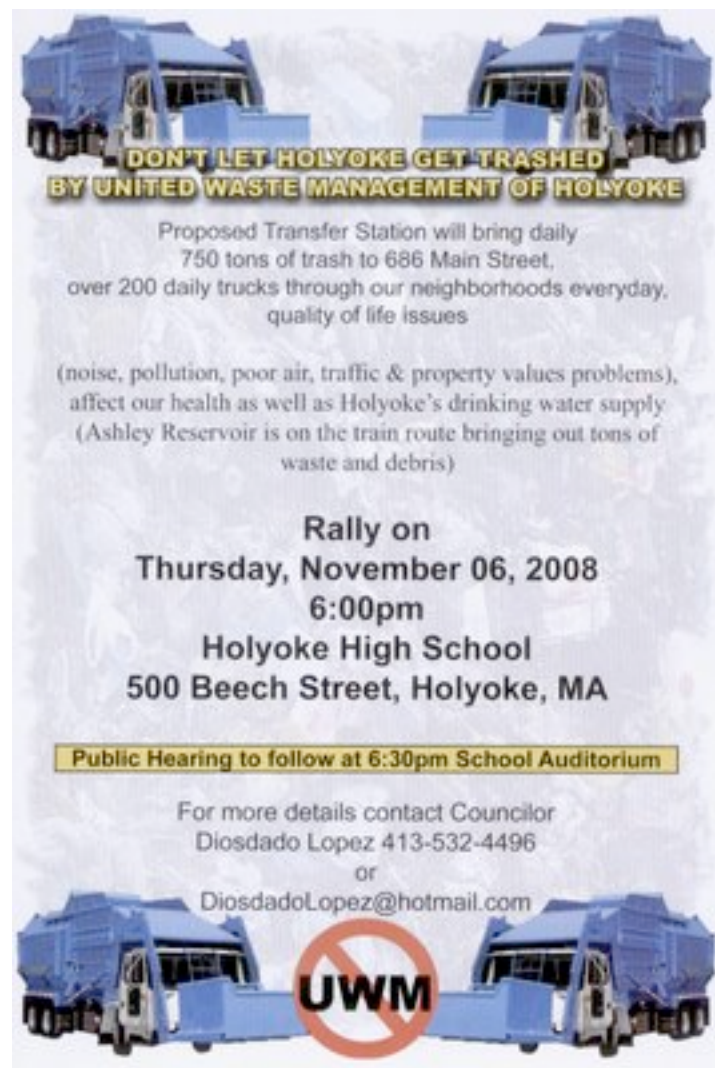


Figure 5: November 6<sup>th</sup> Public Rally Flyer. Created by Diosdado Lopez.

The flyer was distributed a week before the hearings began. On a side note, I attended a meeting of the organization Citizens for the Urban Success and Revitalization of Holyoke (CRUSH) called “Party for a Purpose” prior to the hearing with Sarah Krautheim, a friend enrolled in Candelario’s class, and she asked if we could leave some of the flyers at table set up for a survey near the entrance. Councilor Lisi was working at the table and informed her that

we should pass them out during the party instead. I gave one to a resident during a conversation, and he questioned the details of the flyer. The flyer notes that the transfer station would be constructed near the Ashley Reservoir, one of the sources of Holyoke's drinking water. The resident informed me that the person who made the flyer should get their facts straight; informing me that he knew that Holyoke does not get their drinking water from Ashley Reservoir. During our conversation he also informed me that he moved to Holyoke because he "wasn't afraid of Spanish people."

About 30 residents and students from the various 5 Colleges participated in this rally, holding signs with phrases in Spanish and English like: "Take a Canal Walk to the Dump Courtesy of United Waste Management" and "Holyoke wants Economic Development with Dignity Not Environmental Waste." I had a conversation with a resident who informed me that the noise from a tractor trailer passing by her home woke her up at 5:00 am that morning, vibrating her windows and creating her desire to attend the hearing in the hope that her participation would prevent more instances like these from happening. Two police officers opened the doors to the school, ushering in the crowd as they chanted "No Trash in Holyoke!" More people filtered into the auditorium as the rally crowd settled into the auditorium seats, making the attendance at the first hearing about 70. The front of the auditorium had three tables set up, with Kreiger seated in the middle facing the audience. Lemay, Mackie and Wirsan sat at a table to the left of Kreiger facing the audience as well. The Board, Ryan, Cunha and their consultants sat

at a table to the right of Kreiger. The set up was reminiscent of a theater performance, with the scientific and legal experts only allowed on stage. The formality of the hearings required that Kreiger grant permission for those in attendance to approach the stage and speak into a microphone. The hearing officially commenced with Kreiger introducing the agenda for the evening which consisted of describing the legal standards as the backdrop of these hearings. First, Kreiger defined his role as hearing officer as an impartial individual with no stake in the outcome of the decision, whose duty and authority are to define issues, receive and consider relevant and reliable evidence and exclude irrelevant evidence, ensure an orderly presentation of the evidence and issues, conduct a full and fair hearing, compile a clear and complete record and aid the Board of Health in a decision based on the evidence presented in the hearing.

After a cursory description of the legal procedure and the history behind it, Kreiger opened the floor for public participation with this statement: “The regulations require that any request to intervene be made before the hearing starts, that is...20 minutes ago. However, in the interest of full public participation, I will consider requests to intervene that are filed before we adjourn the hearing this evening.” Not all members of HOPE and Springdale for a Better Community were in attendance at the first night as the coalitions were not informed that they had to register to participate before the close of the first hearing, let alone seven days prior to the meeting. Kreiger then opened the floor for resident registration as participants or interveners and



questions about the procedure. Councilor Lopez approached the microphone to ask if there are plans to provide Spanish translation services for the hearings. The hearing officer replied that he had discussed the issue with legal counsel, and “at the moment there are no plans to translate into Spanish.” After waiting to regain Lopez’s attention from his side conversation with Candelario, he continued: “That is the answer to your question. As I understand the demographics, there are no plans to translate into Spanish. That would be, among other things, it would be very difficult to run a hearing with simultaneous translation.” Returning to the microphone, Lopez continued, “are you planning on moving these hearings to the lower area where the proposed project is located? Or will it always be this far away from the community which it is affecting?” Kreiger responded that the location was chosen because of its size, to which Councilor Lopez responded that Morgan School was large enough. Their exchange continues:

Kreiger: I will show up wherever the hearing is, I will make a ruling if I am asked to. If you want to request that the next hearing be held somewhere else or that one of them be held somewhere else you are free to put in that request and we will see how council will feel about it.

Lopez: I did. I wrote a letter 35 days ago.

Kreiger: A letter?

Lopez: Not even a letter, a filed order from the city council I asked members of the commission. And I’m pretty sure that never got to them.

Kreiger: I didn’t hear anything about that.

Beginning in September 2007, Councilor Lopez filed numerous City Council orders and sent personal emails to Cunha and Bresnahan requesting that all public meetings about the transfer station be held at Morgan School. In the Board of Health’s public record, the file titled “City Council Orders” only contains three orders. The only one which mentions his location request was

filed on October 3<sup>rd</sup> 2007. Candelario requested that proceedings be translated, stating that through her connections as a Smith Professor, she's "certain there is a way to do this without excessive costs, either to the Board or to Mr. Lemay, and again given the majority of the population where the project is being proposed is Spanish speaking and given the issues raised by the Voting Rights Act around Puerto Rican political participation, we think that question could be addressed a bit further, so I'd like to just ask again on the record." She also asked if perhaps the transcript of the proceedings could be translated instead of the hearings themselves, to which Kreiger replied that an official transcript has to be purchased from the court reporting service, and if nobody files an appeal those costs would not be undertaken by the Board. Candelario replied: "...may I on behalf of HOPE make a formal request to Mr. Lemay and the Board to undergo that expense and put the request in, again the interest of full public participation and access to these matters, especially again if the hearing will not be taking place in close proximity to the site to facilitate full community participation and appraisal of what's happening, which I understand from Mr. Lemay is something he's absolutely willing to do in the conversations I've had with him in the course of my research on this." Kreiger responded that he would discuss these matters with counsel and come back to the issue at the next meeting. Candelario then asked for clarification about the vehicles for resident involvement as all HOPE members do not reside in Springdale. Kreiger's response included the statement: "the existence of the group and its impact is of no surprise to

counsel,” referencing HOPE’s activities in organizing resistance to the project. The use of the phrase “of no surprise to counsel” indicates that HOPE’s presence was anticipated in the Board of Health public hearings. This comment sheds light on the previous Council Orders and correspondence between Lopez and Bresnahan; the state of confusion and sometimes disarray at this first public hearing could have been avoided if Lopez’s request for copies and explanation of the procedure stipulated by 310 CMR 16.00 were provided by the multiple persons from which he requested them.

The translation issue and requests for clarification about the vehicles for public involvement dominated the questions asked this evening. A woman approached the microphone and stated her frustration that the proceedings were not being translated. A younger Latino male called out in the middle of the proceedings that they should be translated. All in all, there were 11 requests that the proceedings be translated. Norris, the woman who informed Lemay about the mis-address of the ENF to the City Council responsible for their notification of the project after the consultation visit and the close of the review period. She inquired if the MEPA office based their positive report on the September 22<sup>nd</sup> MEPA certificate allowing the project to proceed, to which the Kreiger and Mackie responded it was. Norris said that this positive determination by Secretary Bowles was “because there was no intervention put forward by the public during the notification” and that the information developed for the MassDEP site review and the agency’s statement that “the site is suitable is probably based on that information through the MEPA

process, which, at least from what I'm hearing is probably solely lacking and hopefully the public will have the opportunity to point out all of the problems with that site." The hearing officer responded to this by saying: "MEPA process does not depend on public comment." Furthermore, he negates the relevance of community exclusion from the MEPA process to the proceedings of the public hearings with this statement: "Whatever happened under MEPA process was, and whatever the outcome was is not what's being discussed before the Board of Health nor is it anything that I or the Board of Health have the authority to address." As the public hearings were the process for issuing the final decision, the community input opposing the transfer station on grounds of political exclusion during the MEPA process were not allowed as evidence for the Board's decision. Moreover, as 301 CMR 11.00 defines the purpose of the MEPA process as being an opportunity for public review of a project, the hearing officer's statement contradicts the language of the laws.

Norris also asked for clarification of public involvement saying "I have a difficulty with the term "abutter", because I don't live directly next to the site, but the air that circulates around my home comes from there."

Councilor Lisi asked again for clarification on the vehicles for public involvement. To which Kreiger replied, "maybe we should just cut to the issue- HOPE is requesting to intervene." Lisi informed him that she was asking about the general public. Councilor Lopez informed the audience of a sign up sheet circulating for anybody who wanted to register to participate. Candelario asked if she could informally translate the requirements to register

and Mackie suggested that we take a 10 minute break “rather than having you do it sort of officially at the microphone.” During the break the auditorium became very loud while people registered. Bieber’s video captured a younger resident on tape echoing Norris: “We all breathe the same air in Holyoke. The air is not divided, so how can they divide who can say something and who can’t? They’re not the ones who live in South Holyoke and have to breathe the nasty air.”

After the break, Kreiger reviewed the citizen groups who registered to intervene. Kreiger referred to the 10-citizen group’s proof of their potential to be sufficiently affected, saying “there is an indication by one of the residents that children in the home have asthma, other than that there is just names and addresses as far as the English goes.” Alicia Zoeller from the Conservation Commission and Marion Gartman, a Highlands resident, and a man with the last name Colon requested to participate. Zoeller never attended after the first night and Gartman attended them all. Mr. Colon also registered to intervene with Springdale for a Better Community, so his request to participate as an individual was denied. At the mention of his name, I saw two members of the Board exchange glances and laugh. Mackie objected to some of the requests, saying:

Mackie: Well, there is a lot more than what you and I talked about during the break, I’m concerned...I’ll just tell you my concerns. I’m concerned about multiple participants with multiple authorized representatives and multiple cross-examinations and redundancy and *cumulative impacts...uh, cumulative evidence*, so I’m not inclined to say ‘well lets just have 7 or 8 different intervener groups’, *I think it would be much better for the hearing process and frankly for the applicant if they consolidated themselves into 1 or 2 groups*

*just so we can have a streamlined hearing.* That's my visceral reaction to getting 4 different requests and I think you have a 5<sup>th</sup> one over there...

Kreiger: This is the HOPE one. Is this the complete list for HOPE?

Candalerio: It is, and unfortunately not every HOPE member is here tonight to actually sign their name because, again, *we weren't aware that this was going to be one of the possible outcomes of the evening* and we hesitate to sign on their behalf as you might imagine. I'd like to say that I would object to having these groups consolidated, for the record.

Mackie: Can we not get into a debate right now? Can I finish my statement?

Mackie then objected to the 10 citizen group and the PVECHC requests to intervene, stating, "I don't want to give particular standing to any organization per say, because I don't know what those organizations are about, but if they want to do it as a 10 citizen group I can't oppose that, is that clear?" Budd responded that the PVECEHC has "a lot of data, health statistics, environmental statistics that I think would be a good thing to present at this public hearing because a lot of it pertains to the *environmental health and the public health* of the city. I am one of the only members here this evening *because a lot of the members have other meetings they're doing*, so I am writing on behalf of them."

Kreiger did not allow the PVECHC to intervene because members had already signed up with HOPE and he didn't see how they could be specifically affected by the hearing, saying "the question is what is your interest any more than the American Lung Association other than you're more local." Budd replied that they have data specific to Holyoke, continuing, "a lot of it has been a service group oriented toward the Environmental Health of Holyoke, and *specifically the issues of this community*." Ryan did not object to any of the requests. HOPE, Springdale for a Better Community, a 10 citizen group

represented by Kevin Garcia, and Rennie from the PVRP were granted the right to intervene. Rennie was allowed to intervene because the railroad he runs abuts the proposed site. One resident asked if she was considered an abutter because her home abuts the railroad but not the site. Kreiger responded that she did not meet the requirement. The laws require that abutters receive mailed notification of the public hearings, and Norris asked if she could get a list of who these letters were actually sent to. Councilor Lopez also said that the City Council did not receive the notification the laws also require. Cunha responded that she had certification that both were sent. Each group of interveners had to provide a mailing address and an authorized representative to receive the pre-filed direct testimonies. When discussing how the documents would be sent, Vega called from the audience “We wouldn’t want Lemay to have to shoulder the costs.” Candelario requested that Kreiger provide a short summary of what was expected of cross-examination as the interveners “were clearly not legal experts.” He replied that questioning should not be argumentative and that residents will quickly learn the form. Shortly after this, Vega approached the microphone and said: “Excuse me, I gotta get going so I wanted to just to say this...I’m just taking up what other people have said about translation. I am flabbergasted that the Board of Health, after all of these years of the struggle that we have had in this community around translation and inclusion of the Puerto Rican community, is having these public hearings without translation. We’ve had school integration problems, which we have overcome. We’ve had housing

issues in this community and voting rights issues which at one time we had to call the Department of Justice to make sure that the Latino community, the Puerto Rican community was serviced right. And this is an issue that needs to have translation. And if it's here, if it's at Morgan School, wherever it is, you need translation. Because I am saying to you that Holyoke's history around this issue is very poor. In fact, on Tuesday, there were several lawyers in polling places to be sure that there is translation, people there to assist the Spanish speaking voters. So this is a critical issue and you can't take it lightly. So I'm imploring you to be sure that next time we have proper translation." The audience applauded his request.

During another break, counsel discussed the issue of translation and location of the hearings. Bieber's video caught Candelario during the break saying, "because translation would set a precedent, this is a bigger issue than just the Public Hearings. This is why we have to push it." After the group reconvened, Kreiger said that the Board of Health had no objection to holding the hearings at Morgan School except for the fact that nobody knows the availability of the school. He addressed translation by saying that there were three barriers to providing it, expense, precedent and the fact that it would make the hearings run out of order. He described precedent by saying, "right now this may seem like the most important hearing in the world but there are lots of other hearings that can be important to various different people with different populations and different language speakers and that makes it very difficult to set a precedent." Counsel suggested to the audience that a party



could pay for a Spanish court reporter or they could break every 10 minutes for on the spot translation. He ended with, “Essentially, the board has no objection to any party taking those steps or any others but the Board is not able to pay for a translator, it is not provided in the rules, *it is not provided even in the Environmental Justice Policy of the Commonwealth*. It is not required.” City Councilor Kevin Jourdain covered the issue of location and translation after this ruling:

“Yeah, I don’t understand with a month’s notice or 2 weeks notice should be sufficient to have it at Morgan School. You just call the school department and reserve the cafeteria, it is no different than reserving this room. I want to come back to this issue of translation. Whatever one’s opinion or whatever our the Board of Health ultimately votes on it, you know the Board of Health is appointed by the mayor, confirmed by us, to represent the citizens of the City of Holyoke. *The census tract that we are about to have this meeting at is 88.9% Latino. So who precisely are we speaking of when we say “for the Public’s benefit,” precisely to whom are we referring if not to them?* This is the people most directly impacted by whatever happens, however the Board chooses to vote that is fine, but the point of the matter, just from a basic fairness in a process perspective, *I can’t understand why we can’t have a translator who is just saying what is going on, what is being said in the meeting*. Not for the benefit of cross-examination, but just strictly reiterating so that way if I am Joe Citizen who lives on South Summer Street, and I want to walk into Morgan School to find out what these gentlemen are proposing, then I can be an active, listening participant to the process and know what is going on. Now if I don’t have enough comprehension, with the benefit of your education or mine, to know precisely what is said while I’m sitting at table 3 in the back, because it is going to be little elementary school tables, that I know what is going to be taking place at that meeting. Otherwise it is strictly a bunch of words being bandied about between a bunch of people with graduate degrees. Now I happen to have the benefit of one of those graduate degrees, but that isn’t for the general consumption of the citizenry and it should be available to all of them. I think that you should have, and really, frankly, how much are you talking about when you say “costs”? This to me should either be a tax payer picking up the nickel or the Board of Health and the appellant, what are we talking about, \$1,000 over 4-5 hearings? We’re not talking huge money here, *to have a translator so the people who are most impacted and have this going up next to their homes have the benefit of knowing what is going on*. I don’t think that is an unreasonable request.”

He continued after some dialogue with Kreiger: “Again I want to reiterate to you, you are having a public meeting. *For whom are we speaking of when we say the public?* Is it an esoteric conversation simply for those of those who know all the issues and are having an academic conversation? Or is this for the benefit of the general citizenry, and so then we need to go where they are? *This is the population that you are working with and so we need to accommodate them as best as you humanly can...* Perhaps we can section off the room, partial and quiet translation. *By the way, my hand delivery never came.*” Ryan attempted to respond about the issue of precedent yet before he could get his point across Councilor Jourdain interrupted him with, “and who are you anyway? Are you paid for by taxpayer money?”

A student from one of the 5 Colleges approached the microphone after Councilor Jourdain to say that the hearings should really be in Spanish and translated into English if “you are really interested in reaching the majority.”

During these proceedings the members of the Board of Health seemed unresponsive to the high volume of residents eliciting their concerns about the project. They dozed off, doodled absentmindedly, checked their watches and occasionally shared a laugh with each other. Toward the end of the evening, they began to show frustration at the repeated requests for translation.

### **VanDog’s Reaction**

“ ‘All Your Base’ is a broken English phrase popularized by a badly translated Japanese video game. For some reason this phrase popped into my head last night listening to the opponents of the Main Street Transfer Station

complain about the language barrier. Of course this is Holyoke, and English is not everyone's first language. The issue of language barrier took up a large portion of the hearing. I really don't think they will get much traction from this since the process allows for people to be represented in groups. This would seem to address that issue adequately without turning the process into a mock United Nations conference. All in all, the hearing was orderly with everyone in attendance being given the opportunity to speak if they needed to."

VanDog remembers the event as less controversial than other representations.

### **Hearings as a vehicle for interdiscursive resistance**

All residents who spoke during the first hearing expressed opposition to the transfer station on interdiscursive grounds. Reference to the Latino/a community as separate from the rest of Holyoke was frequent, as was mention of the history of their political marginalization. Mistrust of the Proponent and the Board of Health to follow notification and participation procedures was abundant. Mackie objected to some of the public that registered to participate and at times appeared visibly frustrated. I take his slip of saying "cumulative impacts" instead of "cumulative evidence" is important to note because the transfer station's impact of diesel emissions contributing to the already poor cumulative air quality of the region was the main part of why the transfer station was opposed. As I observed these events, I saw them as the audience resisting at every step because the public hearings presented the opportunity to challenge the government's history of Latino/a political participation and underrepresentation issues, which were referenced throughout the

proceedings. They resisted with the interest of holding the Board of Health accountable for the city's history of political issues. Though the procedure was meant for facilitating the trade of knowledge between residents, the Board and the Proponent, they ended up being a political performance between resistance and authority.

### **Translation**

Kreiger's Hearing Order sent on November 19<sup>th</sup> states that the next hearing will be at Holyoke High School and that the location of subsequent hearings will be addressed and the next meeting. He also addressed translation, stating that despite the persistent resident requests for translations, the Board and the Applicant declined it due to "precedent, the cost and the logistics of the hearing." He quotes 310 CMR 16.20 and 801 CMR 1.00 for adjudicatory procedures to justify their decision, which all only require notification to be published in alternative languages. He continues, "thus, even the state's EJ Policy, which does not apply to this hearing, does not require translation." Kreigier issued a supplement to this order on November 21<sup>st</sup> to clarify that he was not prohibiting translation, he was rather just not requiring it. The order references Secretary Bowles' "strong encouragement...to address the needs of the Environmental Justice Population" in his September 22<sup>nd</sup> MEPA certificate.

Importantly, Kreiger's November 19<sup>th</sup> order also included this statement regarding translation: "Moreover, although simultaneous translation of the hearing undoubtedly will help some members of the public understand

the proceedings-and I recognize the importance of that- it may not be necessary for a *meaningful public hearing*. This hearing will focus on *the site and the proposed facility, rather than individual neighbors' circumstances*. Much of the testimony admissible under the Site Assignment Regulations will be from *experts*.” Kreiger makes it clear that the legal meaning of this hearing is restricted to the site and the proposed facility.

Translating the public hearings was an issue that dominated the entire first hearing. Ross covered the events in “Transfer station debate starts,” quoting Vega and Councilor Jourdain’s opinions on the issue. Councilor Lopez is quoted as saying, “It’s all disorganized. Everything is organized to create problems for *the community*.” Lemay is also quoted in the article as saying “I hope they really listen to the facts.” Turner from the Valley Advocate published an article on November 13<sup>th</sup> about the issue titled “On Holyoke: Hearing The Public: Who will have a voice in the debate over a proposed Holyoke transfer station?” The title of the article clearly alludes to the translation issue, and Councilor Lopez is mentioned as describing the process as “secretive, suggesting that UWMI has allies in City Hall who hoped to slide the project in with minimal public notice- a strategy, he and other project opponents contend, made easier by the fact that a large majority of Springdale residents speak Spanish.” Her description continues, “But while the hearing officer suggested some ways to address the language barrier, none would come close to allowing the full participation of Spanish-speaking residents- leaving many to feel, once again, shut out of the process.” Both

articles focalize residents as resisting the transfer station and the procedure on political and social grounds.

According to Candelario's elicitation about translation, the issue needed to be pushed in order to set a precedent. According to the legal counsel's decision, it was an issue that could not be provided due to precedent. Ryan described the issue of precedent at one point: "I think the concern about translation is that I'm not aware of any other city meetings that are translated. Every other city meeting and conference et cetera is important to those that are in front of that department or were being discussed at that city council meeting. So as a policy, I don't know how the city can suddenly take on this, because if they do it for this hearing, wouldn't they need to do it for any meeting." The residents who requested translation perceived the precedent of no translation as a historical failure of the Holyoke government; whereas the Holyoke government perceived the precedent as an economic risk. These two statements are paradoxical and timeless, seeing the issue from a reality eclipsed with different political knowledges. These quotes provide a reinforcement of the hybridity of knowledge regarding the translation issue:

*CB: How about the Waste Transfer Station public hearing? What did you think about that?*

P: The one last week? Um...that is an interesting argument. I don't know if it is valid. The law is laid down in English so the process takes place in English. And the process would seem to allow for people to be represented in groups, meaning that if there was a language barrier and you only spoke Swahili, you could be represented via a group...This process is laid down under state law, it really has nothing to do with the city. And actually federal law, EPA rule as well" (Interview 5).

It can be said that his view of the issue is from a legal reality, colluding with the political reality of the Board, Kreiger and the Proponent's view. Resident 1, who did not actively participate in the process, sees the reality of translation services from HOPE's political reality:

"Now, because we have a large Latino populous here in the United States and we have a lot of people here treating us like second class citizens because a lot of them don't speak the language. Well, you know, if you really look at in *reality*, the United States should be speaking two languages: English and Spanish" (Resident 1).

### **"Holyoke Found Prone to Diesel Fumes"**

On November 9<sup>th</sup>, Ross reported on the public release of Nuestras Raíces air quality study, quoting Di Chiro as saying that "the test results gives us another picture of some of the possible health risks in the city" and that it is "difficult to compare Holyoke's black carbon levels with those in neighboring communities because they do not often conduct such tests." Ross is also quoted in the article. It was published on the Masslive.com *Republican* forum and five individuals commented on under pseudonyms:

1. Do you think that Main Street in Holyoke is the main access to all the heavy industries there and the DPW? That is like going into a truck stop to monitor the air and saying that the town it's in has a problem. Sounds like it is very targeted for just these results. Must be after more grant money. Lies, damn lies and statistics. –eyeonlife
2. I think testing the air quality anywhere where many people live is completely appropriate. –mollypat
3. This is all just a scam to stop the Transfer Station from going in. If this testing is so important why isn't it going on everywhere? Why not up on Northampton st or Hampden st, coming up by stop and shop? SCAMMERS. –InMyCitysl
4. Western Mass has poor air quality when compared to other areas with similar demographics. The factors that contribute to the poor air are the coal electricity plants in the Midwest and the morning pollution

from the NYC region that is often forced up on CT river valley. –  
SanityChex

5. Not much substance in this article, from the first sentence forward. This is hardly a finding: “appears to have been detected.” What a waste of a PHD, but at least it is rotting at Mount Holyoke... -  
mutnchoplary

Comments 1, 3, and 5 do not trust the science behind the coalition’s air quality study, saying that it was conducted for a certain purpose, which 3 identified as the transfer station. Comment 5 also highlights the “town-gown” divide between Holyoke and South Hadley. Importantly, this study was conducted with the interest of capturing real air quality data to understand Holyoke’s ambient air quality in one of it’s most polluted regions. Knowledge of the poor air quality around Springdale was one of the largest reasons why residents resisted the transfer station on public health and quality of life grounds, and this knowledge is due in large part to this air quality study. Di Chiro and Ross knew, however, that if they tried to present their findings as evidence in the hearings, Mackie would try to exclude it on the same logic utilized by commenters 1, 3, and 5. This is an example of the “problematic dueling science” the anthropological literature on environmental justice issues identifies as a large part of environmental conflicts. Members of HOPE decided not to include the air quality study in their testimony on the grounds that they knew it would be considered alternative science and not authoritative enough to be allowed in the expert trading zone of the hearings.

### **Political Relevance**



In the following hearings, the intervener's cross-examination of the expert witnesses critiqued their scientific testimony from the political and social language of environmental justice. In all of the hearings, the three registered intervening groups were represented by HOPE in cross-examination and thus parties usually referred to all three groups by this name. Their cross-examinations were lengthy, sometimes over 100 questions per witness. Their critique of the Proponent's science was focalized on these factors: the air quality studies were based on modeling and not real data, the unrealistic traffic patterns modeled by the traffic analysis that stipulated that no trucks would go through the streets of the city, questioning the acceptability of the legal regulations for diesel particulate matter from a health perspective, questioning the health effects of ultrafine particulate matter generated by the Tier 4 retrofits the Proponent promised to provide for all trucks he services, and how he would enforce idling laws. They also provided experts presenting scientific opposition to the Proponent and the Board's experts. It can be said that their participation in the public hearings consisted of repeated attempts to insert their experiential knowledge of the political marginalization of the liminal community of Holyoke. A resident in attendance at every meeting and supporting the transfer station described the coalition's political performance in the hearings as such, "Their verbosity, their pursuit of trivia was beyond the pale. They picked on details that were of no consequence. They didn't believe anything they heard, in my estimation. I cannot understand it. I think they have preconceptions as to the effect of the pollution that would be caused by

this type of activity. As a result, I don't think they believed what they heard from the experts as to the extent of the pollution that the facility will cause" (Interview 10). He also deemed HOPE's expert witnesses as "terrible." As this narrative explores the event of the waste transfer station as exposing political and communicative problems in Holyoke, the proceedings of the public hearings only referenced these divides frequently. Instead, the communicative barriers in the hearings were between the Proponent and the citizen interveners who engaged in antagonistic exchanges regarding the science behind the transfer station. Additionally, the regulations require that the trading zone of knowledge be only structured around the 19 criteria and the site's suitability, mostly environmental issues which are irrelevant to this argument. Ryan, the lawyer for the Board, also prepared a detailed cross-examination for each witness, but instead of contesting the science like the interveners, his questions were usually focused on clarifying terms, technologies, protocols, or methods for the Board's benefit. Rennie only focused his cross-examination on scientifically pertinent questions for the Proponent and the Board's case, yet when it was HOPE's case his questioning became more aggressive. Out of the ten sessions that I attended and transcribed, the following is a description of four exemplary hearings whose proceedings encompassed the political issues responsible for the controversy around the transfer station. The summary of hearing three covers the exclusion of environmental justice issues from the adjudicative procedure and the incorporation of the language of the localized of Latino/a political exclusion,

hearing four brings the supporter's position into the picture, hearing seven served as a night general public comments, and hearing nine marked the beginning of HOPE's case, beginning with the testimony of Joel Patruno, a local expert on quality of life in Springdale.

### **Hearing 3: December 2<sup>nd</sup> 2008**

*"And unfortunately, justice is not binding whatsoever. It is something that we only hope to achieve." –Daniel Ross*

There were 25 people in attendance at this hearing, including VanDog, Councilor Lisi, Sarah Krautheim and Mia Tietelbaum, Norris, Nancy Patruno, Carl Hartig an employee of Tighe & Bond, Ken Ross, and four other residents. The proceedings consisted of Valberg's expert testimony and cross-examination. Kenneth Cram, the traffic engineering expert, also testified but his cross-examination could not fit in the time frame. Nobody used the translation services during this evening.

Mackie submitted an official opposition to HOPE's request for an extension of the hearings and the striking of Valberg's testimony. He justified his opposition to HOPE's request of a delay by providing a chronology of their involvement, continuing, "despite HOPE's assertions to the contrary, it has been actively aware of this project since at least October 2007 when Councilor Lopez began his campaign against the transfer station...Indeed, nine months ago one HOPE member commenced a study of air quality in Holyoke. Note well that HOPE did NOT disclose the ongoing air quality monitoring project to the applicant." His opposition to striking Valberg's

testimony was on the grounds that Condon's letter was addressed to Councilor Lopez.

Valberg's testimony as a public health expert concluded that the transfer station's generation of new sources of diesel exhaust and other air emissions do not present a threat to the public health of Holyoke. He based this conclusion on the National Ambient Air Quality Standards set by the EPA and the air modeling data from sensors in the nearby town of Chicopee contained in the Epsilon report, included in the Supplemental Transmittal to the MassDEP application. He also expertly testified that the presence of asthma is unassociated with air pollution levels from stationary sources. Candelario began HOPE's cross-examination by asking Valberg how much time he devoted to developing his testimony. This was a question HOPE asked of every witness, which would always follow with asking how much each expert charges for his services (they were all male), in order to highlight their "substantial material disadvantage." She mentioned this twice in the hearing. Their cross-examination consisted of questions regarding the disproportionate asthma rates amongst the Latino/a population of Holyoke like asking if Valberg was "aware that asthma is concentrated in a particular ward in Holyoke and a more particular ethnic group in Holyoke?" She asked if he would adjust his findings if he knew this information, to which Mackie objected. She reformulated the question, stating: "The question is then whether or not, given that there is demographic variation across the city of Holyoke whether or not it is disingenuous to speak of average Holyoke rates

for asthma?” This question expresses that asthma sufferers in Holyoke also exist in ethnically and economically split communities. They also questioned why a modeling basis was used to study the air quality around the site and instead of actually testing the air quality of the area. Valberg’s response references the coalition’s air quality study by saying, “Well, I was aware that there was a so-called Nescaum study.” Valberg’s belittling of the study in this response contradicts Mackie’s frustration that the coalition failed to inform the Proponent about their research. They also asked if anybody from Valberg’s consulting firm, the Gradient corporation, has been asked to testify on behalf of a citizens group. She asked if he had ever testified about a waste transfer station before, and more specifically:

Ginetta Candelario: Have you ever provided expert testimony in terms of impact on an environmental justice community?

Peter Valberg : Um, yes.

GC: Could you tell us what the designation of an environmental justice community is?

Thomas Mackie : Objection.

Aruthur Kreiger: Mr. Mackie what is the basis of that?

TM: There are no siting criteria used to determine environmental justice. I don’t know what relevance this has to siting criteria.

Candelario continued the line of questioning by asking if his testimony for an environmental justice community ever encountered a debate about the health effects of any given factor of pollution, to which Mackie objected on the same grounds, and Candelario responded, “I think it is relevant in this particular case given that this community is a state designated environmental justice community, and if you call him an expert witness he should be an expert on all sites, and the Board has a formidable task to figure out if this site is

suitable. Mackie objected to this, and eventually Kreiger sustained his objection. After the end of HOPE's questioning, Ryan referenced the frequency of HOPE's mentioning of the Environmental Justice Policy and read the Policy's disclaimer, finishing that he doesn't "like the implication of the interveners that somehow this policy is binding on the Board." To which Ross responded: "And unfortunately, justice is not binding whatsoever. It is something that we only hope to achieve."

The article on this hearing, titled "Expert: Waste station not a risk" quotes Ross as saying that Valberg's testimony "was bought and paid for testimony," adding, "the Springdale neighborhood doesn't want the project in their neighborhood." Ken Ross included in the article that Valberg's testimony cost Lemay \$7,440.

### **VanDog's Reaction**

"The audience is dwindling as these hearings continue, but that's to be expected. Just look at how exciting they are... {HOPE} managed to get through the air quality expert, and started on the traffic expert before they ran out of time. I'm not going to bore you with all the details. It got super technical very quickly, but the air quality expert totally blew away the asthma argument stating, "our airborne particulate exposure is primarily from indoor sources." As the experts information comes in it looks like Hope's case against the Transfer Station is getting weaker, but when they bring in their own experts I'm sure we'll hear some interesting arguments. And they should be able to do that since the Hearing Officer gave them until some time in January

while ruling against the 8-week delay motion saying, "We're partly accommodating that request". He arranged the upcoming schedule so Hope has as much time as possible to bring it's case forward. At least the translation service got some use this time. One person used it."

VanDog's perception of Valberg's testimony as blowing away HOPE's asthma argument is contested by Ross in the article about the proceedings as well as in his opening statement for HOPE's case in the hearings: "When I heard Dr. Valberg, the expert witness for the Proponent, deny the correlation between diesel emissions and health impacts such as asthma, I was astounded. As a parent and a professional charged with protecting the health of children, as you are, I gotta say I was amazed."

Four people commented on this blog entry, discussing the negative impacts the project would have on the city's reputation:

"Just a thought, since I can't make it to the meetings. With the current development of the Canal Walk, what type of image is Holyoke Projecting? People Driving up the 391 corridor will be following garbage trucks to get to the Canal Walk. My problem is not with the project, it is with the projects image. Building wise as i stated before, and now with the Canal Project going forward, the impact it will have on potential tourists." -Holyokenow

"i agree. holyoke's reputation is an obstacle to the revitalization. we need to take care of the waste in our town and we need to capitalize on recycling and getting some new business and tax dollars in the city. but do we want to be know for taking in the areas trash? complicated or rather complex issue as usual." -aaronvega

VanDog responded to these above comments by saying, "Good point!

Holyoke's image, and reputation is very important to me. But what type of image is Chicopee, or Granby projecting? Are they known as "Garbage Towns" because they have landfills?"

Holyokenow, the first commentator, responded to VanDog's comment with: "thats like comparing apples to oranges, I've been to the Chicopee Landfill several times, and when I have gone, It was not very busy, The vehicles I've seen were mostly 1 ton dump trucks from private contractors, as well as the city garbage trucks. Chicopee's landfill is not near any type of major or economic development. Remember they will be trucking this into Holyoke with Large Trucks to maximize delivery volume."

None of these comments address the issue of the project's location as stigmatizing the downtown section of the city, rather its effect on perception of those outside the city.

#### **Hearing 4: December 4<sup>th</sup> 2008**

*"There are risks to this project that are beyond the control of the proposal."*-

*Ginetta Candelario*

There were 15 people in attendance at this hearing, including Hartig, VanDog, Nancy Patruno, Ken Ross, and Sarah Krautheim. Nobody utilized the translation services. Environmental Engineer Garrett Keegan was the expert witness for this evening, testifying about the environmental impacts of the transfer station. His summary basically consisted of the information on Lemay's testimony and website. HOPE's cross-examination of Keegan included asking him if he had ever testified for a transfer station to be constructed on "Main Street," or another "central corridor of a community?" Mackie objected to both phrasings of the question. They also asked how much he was paid, how idling enforcement would be handled, to which Mackie objected, and how the use of the railroad would impact air emissions.

During a break, a man who had been in attendance every night thus far introduced himself to me as David Silverman and asked if I was from the



press. I explained my position as a student researching the transfer station proposal and inquired what his interest was in attending the hearings. He informed me that he is the executive director of the Holyoke Tax Payers Association and has to write a monthly newsletter sharing knowledge about any new economic development project coming into Holyoke. He offered to share his knowledge in the interest of contributing to my research. He was wearing a green pin that read “Grow Holyoke,” a pin I noticed on another man also in attendance at all of the hearings. Silverman introduced him as Charlie O’Connell later in the evening, and explained that Grow Holyoke is an organization promoting business and industrial economic growth for the city. When the proceedings resumed after our brief chat, Candelario asked the expert “what constitutes wastewater?” At this question, Silverman turned around in his seat and whispered to me: “Can you believe her?” At the end of the evening, I walked out of the auditorium with O’Connell discussing the proceedings. I asked him his position on the transfer station, and he said he supported the project on economic grounds. He further expanded on his position of support by saying, “Nuestras Raíces and Nueva Esperanza are single handedly flushing this city down the toilet.” After exchanging knowledge with these men about the transfer station, I knew that they not only enthusiastically supported the project, they also enthusiastically opposed the opposition to it. The website for Grow Holyoke advertises itself as “a grassroots organization established by concerned citizens to help promote proper and healthy economic growth within the city.” The site explains the

organization's emergence through a historical lens, stating: "Holyoke is a city with a rich history of public pride and responsibility to responsibility to do what is best for the greater public good. It is time we recognize these attributes and help bring our city back...Our message is to educate and inform the public and other business leaders about how their community is affected and what they can do to help bring change" (Grow Holyoke). Combining the mission statement of Grow Holyoke with the knowledge about the transfer station two of it's members exchanged with me about the mobilized resistance to the project makes it difficult to not compare the organization as the "pro-industry" analog of the "pro-resident" community-based organizations two of it's members hold in contempt.

### **VanDog's Reaction**

"The Hope group asked many detailed questions about the queuing of trucks at the proposed facility, and how the employees would monitor trucks to enforce the State law on idling. Hope asked if "these people would actually have watches timing each of these trucks on a cold day, and a hot summer day making sure they weren't idling?" The expert stated "I don't know if they would have a watch or not." Hope asked about the importance of rail service to the Transfer Station. United Waste's lawyer made many objections to Hope's questions about the railroad stating "it has no relevance to site suitability". Eventually the Hearing Officer had to look at the guidelines himself to see if this was a reasonable line of questioning, ruling that he would allow some questions on the Railroad, but would not stray to far from the site.

United Waste's lawyer objected again saying "this is interstate commerce (Railroad) governed by the surface transportation board exclusively, and if you going to start talking about railroad lines when are you going to stop talking about railroad lines? In Ohio? That's not the citing criteria". Hope stated they would be happy to limit questions to the rail lines in Holyoke. After bit more debate on the rules the expert said he didn't know the answer to the questions. Hope's last round of questions didn't yield much of interest. They did however make something of toxic material, and how it would be handled if found in the trash, but the expert saw no problems, and the Hearing Officer mentioned that there is a presumption that all rules and regulations would be followed. Yet further questioning on daily operations was not allowed.”

VanDog’s description focuses HOPE’s cross-examination of this witness on enforcement questions and concludes with Krieger’s ruling that enforcement and operations questions are not allowed in the hearings. The focus of his entry suggests that he cannot understand why the group focuses their resistance on issues that are not accounted for in the laws governing the process.

### **Silverman’s Reaction**

The December newsletter of the Holyoke Taxpayers Association describes the project’s benefits to Holyoke as “lowering pollution and traffic and a solution for Holyoke to the incipient crisis in finding trash disposal locations.” This point of view is the polar opposite of those resisting the

project, as is the belief of Dr. Valberg's expert opinion, described his testimony as proving "that there was almost no possibility of any additional pollution outside the work site for the waste transfer facility station."

Silverman also writes that the project will generate "a negligible amount of traffic," another polar opposite point of view from the resistance. The newsletter also states "The Board of Health is managing these meetings which include translation services for all neighbors." This serves as an acknowledgement of the controversy over the issue of translation and valorizes the Board of Health for providing the services when the Proponent actually paid for it. Interestingly, a side column of this newsletter advertises that Rennie will speak at the HTA's December 18<sup>th</sup> 2008 meeting, exposing how the two are connected in support of the project from purely economic grounds.

#### **Hearing 7: December 17<sup>th</sup> 2008**

*"With all due respect to those residents, students, and community organizers who have expressed their opinions on this development over the past several weeks, when you cut through all of the rhetoric being advanced in opposition, we see nothing but a modern facility that will deal with trash in an environmentally sound manner." –Holyoke Chamber of Commerce*

This hearing served as an opportunity for the general public to share their knowledge about the transfer station with the Board of Health. In the interest of visually demonstrating how the public hearings served as a piece of political theater, Appendix 3 holds a DVD of the proceedings that should be referred to for a complete summary of the evening. HOPE presented their knowledge about the Proponent's case a half hour before the hearing

commenced, so as to inform residents wishing to make a comment but had not attended any past hearings.

Importantly, this was the only hearing held at the Morgan School. Kreiger informed the thirty or so people in attendance they could not comment to the Board in Spanish because the court reporter did not have the technology to transcribe in Spanish and English at the same time. Rennie also presented his testimony in support of the project as a witness of fact. 16 people commented on the project, 11 in opposition and 4 in support. Councilor Lisi and Councilor Pluta were the other two participants, yet their comments consisted of urging the Board of Health to stringently enforce the anti-idling laws; Councilor Pluta read a letter she received from the MassDEP regarding the law and recommended the Board send somebody to the site once a week for enforcement while Councilor Lisi stated “We have laws on the books but we have a hard time enforcing our existing enforcement responsibilities.” Councilor Pluta also expressed her opinion that the project was going to decrease the value of her and her neighbor’s homes. Councilor Lisi somewhat expressed her opposition to the project by sharing her experience of the tour of a transfer station Lemay took the City Council on; she watched trash particles fall on her windshield of her car while it was parked outside of the facility. Residents opposing the project utilized knowledge of the health concerns, odor concerns, pollution concerns and safety concerns. The first commentator, Hazel Rosario, told the Board “people don’t attend these meetings because you don’t listen to us.” The next woman elicited that she

didn't want the project "in our city." Hartig presented an investigation he conducted of the history of United Waste Management, Inc, wondering why the corporation changed their name to United Waste Management Holdings right before proposing the project for Holyoke, concluding, "I'm not anti-business, I just want to be legal." O'Connell presented his support for the project by saying that he "is the last of the O'Connells, my family has worked hard for the city for five generations," and that his family has always provided for the interests of the entire city. He also elicited that he cannot see why people would perceive this project to be prejudice in any way, acknowledging that there are a lot of "mistruths" floating around with "no scientific basis for what they say." He went on to say that People in Ward 2 dump their trash on the railroad tracks anyway, and address the entirety of the audience with the statement "your farm is sitting on my great grandfather's property. The farm in question is the Tierra de Oportunidades farm owned by Nuestras Raíces. Excluding Budd, and myself whom I doubt O'Connell would be addressing, no Nuestras Raíces employees attended this hearing. Though his comment contained more reasons for supporting the project, mainly on economic grounds, all of these expressions of support are based in acknowledging the Latino/a community (who can be assumed as the "they" who owns the farm on his property) as separate from his Holyoke yet failing to acknowledge the existence of prejudice against them. While watching O'Connell's comment on tape, note that Vega was working the camera and chose to zoom in on his "Grow Holyoke" button. Silverman expressed his support for the project by

saying that in a few years the city is going to have a problem paying its disposal costs. He also expressed his support on scientific evidence, addressing the entire crowd in the statement “if you would have been to the meetings the consultants could have soothed your fears.” The owner of the property also expressed his support for the project by referencing his 12-year relationship with United Waste Management forming his trust in Lemay to be a good neighbor to the residents of Springdale. Furthermore he references the “local community” revitalization plan, meaning the Cecil Report contained in the Supplemental Transmittal, as evidence that Lemay will look out for the interest of the community.

The Holyoke Chamber of Commerce submitted a written comment to the Board stating their support for the project: “After listening to statements from various people with fears about health issues, we have difficulty discerning any health issues to be caused by such a facility. In fact, we are left with nothing but a positive perception of the waste transfer station and the desire to publicly support its development. “ Stated another way, the Chamber of Commerce’s difficulty of discerning why residents would be worried about the health impacts fuels their support rather than challenging it. The letter continues, “with all due respect to those residents, students, and community organizers who have expressed their opinions on this development over the past several weeks, when you cut through all of the rhetoric being advanced in opposition, we see nothing but a modern facility that will deal with trash in an environmentally sound manner.” By deeming the strong and

unyielding resistance the transfer station as merely rhetoric, it is clear that the Chamber of Commerce is not attempting communicate with residents who have so loudly voiced their concerns. In light of this statement, it should be noted that Holyoke also has a Latino Chamber of Commerce. Rennie's case consisted of how the railroad could be of use to the transfer station and he was not cross-examined.

### **VanDog's Reaction**

"The transfer station hearings moved to the Morgan School On Wednesday for a public comment session. This promised to be a bit more exciting than prior sessions, but the weather kept some people away. Still, the turnout wasn't half bad, and public comments lasted an hour. It started out with the usual denunciations of the project by residents who:

'do not appreciate what you guy are trying to do'

'this is our city'

'This is not a place to put any more trash'

'Bringing your project here to Holyoke is going to make us look like the city is a dump'

'This project is going to bring a lot of health issues'

Another resident was concerned about air pollution stating he wasn't getting enough positive feedback about what can be done to help people, in reference to potential health impacts. It was good to see residents take an interest in what's happening on their street. However I was dismayed that so much was pure NIMBYism.

'I live of Main St, so I will be hearing, feeling, the vibrations of what were taking about doing here'

'I want you to know, I'm opposed to this'



‘Increased air pollution, it's got to happen, diesel particulates - I'm scared of, Very serious!’  
‘Speed - the increase in traffic, there's gone to be noise, pollution, too many traffic accidents;

The 'Grow Holyoke' group was well represented too. They support the project, and cited reasons such as the rising cost of waste removal as reasons for it's support. Saying ‘We shipped about 95,000 tons of trash in the last year, which cost us about \$830,000.” Adding, ‘The transfer station will add more competition, and lower prices.’

VanDog conceptualizes the comments of residents opposing the transfer station as “NIMBYism,,” an acronym standing for Not In My Back Yard, represents his failure to see the meaning behind these concerns besides opposing the project based on what Lemay would call “misconceptions.” It is interesting to note that he categorizes the first set of elicited concerns as “the usual denunciations from residents” while the second set he classifies as NIMBYism. The first set of concerns came from three Latina women, while the second set came from white, male residents. It should also be noted that he grouped the comments of O’Connell and Silverman coming from the “Grow Holyoke” group. Importantly, this blog entry also included summaries of some of the comments opposing the project without providing any commentary against their opinions.

## **Halos & Horns**

In a January 1<sup>st</sup> 2009 publication of The Valley Advocate, the staff writers collaborated for a humorous column titled “Halos & Horns.” The article is a commentary on the various events that occurred in the Pioneer Valley during 2008, and issued “halos” to people , groups or events that they praised and “horns” to those they disapproved. The writers granted HOPE and Councilor Lopez a “halo” for their resistance to the transfer station, saying “Lucky for {the residents of Springdale}, they have in their corner their dedicated representative Diosdado Lopez, and the grassroots Holyoke Organized to Protect the Environment who are fighting to make sure the voice of this largely poor, largely Spanish-speaking community is heard.” The article explains the efforts of Councilor Lopez and HOPE as fighting for the voices of the Latino/a community, not just specifically about the transfer station.

#### **Hearing 9: January 26<sup>th</sup> 2009**

*“Some believe Springdale is a less desirable place to live because City Hall is negligent toward the needs of the residents.”*

This hearing marked the beginning of HOPE and the other citizen interveners case. There were 23 people in attendance at this hearing, including Hartig, Nancy Patruno, Finklestein, VanDog, Silverman, O’Connell, Norris, and Bresnhahan. HOPE presented Dr. Nora Traivss as an expert witness contesting Dr.Valberg’s testimony and Joel Patruno as a “witness of fact.” The hearing commenced with Ross reading the opening statement for the interveners, looking directly at the Board of Health for the whole

statement. He began by thanking “the Board of Health for their patience with us, we know you’re committed to the health and safety of our community. I know we’ve all had our sacrifices as we’ve attended these hearings,” continuing with a story about his son’s struggles with asthma and that he knows “that asthma and other pulmonary diseases are an epidemic here in Holyoke and these are the awful experiences of many Holyoke families.” He continues, “I think sometimes of those pictures of people with sunglasses, watching the first nuclear test explosion on the edge of the desert and dying of cancer soon afterwards. Imagine if scientists began to tell them ahead of time about the risks that they were taking; would any of them have done anything differently?” He announces the introduction of a report by Dr. Daniel Faber into evidence, describing his analysis as regarding “the cumulative impact of pollution and how it impacts communities of color, like Springdale especially, and it formed the basis of the Environmental Justice Policy adopted by the Massachusetts Executive Office of Environmental Affairs.” He concludes the opening statement by stating, “We know that the Proponent and its witnesses painted a pretty picture of the facility. And we know that Tighe & Bond did not do a lot to contradict them. And we know that it would be pretty easy at this point to put on a few conditions and feel like we did our job here...Mr. Lemay and his witnesses don’t live in Holyoke, we do. We all live close to the proposed facility or to the streets whose trucks full of trash will be driving down. We own homes here, we are trying to start businesses here...So I urge to really listen to the science, and listen to your gut and think about what

we're willing to risk as residents of Holyoke and to try your best to protect the health of my children, my son, and all your children, and all of the children of the city as you're entrusted to do." The opening statement contains interdiscursive expressions of experiential knowledge as well as the language of environmental justice that HOPE has consistently attempted to include in the trading zone of the public hearings.

Immediately after reading this opening statement, the Proponent moved to exclude the testimony of Dr. Faber on the grounds that it was on environmental justice and thus irrelevant to the site suitability criteria. HOPE attempted to include Dana Finklestien's sociological research on the demographics of transfer stations as a witness of fact into their case, yet the Proponent also moved to exclude her testimony. Mackie also contested Dr. Traviss testimony on the grounds that he didn't receive her pre-field direct testimony. Candelario responded to the motion to exclude both of these witnesses by saying, "The bottom line is, we are citizens group, we've been working very hard to get some expert witnesses to provide the Board with... But I think it would be egregious to have Dr. Traviss' and the other testimony we'd like to supply excluded from this process because of some procedural glitches that we've experienced here, it simply would be ridiculous; the culmination of it has been a really *anti-democratic process*."

After HOPE's struggle to include their expert witnesses, Traviss' testimony began. It was focused on challenging the science behind emissions models by utilizing the alternative science of exposure assessment. Exposure

assessment, she testified, is real world data while emissions models do not account for the variables of reality. She connected this fact to explain why, “after 20 years of scientific and policy debate, there still really is no agreed upon understanding of the mechanism of exactly how diesel exhaust causes it’s toxicity. Why this is such a Catch-22 is, quite frankly, that we need diesel in our economy. We need diesel fuel to power trucks.” She concludes with the statement, “In the spirit of the National Environmental Policy Act, it’s not going to come from the EPA, it is on the local communities and the local governments to deal with this issue.” She proposed six policy options for mitigating risky exposure to diesel exhaust. Three of these suggestions were: not siting a facility in a populated area, not allowing commercial diesel truck traffic through residential neighborhoods, and allowing community monitoring and continuing dialogue to make sure that all community concerns are addressed. The first two suggestions partially encompass the grounds of *why* the transfer station was resisted. The last encompasses *how* the transfer station was resisted; the community monitoring conducted in collaboration with Nuestras Raíces was utilized as knowledge for why the project should be resisted. However, “continuing dialogue addressing all community concerns” between “local communities and governments” about air quality concerns did not occur because of resistance toward the resistance.

Importantly, her testimony was partially based on comparing an exposure assessment study she conducted with her students at Keene State in 2006 to the specifics of a waste transfer station. Rennie was the first to

cross-examine Traviss, and he committed more time to this cross-examination than to any other expert testifying in the hearings. In fact, he usually waived his opportunity to cross-examine. His line of questioning began by inquiring if the students working with on her study could be qualified as experts. Halfway through his 11 questions he stated, “I’m not a scientist and I don’t pretend to be one.” She replied that he was doing a good job of faking it and smiled, yet he did not return the friendly exchange. His final question inquired if the study she based her testimony on had accounted for wind conditions and variability. As Rennie did not inquire this of either the Board of Health’s air modeling expert or the Proponent’s. His decision to question Traviss’ science on these grounds perhaps shows his mistrust of her scientific knowledge. Ryan’s cross examination of Traviss began with inquiring if her testimony critiqued either the Board of Health or the Proponent’s air modeling experts, which she responded that it was not. He then inquired if her testimony was based on the 19 site suitability criteria, to which she also responded that it was not. She defined her testimony as a broad comment on how exposure assessment and emissions modeling are a “different way of doing science.” Ryan’s line of questioning included comparing Traviss’ belief in real-world rather than modeling data to the wider environmental science community as well as questioning if comparing the Keene facility to the Holyoke facility was like comparing apples to oranges. Like these, the rest of his 36 questions also indicated a mistrust of the science behind her study.

Mackie waived his cross-examination of Traviss on the grounds that he did not receive her pre-filed direct testimony and thus did not have time to prepare his questions. Candelario re-directed Traviss after Ryan's cross, first asking how much Traviss was paid to testify (nothing), and inquired why she decided to devote her time to HOPE pro bono. Part of her rationale was "to bring her students here to see the real-world implications of our research." Mackie began objecting to Candelario's re-direct after this question, yet Kreiger allowed the questioning to continue. Mackie objected 14 times during Candelario's re-direct. In the midst of this antagonistic exchange, Hartig muttered, "they're afraid of her" to the woman sitting next to him. After Candelario finished, Mackie indicated that he would like to bring in Dr. Valberg to rebut Traviss' testimony rather cross-examining her.

The next witness for HOPE was Joel Patruno, the son of Nancy Patruno, testifying as a "fact" rather than an expert witness according to the legal requirements, yet Ross introduced him as "a local expert. Who else knows more about air and traffic in Springdale and what a new facility will do to a neighborhood than a resident? This testimony is important because you'll be able to hear about the local conditions that will be affected by the Waste Transfer Station. This testimony will provide what scientists refer to as 'ground-truthing,' or on-the-ground, realistic view of the conditions, not based on models but on actual conditions in Holyoke."

When Patruno took the stand, Mackie patronizingly pointed out how his knowledge as an expert of his locality cannot be readily fixed into the

procedure, saying, “rather than interrupt Mr. Patruno as he goes through this is I’ll reserve any objections in the form of a motion to strike either at the end or a later time, because otherwise we are just going to be completely chopping this up.” Patruno’s Power Point presentation begin by defining himself as a life-long Holyoke resident and an electrical engineer and his familiarity with numbers and logic. He went on to state that the major issues regarding the transfer station are ones of traffic safety, air quality, and quality of life issues. He critiqued the testimony of the Proponent’s traffic engineering expert as failing to define how the increased traffic on Main Street would affect the safety of pedestrians and local traffic traveling to the Children’s Action Corps School, Springdale Park, Dean Technical High School and the Tierra de Oportunidades farm, all located right off the street. A series of slides depicted the routes through the city the truck traffic would inevitably have to follow, as Patruno opined that traffic engineering expert also failed to define how the increased traffic throughout the city would affect the city’s infrastructure and the safety of residents. He defined sections of road, which the trucks would inevitably travel through, by their frequency of flooding, accidents, and snowfall obstructing the signage, concluding “our city has a host of problems we need to resolve before we start piling on more traffic.” He created maps depicting the project’s proximity to the public schools in the area, opining how the increased traffic would affect a child walking to any of these schools. One slide explored how the diesel emissions created by the project would affect a single student walking along the same routes as the newly generated



traffic, concluding that “in a single nine month period that school child will have to breathe in the fumes of about 500-800 large diesel trucks.” He then moved on to critique the air modeling experts, pointing out their failure to account for Anderson Hill, or the ridge, that surrounds the Springdale area. As previously mentioned, this geographic feature of the lower wards creates stagnant, or dead, air that suspends particulate matter for longer periods of time than in areas with better air circulation. “When I was a child,” he remembers, “I could never fly a kite in Springdale Park, because the air is so stagnant in this area. This is a real concern. At that time, it was a concern because my kite couldn’t fly. Now it is a concern because I have to breathe this air.” He backed up this experiential knowledge by showing statistics from the American Lung Association displaying the poor air quality of Hampden County at large, drawing him to the conclusion “that without localized data collection, do we fully understand the problem? If the current situation is poor, do we want too exacerbate the problem?” He then turned and looked directly at the Board of Health and stated: “you are responsible for our health.” He went on to define just whose health the Board is responsible for, including his children, his friend’s children, visitors of Springdale Park, participants in the Baseball Jamboree Parade and the Holyoke Festival of Hispanic Families.

He defined the issue of quality of life as two-fold, the first being enforcement of covering the trucks transferring the waste, enforcement of idling laws, and the plant operation and continuing compliance. The other

quality of life aspect is the fact that Springdale is the “gateway” to Holyoke off 391. Placing a transfer station at the gateway of the city, he opined, would be saying “Welcome to Holyoke, New and Improved: Now with sewage and trash. At least the sewage is all our own.” His next slides contained the headings: “What ‘others’ think about the project” “What I say.” The first quotes Mayor Sullivan regarding the transfer station as saying, “Every *neighborhood* has to put up with some aspect of quality of life.” What Patruno had to say in response to Mayor Sullivan was, “yes, but we have to maintain a healthy and safe neighborhood for *our* residents.” The emphasis is added here to expose the possibility that Patruno conceptualizes Springdale neighborhood and residents as separate from the rest of Holyoke. When he read Mayor Sullivan’s quote aloud, a woman sitting behind me said, “well then put it in his neighborhood.” Furthermore, Patruno continued, the Springdale neighborhood has already sacrificed by housing the sewage treatment plant. He then told a story about a family living down the street from him decided to move out of Springdale because of the potential increase of rail activity if the transfer station is approved. They also based the decision to move, according to Patruno, because “believe that Springdale is a less desirable place to live because *City Hall is negligent toward the needs of the residents*” (emphasis added). “What is disturbing,” he added, “is that the proposed traffic is already driving people out of Holyoke.” His next slide consisted of mathematically figuring how the transfer station would devalue

homes in the Springdale neighborhood, estimating the total loss at around \$1,250,000.

Patruno concludes his presentation by directly addressing the economic basis of support for the project. He knew the transfer station would create jobs and increase tax revenue, yet he also knew that the devaluation of Springdale homes will take 18 years of tax collection to offset, compliance and enforcement will cost the city money as well as the excessive wear and tear to the road infrastructure will significantly reduce the economic benefits of the transfer station. His final slide contains a picture of his friend holding a nebulizer mask (an instrument to treat asthma) on his son and his closing statement that he read aloud, again looking directly at the Board of Health: “Between pedestrian/traffic interaction and air quality concerns, you cannot put a price on the quality of life issues that concern the residents of Springdale, and all of the citizens of Holyoke.”

Patruno estimated that he spent 30 hours on his testimony because he is concerned “for my children and myself.” He was the only witness that received applause. Importantly, this applause only came from the audience and not the Board of Health or the Proponent’s tables. Although his presentation went thirty minutes over the official close of the hearings, neither Ryan nor Mackie interrupted his presentation. Importantly, everybody seated at the Board of Health and Proponent’s table looked uncomfortable during his testimony; Cunha and Ryan consulted with each other as did the consultants

from Tighe & Bond, Wirsen stood up and shuffled through papers throughout the testimony. Each party waived their cross-examination.

After Patruno's testimony, HOPE discussed their witness schedule with the other parties, requesting a delay of the hearings in order present four more potential witnesses; Dr. Faber and Finklestein to testify as expert and fact witnesses, respectively, on various aspects of environmental justice; Dr. Dulaski, to testify as an expert traffic engineer and Dr. Egan to testify as an air quality expert. Ryan expressed that "the Board is neutral and here to serve, yet they need clarity on the deadline to issue their decision." Candelario responded to this by saying, "May I just assert again, we are not a funded group, we are doing the best we can with no funds." Kreiger responded that nobody is questioning that, "the question is the regulatory constraints." Kreiger's response to Candelario is important to note because it calls the sufficiency of the regulations into question. In this cause, are the regulations sufficient for providing equal agency to citizen interveners despite the existence of an economic schism between the citizens and the two other parties involved?

Kreiger ruled that he would not allow Faber's testimony on the grounds that it is neither applicable to the 19 site suitability criteria nor is it Holyoke specific. Krieger knew the latter because Dr. Faber had testified in other hearings he presided over. Ross objected to this ruling on the grounds that Kreiger had allowed the testimony previously, and Kreiger overruled because "his testimony is irrelevant to siting criteria and we don't have the

luxury to include it.” He continued, “your objection is noted, your rights are preserved, but I am not going to allow it.” Kreiger listed the four witnesses HOPE planned to present on the next night instigating Robert Mausel, a member of the Board of Health who had not yet spoken formally in the hearings, to elicit his concern that the testimony and cross-examination of each witness cannot be done in one night. He also was concerned about the duplication of testimony, referencing that most of the testimony heard in the proceedings this evening was about traffic, which he thought was “pretty good.” He continued to express his concerns: “If there is any replication {of testimony} it is going to be a waste of time. If it is going to be ‘we don’t want it in this area,’ we know that already. We don’t need a replication of that.” Kreiger then read aloud the list of HOPE’s witnesses and their areas of fact or expertise; calling on Finklestein, in attendance, to describe the nature of her testimony. Upon hearing that it was about environmental justice and demographics, Mausel responded, “I’ll object to that.” The proceedings ended with Kreiger extending the time for the Board’s decision to the 28<sup>th</sup> of February.

### **VanDog’s Reaction**

“Springdale resident Joel Patruno spoke as a Witness of fact for Hope. All other witnesses up to this point had been Witnesses of Testimony. He billed himself as an expert for the Springdale Neighborhood, its people, and land. He spoke for 45 minutes. Impassionedly at times. About this take on the proposed project, the makeup of the neighborhood, and how he felt it would

impact it. It was actually touching to hear him put so much of himself into his presentation, even if I don't agree with much of what he said, its was all him. His personality, quirks, and foibles all came out. And he put it all on the line for an issue he is passionate about.”

VanDog’s appreciation of Patruno’s testimony, despite the fact that he doesn’t “agree with much of what he said,” came from seeing Patruno’s elicitation of concern as born out of a place of authenticity and not out of a knee jerk reaction. This gives rise to understanding the exchanges between residents supporting the project, like VanDog, and residents opposing the project, like Patruno, as having the potential to see the reality of the other side without disavowing it.

Interestingly, VanDog utilized the same metaphor as this narrative in his description of the upcoming public hearing as the finale to a year and a half long piece of political theater: “With the Monday hearing looking to a final showdown I'll be filming from multiple angles with Director Sergio Leone. The Board of health's Lawyer will be played by Clint Eastwood, Ginetta Candelario by Ginetta Candelario, Arthur Kreiger by Eli Wallach, and United Waste's Lawyer by Lee Van Cleef. Music by Ennio Morricone.”

## CHAPTER V: Aftermath & Conclusions

Before the Board issued their final decision, on February 7<sup>th</sup> Candelario's colloquium class presented their research on community mobilization issues in Holyoke in a public forum at the El Mercado Café. The title of their presentation was "Who Speaks? Who Cares? Twenty Years of Mobilization around Environmental (In)Justice in Holyoke." The class compared the event of the waste transfer station to two other environmental struggles in Holyoke's history, concluding "the political process and policies regarding community involvement in environmental and public health issues have become even more exclusionary to residents. Secondly, Puerto Ricans, who comprise almost half of the city's population, are systematically underrepresented within Holyoke's political landscape, effectively silencing their opinion on these issues." There were about 35 people in attendance at this forum, including most of the members of HOPE. Their presentation discussed the barriers to mobilizing the entire Holyoke population around a cause, concluding that one's physical place within the city determines your social connections. People choose to get involved with issues that directly affect them or the people that they trust and know the best. Hence, the social and spatial distance between communities hinders the ability of the population to join in coalition, or mobilize together. They discussed the procedural problems around the public hearings, concluding that the insistence on providing translation services was an effort to recognize rather than smooth

over differences amongst the Holyoke population. However, voices were still silenced in the process due to lack of social capital and geographical location within the city as well as economic resources. From their research, the class concluded “While it is highly probable that the transfer station will be built, important questions have been asked throughout the process about why the community of South Holyoke is excluded from participating politically in the process. What needs to happen now is for the entire community of Holyoke to take interest in the health, space and safety of not only the most powerful but, more importantly, the already disadvantaged” (Candelario et. al 2009: 80).

Nancy Patruno was in attendance and at the end of the presentation, she opined that the efforts of the group in the public hearings successfully poked holes in Lemay’s case and proved that the transfer station would be a danger to the community. The process was unjust, according to Nancy, because it made it almost impossible to state an opinion about the transfer station’s impacts. Another resident in attendance showed contempt for the class’ research and conclusions because they are not from Holyoke and thus do not know much about it by saying, “if you’re not living in the community, then scientific articles aren’t worth a hill of beans, really.” This presentation sparked a lively discussion about the event of the transfer station as well as political problems in Holyoke at large. Several residents elicited their concerns with format of City Council representation, concluding that the format does not proportionally account for the different communities in Holyoke.



In the February 5-11 edition of *The Valley Advocate*, Turner reported on the class' findings. She titled her article "Up Holyoke Down Holyoke: Student researchers find that in Holyoke, some voices speak louder than others." She summarized their research as: "deep-seated inequities within the city, tied up with race and class, mean the residents of Springdale have a lonelier and tougher fight ahead than did their counterparts {in past environmental struggles} in the Highlands." Councilor Lopez is quoted in the article, saying "we still have a lot of racism and discrimination, even though a lot of people don't think it is happening. There is institutional discrimination; they put up a lot of barriers and if you're not working in the system, you will not see it."

### **Conclusions**

I saw the proceedings as concretizing not the existence of oppression in Holyoke, but concretizing the existence of multiple realities of what life is like in Holyoke. When these multiple realities came into contact in a site like the public hearings, they resisted each other by presupposing the meaning behind the actions of the other as either exclusionary or as reactionary. Instead of my initial perception of the hearings as emblematic of the dominant community oppressing the minority community, I argue that the public hearings exposed communicative barriers hindering the synergy between the various efforts to revitalize the city. I argue that Holyoke's social reality is one in which the population exists as separate communities, with only one community explicitly defined. This was the environmental justice population

in question throughout the process. This community is currently defined as the low-income, Latino/a community living in the Flats. Even if residents denied the existence of the waste transfer station's negative impacts on this community, they acknowledged the schism between "the community" or "Puerto Rican community" and the rest of the Holyoke populous as concrete in reality. I argue that those who supported the transfer station saw the community's elicitations of environmental justice transparently. In order to describe this further, I provide a brief critique of the Environmental Justice Policy.

### **Transparency and Liminality**

As the Environmental Justice Policy addresses political participation issues, it can be understood as an attempt by a government agency to make populations previously invisible in environmental decision-making visible. The bulk of the Environmental Justice Policy details services the EOEa promises to establish with the intent of enhancing access to avenues of political participation. Importantly, environmental justice populations are marked by the policy according to identity categories that have historically stood outside of political power. In this way, the policy "maps out subject populations that are tarred with the visible and transparent mark of power" (Bhaba 1994: 157). The policy defines subject populations in the interest of opening the lines of communication between government agencies and historically disenfranchised populations, presenting the potential for legal address to rectify situated instances of oppression. It does so by influencing a

three-step legal process for approving the construction of waste industries that includes avenues for public comments and participation in every step.

However, because the policy brackets environmental justice populations into an abstract, general and statistically defined signifier, it negates the intersubjectivity and particularity of current and historical experiences requiring “enhanced public participation.” It can be said that the policy structures its address around the recognition these subject populations inhabit a limen.

Lugones understands liminality to be both a “communicative opening and a communicative impasse” (2006: 76). By fixing its address to a numerically determined signifier of liminality, the policy glosses over the particular experiences these statistic minorities, immigrants, working class, or non-English speaking peoples feel, or historically felt, outside of power when engaging in their particular environment. Moreover, the policy clearly defines the identity of environmental justice populations, yet the identity of those inhabiting spaces of power the subject populations stand outside of is not defined. In this way, the problematic power in which the policy structures its address is unmarked, enabling what Foucault identifies as power through transparency (Cited in Bhaba 1994: 158). In this way, the policy abstracts instances of oppression from the actual spatiality of social fragmentation (Lugones 2003: 215). Thus, by recognizing that these subject populations are liminal by a blanket recognition of systemic oppression and failing to recognize the particular experiences provoking the feelings of liminality the

policy presents a communicative impasse; it addresses “a people” as victims instead of a situation. The experiential knowledge of how “the people” within the environmental justice population came to feel that they inhabit limen becomes invisible when signified by their group membership or identity. Bhaba notes that when “the people as a form of address emerge from the abyss of enunciation where the subject splits, the signifier ‘fades’, the pedagogical and the performative are agonistically articulated” (1994: 220). The policy addresses “a people” in the recognition of their history of oppression, yet in so doing it fails to enunciate who or what has the potential to oppress them and thus requires them to prove how a waste facility or land use decision would further oppress them. In situations invoking the Policy, such as during the transfer station approval process in Holyoke, the environmental justice population was required to prove the existence of their oppression to the people they feel to be their oppressors. Though it was promulgated with the interest of making these persons visible, in order for the Policy to be applicable across the state, it “necessitates unacknowledged reductions, translations and assimilations” of the experiences of individuals feeling discriminated against by dominant power structures (Lugones 2006: 83). Though the Policy was created with the interest of enhancing public participation and agency communication, Lugones would argue that its transparent representation of “the people” necessitating the Policy’s creation actually “reproduces the communicative problem imposed by the various forms of power that oppress us” (2006: 83). She would call the

communication engendered by the policy a liberal conversation, which “thrives on transparency and because of that it is monologized” (2006:4).

At the end of the first night of the Board of Health Site Assignment Public Hearings, Vega, a nearly life-time resident of Holyoke (he moved from Ecuador when he was a four year old) and former Executive Director of the community-based organization Nueva Esperanza, approached the microphone, looked the three members of the all-white Board of Health right in the eyes and stated his concern with the waste transfer station:

“I am flabbergasted that the Board of Health, after all of these years of the struggle that we have had in this community around translation and inclusion of the Puerto Rican community, is having these public hearings without translation. We’ve had school integration problems, which we have overcome. We’ve had housing issues in this community and voting rights issues which at one time we had to call the Department of Justice to make sure that the Latino community, the Puerto Rican community was serviced right. And this is an issue that needs to have translation, because I am saying to you that Holyoke’s history around this issue is very poor. In fact, on Tuesday, there were several lawyers in polling places to be sure that there is translation, people there to assist the Spanish-speaking voters. So this is a critical issue and you can’t take it lightly. So I’m imploring you to be sure that next time we have proper translation.”

Vega’s statement about translation came at the end of the three-hour hearing and followed 11 previous requests, sometimes demands, for the City of Holyoke or United Waste Management to provide translation services. The environmental justice population and those who exist in coalition with them in attendance at this first night of hearings iterated concerns about the accessibility for public participation and other political issues regarding the procedure. As made clear in Vega’s statement that “Holyoke’s history around this issue is very poor,” he and others did not trust that the members of the

Board of Health took the participation of the Spanish speaking population seriously. In other words, Vega was concerned that the Board of Health would attempt to have a monologized, liberal conversation about the transfer station in these hearings, and without providing translation they would effectively exclude the Spanish speaking environmental justice population living in and around the Springdale area from the decision making process. Moreover, his concern is historically justified. Vega's concern that the Board of Health was attempting to exclude the environmental justice population from the public hearing process is a piece of experiential knowledge of "the people" invisible in the transparent address of the Environmental Justice Policy. In sum, I have argued that those supporting and opposing the transfer station, myself included for a period of time, saw each other not as fellow residents with similar interests, but rather as "a people" antagonistic to others interests. As such, they "presupposed the meaning" behind each other's actions and thus conceived of each transparently (Lugones 2006:82). I argue that the waste transfer station and the discourse of environmental justice provided a platform for the coalition who chose to participate to communicate their knowledge that the Puerto Rican/Latino/a community inhabits a limen within Holyoke. As such, though it appeared as if we were discussing a transfer station, it was actually a conversation drawing historical, transparent presuppositions of one another. In the public hearings, this meaning was seen transparently because of the legal process. However, the timeline of events that those utilizing different knowledge sets to see the event saw the meaning

behind each other's actions transparently. Their paradoxical projections of the transfer station's reality lead them into what the Anthropologist Gregory Bateson (1972) calls "schismogenesis," meaning the irreparable schism between the two opinions continued throughout the event because both saw the other as oppressing their vision for the revitalization of Holyoke; each side pushed the other further and further away. Controversy arose because both sides *negated* the claims of the others rather than participating in *negotiation* with each other. In short, *communication* between differing opinions on the transfer station was not sufficiently *complex*. Lugones describes the action of complex communication as creative; engaging complexly with another extends her *collective memory* into the conversation. Collective memory favors engaged, relational experience over detached explanation of a historical event; reference to history is devoid of any personal connection while reference to collective memory is dependent on personal connections. As such, extending collective memory into communication requires both sides to look at the other's actions with uncertainty rather than squeeze them into a pattern. Lugones believes that in the action of engaging in complex communication "we cement relational identities" and "meanings that did not precede the encounter" (Lugones 2006: 84). Homi Bhaba describes the difference between negation and negotiation in his writings on the place of anthropological theory in sites of struggle. To negate the meaning behind the claim of another is an action "fixing of the factual" and represents the "closure of the real" (Bhaba 1994: 36). According to Bhaba, "meaning is never simply

mimetic and transparent...there is no way that context can be mimetically read off from the content” (Bhaba 1994: 52-3). Each coalition negated the other’s position by seeing the meaning behind it *transparently*; they presupposed the reality of the other’s actions as fitting into a historical pattern of either “oppressing” or “crying racism.” As Lugones notes that a journey to a limen can consist of struggling “infrapolitical spaces” for the “construction of home places,” both coalitions viewed themselves as liminal. They transparently viewed the meaning behind the actions of the other side as hindering the power of their revitalization efforts. Lugones argues that when you see yourself as inhabiting a limen, you develop maxims to (transparently) understand the oppressive actions of the entity responsible for keeping you outside of power.

In the event of the transfer station, the coalitions understood one another by ascribing to different collective memories of past events that brought the coalitions together. Thus, it lead them to negate the other’s argument in clinging to a historical pattern and not seeing the *realities* of the transfer station as either project. Each side bounded what the reality of the transfer station would be by a different set of logic born from separate, yet relationally dependent, discourses which intersected scientific and economic objective knowledge projecting the transfer station’s impacts with subjective knowledge of Holyoke’s political, social and economic past and present. They translated the meaning behind the actions of the other to fit into their own beliefs on how the event of the transfer station fit into the historical pattern of



the other's actions. In so doing, both sides lacked the *openness* required to learn the meaning behind the other's actions outside of these historical patterns, whose different collective memories breed multiple realities. In other words, had the communication creating the events of the transfer station been complex from the very beginning, it would have prevented the time, energy and resources wasted on the ten nights of the public hearings and the frustration felt by both sides over its efficacy as a performative tool for novel experiences in communication. Put another way by a resident and a fellow anthropologist, "Change can happen. You just have to calm down and ask questions."

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## Appendix II: Massachusetts Department of Environmental Protection public comment letters

March 22, 2008



M.A. DEP  
436 Dwight Street  
Springfield, MA 01103

**Re:           A Toxic Solid Waste Facility planned to be placed closed a Puerto Rican  
Community endangering the Health of Thousands of Hispanic and Latinos.**

Dear Sir or Madam:

Please find enclosed a copy of a letter I sent to Elizabeth Cardona, Director of Governor Deval Patrick's Western Massachusetts Office in regards to your plan to permit a Toxic Solid Waste facility at the address of 686 Main Street, Holyoke MA.

The Hispanic and Latino population greatly oppose to that plan. .

Please note a copy of this letter was also sent to the Massachusetts Attorney General Martha Coakley, to the Puerto Rican Federal Affairs Office, to the Massachusetts DEP, to the United States EPA, and with this copy of the letter you may make a copy for the City Counselors of the City of Holyoke.

Thank you for your attention to this matter and I hope for the best for the future of the City of Holyoke. If you have any questions, please contact me at 413-886-3129 or through my email at [minnievrseiler@yahoo.com](mailto:minnievrseiler@yahoo.com)

Sincerely,

A handwritten signature in black ink, appearing to read "Minerva Padua". The signature is fluid and cursive, with a large loop at the end.

Minerva Padua, MA Real Estate Broker

Enc.

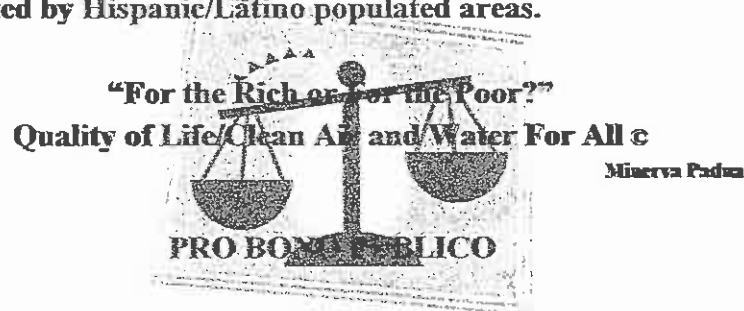


A Request For Help.

March 21, 2008

To: Elizabeth Cardona, Director of  
Governor Deval Patrick's Western  
Massachusetts Office  
436 Dwight Street  
Springfield, MA 01103

**RE: City of Holyoke Clean Water Act Violations and possible future Clean Air Act Violation, exposition with high concentrations of pollution with carcinogens and pathogenic particles on poor neighborhoods in highly populated by Hispanic/Latino populated areas.**



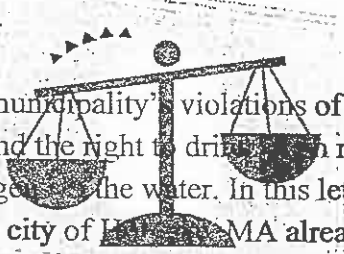
Dear Ms. Cardona:

I am writing this letter to you because I have read you are an excellent advocate for the community, especially for those who are not able to stand up, fight for their rights and defend themselves. You have the power to change a whole lot of social issues in Western Massachusetts area. One of the problems is the future plans of a placement of a toxic solid waste facility in the Southern part of the City of Holyoke. It is of rather urgent circumstance government officials take notice of this severe problem. Holyoke's Hispanic/Latino population is facing an environmental issue at the present time and they are facing threats for future severe pollution on their breathing air endangering the quality of life and possibly a repeat of public waters and ground pollutions.

The quality of life of Holyoke's Hispanic/Latino population is at stake. Poor neighborhoods like the Southern part of Holyoke are already suffering illnesses, like cancers, chronic asthma, neurological defects, birth defects, breathing problems besides the other social/economic factors, due to the low quality of life provided to them by the municipality, due to the problems of pollution in the air, land and the public waters that already exist in the city of Holyoke. The purpose of this letter is to bring to your attention the findings of my intensive research on the City of Holyoke's neglectful actions and violations of the Clean Water Act, Emergency Planning and Community Right-to-Know Act, and a possible violation of the Clean

Air Act which in turn violates the public's right to be fully and equally protected by the law through the municipality. It is my intent to let you know a little bit of history of neglect and the present plan for a nearby future neglect and violation of environmental laws towards the public of Holyoke by the City of Holyoke and United Waste, Inc.

It is also my intention, Ms. Cardona, with this letter I may interest you in getting the government's legal department involved in advocating the Hispanic/Latino community by conducting a thorough investigation of violations and to have specialists like Toxicologists and other environmental specialists perform an analysis of the waters, air and land by employing professional toxicologists who specialize in the field of hazardous materials and chemicals, and can fully identify the pollution and exposure levels to the people of South Holyoke at a higher standard to ensure the Equality and Full Protection of the Environmental Laws. By doing this Ms. Cardona, you would be defending the social/economically challenged community of Holyoke, Massachusetts.



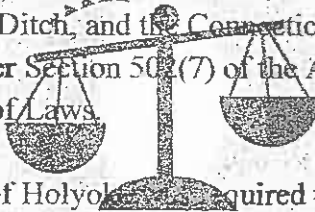
We need to fight against the municipality's violations of the people's rights to live in a safe, clean, non-polluted residence, and the right to drink in non-polluted waters, land and air with no pathogenic particles, carcinogens in the water. In this letter I will provide you with supported facts about violations from city of Holyoke, MA already cited by the EPA. These findings are violations of the U.S.C. codes of the Environmental Protection laws of the Clean Water Act. This information is of public interest. I will provide you with an example of neglect from the municipality's civil employees and Mayor in the management and protection of the city's economic and environmental affairs. Docket No. TRI-2005-0073 research findings are also in reference along with EPA's letters of recommendations to the city of Holyoke. I have family members residing in the city of Holyoke, I visit the City. I worry about my family's health.

Therefore, as a licensed real estate sales broker in the State of Massachusetts, as mother of three children, as an aunt to three wonderful children who reside in the City of Holyoke and as public worker for the City of Springfield, I feel it is my duty to alert the government and the public of such findings for the good of the people, the land, air and waters. I will also be stating my personal opinion and concern for the well being of the city of Holyoke's residents and my family members whom I love very much and reside in the Southern part of Holyoke, Massachusetts do to the inability to afford a cleaner and healthier place due to economically challenging reasons. I want to thank you in advance for your attention in this matter and prompt response for the request of HELP!!!!!!!!

## PRIMA FACIE

On February 7<sup>th</sup> of 2005, the City of Holyoke received a letter from the United States Environmental Protection Agency Region 1, which included an Administrative Order issued to the City of Holyoke pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C § 1319(a)(3), for the violations of the Clean Water Act, Section 301 of the Act, 3 U.S.C. § 1311, by allowing permission to pollute the waters by approving the permit NPDES Permit No. MAO 101630 and violating regulations set in the permit's rules.

The City of Holyoke, a municipality under Section 502(5) of the U.S.C. §1362(5), is the owner and operator of a secondary wastewater treatment facility and a combined sanitary wastewater and stormwater sewer system and combined sewer flow ("CSOs") from which it discharged pollutants, as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§1362(6) and (12), from point sources, as defined in Section 502(14) of the Act, 3 U.S.C. § 1362(14), to the 1<sup>st</sup> Level Canal, Dingle Drainage Ditch, and the Connecticut River which are Class B waterways and navigable waters under Section 502(7) of the Act, 33 U.S.C. §§ 1362(7) according to the United States Code of Laws.



By July 1<sup>st</sup> of 2005, the City of Holyoke was required to begin the construction of improvements to the Berkshire Street CSO facility, related necessary improvements at the municipal wastewater treatment plant, necessary in-line storage that will enable the City to provide screening, preliminary treatment, and disinfection of flows up to those expected to recur every three months at the Berkshire Street CSO facility. By July 1, of 2008 the City of Holyoke was required to complete the construction of the Berkshire Street CSO facility, and by December 1<sup>st</sup> of 2005 to complete separation of the collection system tributary to the Mosher Street CSO outfall and eliminate overflows from the mentioned outfall.

Due to this pollution to the waters made by the City of Holyoke, fecal coliform bacteria above threshold levels were exceeded in the Connecticut River during rainfall events. This is a pathogenic bacteria found in man feces and warm blooded animals. This bacteria or otherwise known as protozoa, causes diseases such as hepatitis, giardiasis and dysentery. Some of which can be easily blamed on poor lifestyle choices. The presence of coliforms in public waters indicates contamination and health risk to the public. Now this was in the past. EPA has enforced the cleanings and is conducting periodic audits. What assures us the municipality won't violate the environmental laws again? We need to know.

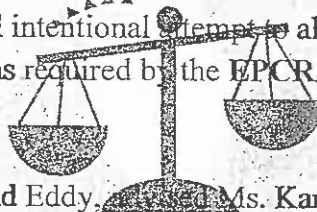
EPA concluded that the LTCP demonstrates that the City of Holyoke's CSO discharges violated Parts G.1 and G.2 of the Permit by contributing to fecal coliform bacteria concentrations in excess of water quality standards for the Connecticut River which is a source of water for the public of the City of Holyoke, MA. *(Please see Copy of the Docket No. OS-01) Attached you*

**may also find a copy of the Clean Water Act Section 309 Law and Regulation from the U.S. EPA law website.** The public was never fully aware of the magnitude of this problem.

The Clean Water Act is really as stated in the SIRS Enduring Issues 2001, an article written by Erin Kelly of the Gannett News Service, "It Is A Promise Unfulfilled", in the City of Holyoke in my opinion. As also said by David Sligh, a former senior environmental engineer at the Virginia Department of Environmental Quality, "The high ideals of the act are betrayed.....eroded away bit by bit."

**Erin Kelly, Gannett News Service**

On October 19, 2007, Karen Mendrala, Senior Planner of the Office of Planning and Development for the City of Holyoke, stated in a letter unaddressed to anyone person, the City of Holyoke would begin the process of decontamination for the former Hallmark Van Lines Site 160 Middle Water Street, Holyoke, MA 01040. A notice that was not given to the public in well designed manner or form as for a real intentional attempt to alert the public or call their attention to provide information to the public as required by the EPCRA, Emergency Planning and Community Right-to-Know Act.

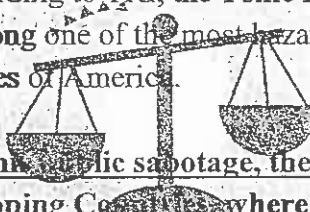


Neil Thurber from Metcalf and Eddy, and Ms. Karen Mendrala of the necessity to alert the public about the finding at 160 Hallmark Van Lines Site as it is necessary by the EPA guidelines and about the necessity to welcome public opinion, feedback and input in the deal. The public has a right to know. As you may read, Ms. Cardona in the enclosed copy of the letter Ms. Karen Mendrala posted on the web. In my opinion proper media was not utilized to alert the public of all found contaminants. The letter was not even addressed to the public in its content, especially not to the Hispanic/Latino community who are the most affected in the City's pollution and neglectful acts towards the public waters, ground and air, nor did it really show a high interest for public's response to the matter. Please see copy of the letter from Ms. Karen and the documents with the pollution findings from Metcalf and Eddy. This document will show the toxic findings of the land and how much the City of Holyoke would have had to pay to decontaminate it and how.

The City of Holyoke municipal workers, have proven to be neglectful and conspicuous in their "supposed" attempt to inform the public. Especially the Hispanic/Latino population, keeping them in ignorance about the environmental issues happening around them which are a great factor in the deterioration of their health, if not creating fatal conditions like Chronic Asthma symptoms, Lung Cancer and other Heart Related Diseases, Gastrointestinal Diseases and last but definitely not least Neurological Damages specially in pregnant women and infants who then carryout their conditions through adulthood. They may want to blame the lack of intent to educate and warn the public on the popular public saying Hispanics/ and Latinos aren't educated and a big majority are "Illiterate". I disagree with that opinion. I believe the Hispanic/Latino

urban community might have a lower level of education but they are not 100% uneducated as many people might think. Little education has been provided to the Hispanic/Latino community on water, land, air pollution and toxic contamination. If the City of Holyoke really cares the community can be educated at a level prepared and delivered deemed to be understood by them. They might want to blame the problem on some people's poor life style choices and decisions. A fact that should be considered is that not everyone lives in a self-destructive lifestyle. In addition, that statement raises the question, Does a drug addict, a prostitute, a criminal, a crack baby, etc. deserve to be fed dirty polluted waters and breath dirty polluted air? In my opinion they would need rehabilitation services, not extermination.

The truth of the matter is the City of Holyoke is looking forward to continue being a huge contributor to the poor health many social/economically Hispanic/Latinos and the whole community in the overall, is facing at the moment due to their continuous pollution of the waters and the ground. Not to mention according to TRI, the Toxic Release Inventory research program included the Hampden County is among one of the most hazardous, dirtiest, polluted counties in the whole Country of the United States of America.



**If Mavor Sullivan permits this public sabotage, the City of Holyoke will be no different than the 3<sup>rd</sup> World Developing Countries where thousands of people die everyday due to the neglect, abuse and pollution allowed by their governments to happen in their home land.**

Now, they would like to contaminate the air, land and possibly the waters again by allowing United Waste, Inc. dump 750 Tons/1,500,000lbs of toxic municipality Solid Waste, at 686 Main Street, Holyoke MA 01040, A toxic waste disposal that does not only come from the City of Holyoke's residents, but from many other Cities and Towns across the Country as well. This waste management company can contaminate the waters by entering all of the stratified drift aquifers which can be seriously imperiled by careless human development as the one the City of Holyoke and the United Waste, Inc. management company plan to do.

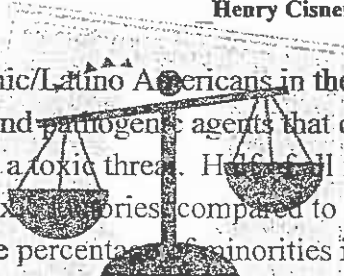
A toxic Solid Waste Facility that will most likely be violating the DPA's Ambient Air Guidelines according to the Office of Research and Standards (ORS). There is a threshold on the exposure limits and amounts released to the air in a highly populated area per a 24 hour period and a limit on the ug/m3 (ppb) measurements per chemicals according to the TRI. Please refer to the Memorandum sent to the City of Holyoke from the Commonwealth of Massachusetts Executive Office of Environmental Affairs Department of Environmental Protection, which proves their knowledge of the Laws and Regulations to the matter. The area they have selected to place this toxic waste site is also an evidence of the little if not zero regard for the economically challenged and for the Hispanic/Latino residents of the City of Holyoke, Massachusetts.

Why don't they try to do this to the Northern part of the City of Holyoke? Because the people of the Northern part of Holyoke will sue the tax payer's dollars out of the City of Holyoke living them bankrupt for the next decade or two. The richer have the facility to hire lawyers to represent them and perform investigations, and are able to hire professional toxicologists who will prove their case and therefore win. They are obviously trying to push this permit to hurt the people that need the most protection.

## ARGUENDO

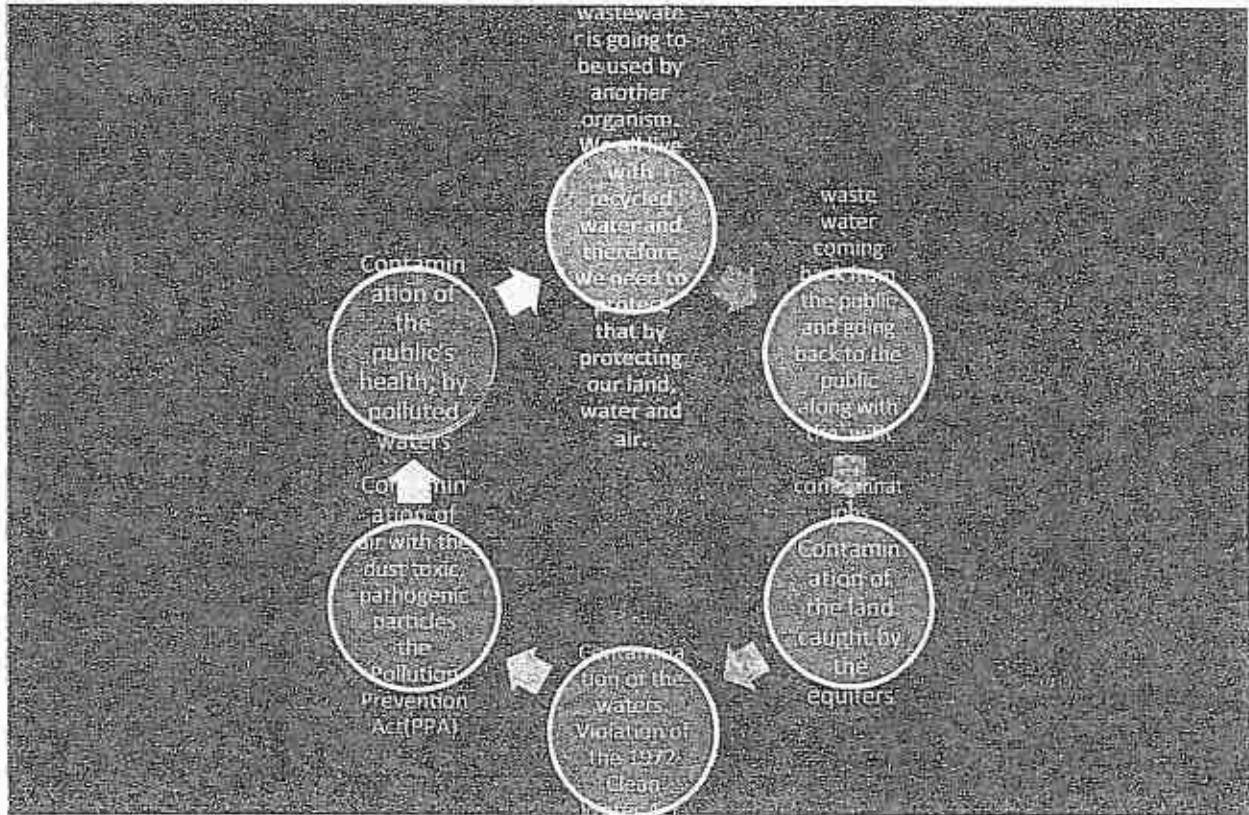
**"We are exposing children from their earliest years to asthma and respiratory problems and skin problems. But we sweep it under the rug and forget about it."**

Henry Cisneros, Former HUD secretary



In addition, more than 40% of Hispanic/Latino Americans in the U.S.A reside in places where they are exposed to the carcinogens and pathogens agents that cause Cancer and other terrible and deadly diseases. They lived near a toxic threat. Half of all families in mostly minority developments live within a mile of toxic factories compared to the one-third of the families of mostly white projects. The higher the percentage of minorities in a project, the more likely it is to be in a neighborhood with toxic air pollution according to the SIRS Enduring Issues 2001 on Environmental Pollution Research and Studies. That is a clear sign of Discrimination in my opinion. In the graph below I will show you a picture of my view of what is happening.

## AB INITIO



As a Massachusetts Real Estate Broker and a citizen, I find it necessary to state the Hispanic/Latino Community is not alone in this Toxic Treat. In every place where they grapple with toxic air pollution or waste dumps, people in private housing are affected too and are facing the same issues. Many of the residents also find themselves trapped in these targeted neighborhoods. Their life's savings is lost to the dream home that is now totally worthless when it comes to future selling of the home. A decline in price will become in effect due to External Obsolescence and Stigma. Agents have the duty to disclose the possible exposures to toxic pollution existence in the vicinity of the potential buyer's real estate property of interest. Sellers also have the obligations to disclose any known information, or he/she may be liable for damages under the law. A negative effect on real estate will take place rapidly, which in turn will take away revenues from the City of Holyoke by drastic decline in values and assessments on the properties due to the external obsolescence. City real estate tax assessment can be abated with a private assessment and appraisal of the property. This project will ultimately terminate the Southern part of the City of Holyoke if not the entire City, by not only exiling the people to other areas if not out of the City or the State, but also by decreasing real estate values and its marketable price.

## PRIVY

Mayor Sullivan, the Holyoke City Council members and the Office of Planning and Development need to become aware of the damages and violations the allowance of this permit will cause. In my opinion the City of Holyoke is depriving its residents who to say the least are American Citizens of the United States of America. In case the City of Holyoke municipal officials did not know, Puerto Rico is a U.S.A. colony and a Commonwealth. Puerto Rico may not be a State Island like Hawaii, but we are a colony with the rights of Citizenship. The Citizenship comes with the U.S. Constitutional Rights for "The People by The People." The 14<sup>th</sup> Amendment of the U.S. Constitution entitles full "Equal Protection of The Law" to all the Citizens of the United States, including Puerto Ricans which is an ethnicity the City of Holyoke is highly populated by. Therefore, allowing the deprivation of the full protection of the law by uniformed officials like Mayor Sullivan of Holyoke, Massachusetts and its Counselors who act "under the Colors of the Law" and work in an official governmental capacity, clothed with the authority of the State of Massachusetts. A violation of this 14th Amendment, as it is planned by the City of Holyoke towards the people of Holyoke especially the Hispanic/Latino community shall be punishable by Law coded in the Title 42 of the U.S.C. Chapter 21, Subchapter I §1983. The 14<sup>th</sup> amendment of the Constitution is becoming a lost MAGNA CARTA.

As Mr. Ex-Vice President of the United States Al Gore titled his book, "an inconvenient truth" this is one truth the City of Holyoke will have to face. The improvement of the management of waters, land and air in the City of Holyoke can only be improved if the municipal government respects and abides by the Environmental Protection Acts that are already in place. It is a matter of decision making. The best decision making shall be based on the public's best interest not on financial gains for the municipal officials who are putting their personal interest before the public's best interest, especially when it comes to the Hispanic/Latino Communities.

The future economical improvement of the City of Holyoke does not lie on the approval of this permit to allow United Waste, Inc., to dump toxic waste on the land and possibly the waters, which will end up polluting the air, waters, land, and making our people sick in turn giving the municipal government an increase in municipal economical debits towards having to hire contamination cleaners and ground diggers to come and clean the land, the waters as they already had to do with Metcalf and Eddy. (Please find enclosed a copy of the budget analysis for payment for this decontamination company) and by increasing Medical Care Costs to the State and Federal public insurance assistance programs.



The EPA Guidelines violations, the Clean Air Act violations, the Clean Water Act Violations, the 14<sup>th</sup> Amendment Violation, the Community's Right to Know Act Violations, and the public's trust violation from the City of Holyoke have surpassed my expectations of municipal officials' mistake threshold and the Law's threshold on environmental control regulations. The time has come for the City of Holyoke to be put in the open and the public. The Hispanic/Latino Community needs to understand the little concern and desire for protection the municipal government has on their behalf, has for their quality of life and health for the children, unborn babies and pregnant mothers, elderly and the average adult. It should not go unnoted.

As you may note Ms. Cardona, this population has been targeted in numerous occasions. The South part of Holyoke has been polluted to the point where they City of Holyoke has been Cited for numerous violations concentrated in this area. If you research the TRI, the Toxic Release Inventory program the Commonwealth of Massachusetts agreed and Signed by Attorney General for the Commonwealth of Massachusetts, Thomas F. Reilly, you will see that Holyoke is among the biggest pollutant in the Hampden County. This fact should not be "brushed under the rug" as Henry Cisneros states in the above referenced article.

Ms. Cardona, I don't know if this letter will impact you and entice you to help us in making a dramatic positive change for the City of Holyoke. By your intervention along with the State, and Federal Level law enforcement agencies advocating for the protection of the people's rights to a Clean Air/Clean Water and a safe Quality of Life, as per designed by God, we shall succeed. Earth's natural resources are being altered and polluted and people are getting sick from it. Please intercede for us and have the laws of environmental protection enforced for the good of the people. I don't know you, I have never met you, but I believe what I've read from the Point of View newspaper article written by Marjorie J. Hurst. You are a fearless fighter, I've read. The community needs you to fight for them in this issue. I thank you in advance for your efforts and dedication I know you will provide. Please get the legal department involved as soon as possible to work on this severe matter threatening the health of thousands of residents in the City of Holyoke, especially the Hispanic/Latino Community. Don't let them get away with it, let's fight.

Please allow me to quote one more person one whom I found to have pride of the community he represents, Mayor, Mr. Gavin Newsom as written by Lloyd Alter, Toronto:

*"The transportation and distribution, developing the plastic for the water bottles, the cost of the water, has a huge environmental and economic impact....the difference between bottled water and Diet Coke is that you can't get Diet Coke from the tap. It's not like any other bottled liquids. These people are making huge amounts of money selling God's natural resources. Sorry, we are not going to be part of it. Our water in San Francisco comes from*

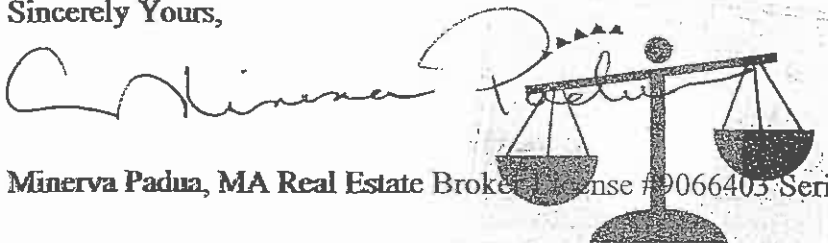
*the Hetch Hetchy (reservoir) and is some of the most pristine water on the planet. Our water is arguably cleaner than a vast majority of the bottled water sold as "pure".*

Here I've noticed a great example of *Intervention* and *Advocacy* for clean water for the residents of the City of San Francisco, California by Mayor Gavin Newsom. An example that should be followed and adapted by the City of Holyoke to improve and protect the Air, Land and Water quality for the Rich and For the Poor.

If you have any questions, please feel free to contact me at 413-886-3129 or through my e-mail at [minnievrseiler@yahoo.com](mailto:minnievrseiler@yahoo.com). I thank you in advanced for your prompt attention to this matter. I look forward to seeing a change soon.

**PRO BONO PUBLICO**

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Minerva Padua", is written over a graphic of a balance scale. The scale has two pans hanging from a horizontal beam, with a fulcrum in the center. The signature is written in dark ink.

Minerva Padua, MA Real Estate Broker License #9066405 Serial #398354

**Cc:** Mayor Sullivan and the City Counselors of the City of Holyoke; Governor Deval Patrick; United States EPA; Massachusetts DEP, Commonwealth of Massachusetts Attorney General.

## BIBLIOGRAPHIES

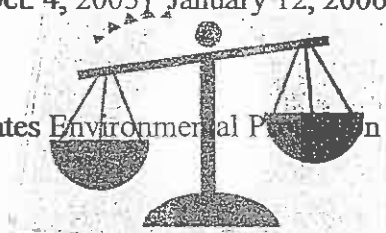
(Gore, 2006-2007) an inconvenient truth/the crisis of global warming

(Carol Rowan West, 1995) Memorandum to the City of Holyoke

(Karen Mendrala, 2005) Letter of intent to notify the public of the contamination and decontamination process.

TRI Docket No. TRI-2005-0073 on the Toxics Release Inventory Burden Reduction Proposed Rule, 70 Fed. Reg. 57822 (Oct. 4, 2005) and Toxics Release Inventory 2006 Burden Reduction, 70 Fed. Reg. 57871 (Oct. 4, 2005), January 12, 2006. Take a special look at page number 9.

(Agency, 2005) United States Environmental Protection Agency Region 1 Docket No. OS-01



Clean Water Act-A promise unfulfilled. SIRS Enduring Issues 2001/#55

Toxic Neighbors-Toxic Traps. SIRS Enduring Issues 2001/#60

Benton Franklin Health District website: [www.bfhd.wa.gov/info/coliform.php](http://www.bfhd.wa.gov/info/coliform.php)

[http://www.treehugger.com/files/2007/06/san\\_francisco\\_m.php](http://www.treehugger.com/files/2007/06/san_francisco_m.php)

Massachusetts Department of Revenue/City of Holyoke Financial Management Review 12/2007  
<http://www.mass.gov/dls>

**"For The Rich or For The Poor?"**

**Quality of Life/Clean Air & Water For All©**

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Please note the copyrighted portion of my writing is only the "For The Rich or For The Poor?" Quality of Life/Clean Air & Water For All only, and not any private names nor any other contents of this letter.

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**"For The Rich or For The Poor?"**

**Quality of Life/Clean Air & Water For All©**

Dan Hall  
Massachusetts Department of Environmental Protection  
Solid Waste Section  
436 Dwight St.  
Springfield, MA 01103

May 2, 2008

Re: Report Number 137-005A

Dear Mr. Hall:

I am writing to provide commentary on the site suitability application submitted by United Waste Management, Inc. for a waste transfer station proposed to be built in Holyoke, Massachusetts (Report Number 137-005A).

This commentary will specifically refer to 310 CMR 16.40: General Site Suitability Criteria, section (4), with respect to the impacts of traffic and vehicle emissions. As indicated in the regulation, 310 CMR 16.40 (4) b: No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:

1. traffic congestion;
2. pedestrian and vehicular safety;
3. road configurations;
4. alternate routes; and
5. vehicle emissions

The proposed location of the waste transfer station (686 Main St.) is in a part of the city that is already burdened with a high level of traffic (over 14,000 vehicle trips per day). Local community researchers have conducted diesel vehicle counts at different times of the day at the proposed intersection at Main and Berkshire, and documented a rate of 58 diesel vehicles/per hour passing by the site. This is already a high rate of diesel vehicle traffic and the proposed waste transfer station would result in even higher rates. I am concerned about the health impacts of this increase in diesel exhaust, given that the city of Holyoke already suffers a disproportionately high rate of childhood and adult asthma.

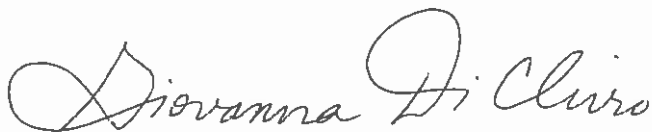
The Massachusetts Department of Public Health (DPH) has documented that Holyoke's age-adjusted asthma hospitalization rate is consistently 40% higher than Massachusetts at large. The EPA has listed diesel exhaust as a harmful air pollutant that contains high levels of nitrogen oxides and volatile organic compounds, both of which contribute to the formation of ozone smog. In addition, diesel exhaust contains poisonous carbon monoxide and fine particulate matter. All of these air pollutants have been linked to several serious health problems including asthma, heart disease, lung damage, strokes, neurological disorders, and cancer.

The EPA has shown that fine particle pollution from diesel emissions shortens the lives of an estimated 21,000 people nationwide every year. The cancer risk from diesel exhaust is 7.5 times higher than the total cancer risk from all other 133 air toxins tracked by the EPA combined. The asthma rate in many schools in Massachusetts exceeds 20 percent, and in Holyoke the asthma rate in some schools has been documented to be as high as 29% (Pediatric Asthma in Massachusetts, MassDPH, 2006).

The proposed waste transfer station ENF states that at "peak" times the increase in diesel truck traffic would be 225 truck trips per day. It is assumed that these trucks will also need to line up in queues as they wait to unload their haulage, and this will most likely mean an increase in diesel emissions due to idling. There are several questions that the DEP will need to address in light of these potential risks to the environmental health of Holyoke's already burdened residents. How will the DEP monitor the diesel pollutants emitted by the increased truck traffic associated with the waste transfer station to verify that they are not exceeding the diesel health benchmarks as determined by the EPA? (i.e., fine particulate matter, VOCs, and nitrogen oxides)? Will MGL, Chapter 90, 16A and 310 CMR, 7.11 (Massachusetts Anti-Idling regulations) be monitored and enforced, by whom, and how regularly? Given that the city of Holyoke has been designated by the EPA and the DEP as an "environmental justice population," how will the DEP meaningfully address its mandate to protect vulnerable communities under the Executive Office of Energy and Environmental Affairs' (EOEEA) Environmental Justice Policy, which was established to reinforce and enhance the EOEEA's efforts to meet the existing legal mandates in Title VI of the federal Civil Rights Act of 1964?

Thank you for your consideration of these important health concerns affecting the Holyoke community.

Sincerely,

A handwritten signature in cursive script that reads "Giovanna Di Chiro". The signature is fluid and elegant, with the first name and last name clearly distinguishable.

Giovanna Di Chiro, Ph.D.  
Environmental Studies Department  
Mount Holyoke College  
50 College St.  
South Hadley, MA 01075  
413-538-2055

Cc: Holyoke Board of Health Commissioners

Dan Hall  
Massachusetts Department of Environmental Protection  
Solid Waste Section  
436 Dwight St.  
Springfield, MA 01103

May 5, 2008

Re: Report Number 137-005A

Dear Mr. Hall:

I am writing to provide commentary on the site suitability application submitted by United Waste Management, Inc. for a waste transfer station proposed to be built in Holyoke, Massachusetts (Report Number 137-005A).

My concerns center on three issues: road configuration, alternative routes and regional participation.

#### ROAD CONFIGURATION

The road configuration near the site is already over burden by heavy traffic. The entrance and exit to I-391 is within 50 yards of the proposed facility. The increase in traffic flow (the proponent is proposing a 750,000 ton per day facility operating 24 hours a day, seven days a week) would likely disrupt the current flow of traffic in that area.

In his comments to MEPA, Bill Fuqua, General Superintendent of the Department of Public Works for the city of Holyoke, made the following statement: "The traffic signals at Main & South Streets and Main & the I-391 ramps experience unacceptable delays during peak hours resulting in excess idling and resulting pollution. The proponent should expand their traffic analysis to include these signalized intersections. The Level of Service (LOS) for the traffic signal should be calculated for both the existing and proposed conditions. Calculations should take into consideration an acceptable level of growth for a period of at least 5 but preferably 10 years. In addition, a gap/delay study should be conducted for proposed truck traffic both entering and leaving the site. Delays experienced by vehicles entering the site should be further evaluated to determine their impact on traffic flow". Mayor Sullivan in his St. Patrick's Day podcast said, "...I have some concerns with the transfer station and how it's going to impact traffic".

I am not aware that the proponent has taken any steps to respond or suggest implementation of any of Mr. Fuqua's suggestions.

#### ALTERNATE ROUTES

The proponent wants to use the existing railroad line as an alternate route. My concern is that the railroad will be traveling by one of the city owned reservoirs. Holyoke has the distinction of having our own clean water supply. Unlike many communities we do not have to purchase water. This alternative route will have the potential to contaminate our drinking water. All other land routes are already over taxed. According to Mass. Highway data 14,000 vehicles per day travel down Main St., 17,000 vehicles travel on Rt.202 per day, 69,000 vehicles travel on I-91 and 34,000 vehicles travel on I-391 per day. The site may be zoned for such a facility but it clearly is not the best use for the residents of Holyoke.

#### REGIONAL PARTICIPATION

In his St. Patrick's Day podcast, Mayor Sullivan said, " Well, we have our own transfer station. At the Department of Public Works on North Canal St. It's been operating for more than twenty years. The Department of Environmental Protection has decided that it needs requirements and regulations, so we're going through a similar process and applying for licensure of a transfer station".

The City also utilizes the Regional Materials Recycling Facility to recycle Household materials. Currently households of one to four units are required to recycle. No fines exist if households do not participate. Households in multi-family complexes (five or more units), commercial and industrial facilities hire waste disposal companies to haul their waste. The city could do more to reduce its waste stream.

Sincerely,

Carlos A Vega  
51 Portland Street  
Holyoke, MA 01040

c.c Board of Health

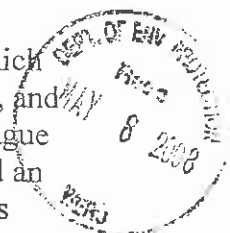
May 3, 2008

Elizabeth A. Budd

Resident: 45 Taylor Street Holyoke

To Whom It May Concern:

The proposed location for a Waste Transfer Station at 686 Main Street in Holyoke is inappropriate because of its close proximity to Springdale Park (844 Main street), which is less than half a mile away. Springdale Park is used by families, community groups, and organized sports leagues. Several youth sports leagues, including the city's Little League baseball and the youth soccer leagues, use the park, as do an adult softball league and an annual baseball jamboree. The park also serves as an open space for cultural festivals such as the Hispanic Family Festival. The park is an important part of the local community. The sprinkler pool provides relief for children and their families during hot summer days. The park's natural landscape provides the perfect place for healthy outdoor fun where kids can be active in positive and constructive ways, a rarity in this part of the city.



These activities would be negatively impacted if a Waste Transfer Station was to be located at 686 Main Street for the following reasons.

- 1.) Increased diesel traffic, which worsens air quality and exacerbate asthma. Many children living in Holyoke suffer from asthma already.
- 2.) Safety: With increased traffic there is a higher potential for accidents, particularly for children using the park.
- 3.) The smell of garbage being brought along the road and handled at the transfer station would be unpleasant and keep people from enjoying the parks amenities.
- 4.) Noise: the Noise of the trucks and operational machinery would disturb people trying to enjoy the park and the quiet sanctuary that it offers.
- 5.) Unsightliness: The facility's extra traffic, and structure, machinery and other utilities are not pleasant to look at and would make the area less attractive for outdoor activity.
- 6.) Proximity: Below is a map generated from google maps. Google states that the facility is 0.4 miles away from the park. This distance is insufficient to provide an adequate buffer to protect the park from the transfer station's impacts.



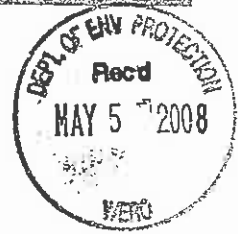
©2008 Google Map data ©2008 NAVTEQ A= Springdale Park B= 686 Main Street  
Map courtesy of Google maps

Sincerely

A handwritten signature in cursive script, reading "Elizabeth A. Budd".

Elizabeth Anne Budd.  
Concerned Resident  
45 Taylor Street  
Holyoke MA, 01040





May 2, 2008

Mark S. Healy, Solid Waste Section  
Massachusetts Department of Environmental Protection  
436 Dwight Street, Suite 402  
Springfield, MA 01103

Re: United Waste Management Proposal, Number 137-005A

We are writing with great concern about the waste transfer station proposed by the United Waste Management Company for Holyoke. While we very much encourage economic development for the City of Holyoke, this is not the kind of development we need.

Holyoke has among the highest rate of asthma in the state (8<sup>th</sup> in asthma hospitalization), with a very high concentration of asthma sufferers in the downtown neighborhoods of the city. The proposed project would add a proposed 225 diesel trucks bringing in 750,000 tons of trash daily, increasing health problems for the children of our city. There are currently 5 schools within a one mile radius of the proposed facility.

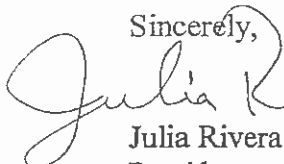
While many of the trucks would come off of highway 391 directly to the facility, many would drive through residential neighborhoods throughout the city at all hours of the day and night, increasing traffic problems and levels of particulate matter in the air from diesel.


We have spoken with hundreds of city residents, from all areas of the city, all of whom oppose this proposed project. Holyoke residents don't want all the trash of the region being brought into our city.

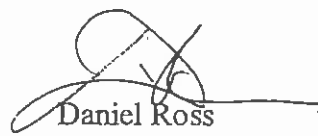
We are very proud to live in Holyoke and believe in its future. We are working to make our city more beautiful, healthy and economically vibrant. But the proposed project, for limited short term gains in revenue, negatively impacts our city's health and long-term attractiveness for residents and investors, and takes us in the wrong direction.

We encourage the DEP to not approve this project until a full study is made of the cumulative impacts of this proposed project on the health of the residents of Holyoke.

Sincerely,

  
Julia Rivera  
President

  
Milagros Guzmán  
Organizing Coordinator

  
Daniel Ross  
Executive Director

April 26, 2008.

The Massachusetts Department of Environment Protection  
Solid Waste Section  
436 Dwight Street  
Springfield, MA 01103

Re: Report Number 137-005A

There is a waste transfer facility proposed for my neighborhood. I am writing to say that I believe there are many problems that such an operation might create so close to my home. However, what worries me most is the possibility of wind-blown dust entering our neighborhood and our lungs. This dust could be coming from municipal waste or construction waste and I don't want anyone to breathe it, especially my family. If the weather is dry and the wind is high, it may be impossible to control this problem.

Sincerely;

(print name, address, phone & e-mail)

Katherine Voss  
Signature

Katherine Voss  
3425 Blanchard Campus Center  
50 College Street  
South Hadley, MA 01075

Cc: Holyoke Board of Health Commissioners

978-760-2338

Voss20k@mt.holyoke.edu

# Nueva Esperanza, Inc.

401 Main Street, Holyoke, MA 01040 (413)533-9442 Fax: (413)533-2661  
E-Mail- neihousing@yahoo.com



May 5, 2008

Dan Hall  
Massachusetts Department of Environmental Protection  
Solid Waste Section  
436 Dwight St.  
Springfield, MA 01103

May 2, 2008

Re: Report Number 137-005A

Dear Mr. Hall:

I am writing to provide commentary on the site suitability application submitted by United Waste Management, Inc. for a waste transfer station proposed to be built in Holyoke, Massachusetts (Report Number 137-005A).

I have several concerns that should effect the approval of application.

While the proposed facility stays just below the 750 ton per day threshold that would trigger a full EIS air quality analysis, I feel a full EIS and full air quality study be conducted for the following reasons. First, Holyoke has recently been declared the 6<sup>th</sup> poorest community in the U.S., and one of the abutting census tracts is the poorest in New England- the development of this facility will further deter investment and ensure the neighborhood remains an undesirable warehouse for our poorest, ethnic minority citizens.

Second, Holyoke residents suffer from the highest asthma rates outside of Greater Boston, and the predominantly Latino population in the area suffer from asthma rates more than twice the state average. The asthma rate in some of Holyoke's public schools exceeds 29%.

Third, the change of scale from a defunct 20 ton per day facility that has been vacant for 5 years to a 750 ton per day facility is a significant land use shift that should require a full EIS.

Fourth, given the cumulative effects of existing land uses and traffic loads and the mandate of Environment Justice legislation, the DEP should ensure the full and proper investigation of the baseline and projected cumulative air pollution, VOC and exhaust effects of facility, and pre-existing industrial and vehicular emissions to see if these approach, reach, or exceed state and federal environmental and public health thresholds.

Fifth, the US EPA recommends that facilities of this type include an odor vestibule to protect the community from the unnecessary release of odors; the facility proposed by UWM includes no such protection and states that only a layer of "freezer strips" will be used during the hours of operation. Since the facility proposes to operate 24/7, the doors will essentially never be closed and the community continually exposed to a risk of odors.

April 26, 2008.

The Massachusetts Department of Environment Protection  
Solid Waste Section  
436 Dwight Street  
Springfield, MA 01103

Re: Report Number 137-005A

I am afraid of the increase of very large trucks in our neighborhood if a proposed waste management facility is approved. According to the proposer's Environmental Notification Form, submitted to the state and the city, there would be a peak increase of 225 of these large trucks on a "peak day." That is on top of over 14,000 vehicle trips already taking place here every day. I believe a 1.5% increase, all big trucks, is too much for the neighborhood to bear? Where will they line up, how much diesel exhaust will I have to breathe? What might fly off or out of the trucks delivering to this location?

Sincerely;

(print name, address, phone & e-mail)

  
Signature

Meaghan Enright

1718 Blandhard

50 college st.

south Hadley MA 01075

enrig20m@mttholyoke.edu

Cc: Holyoke Board of Health Commissioners

April 26, 2008.

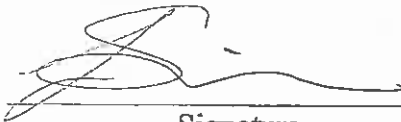
The Massachusetts Department of Environment Protection  
Solid Waste Section  
436 Dwight Street  
Springfield, MA 01103

Re: Report Number 137-005A

I am writing out of great frustration that I have only recently learned about the details about a proposed garbage location for my neighborhood, which has many residents with Spanish as a primary language. The state regulations have officially recognized the problem with building undesired waste operations in certain neighborhoods with a higher frequency than other neighborhoods. Those regulations are found in the Environmental Justice Requirements {EOEEA – Environmental Justice 301 CMR 11.03 (9)(b)}. If my neighbors and I had received timely information about this proposal and the Environmental Impact Report submitted by the proposer, many complaints about, traffic, noise, odor, dust and vermin would have been submitted to MEPA before it was decided that the Environmental Impact Report was not required. I believe that was a wrong decision.

Sincerely;

(print name, address, phone & e-mail)



Signature

Julia Sim

3081 Blanchard Campus Center

50 College St.

South Hadley, MA. 01075

jsim583@gmail.com

Cc: Holyoke Board of Health Commissioners

20 Papineau Street  
Holyoke Mass 01040  
May 5, 2008



The Mass Dept of Environment Protection  
Solid Waste Section  
456 Dwight Street  
Springfield MA 01103

RE: Unsafe proposal by United Waste Management Inc to bring in *tons* of **Trash and Garbage** to a small neighborhood in Holyoke, Massachusetts.

I've lived in the neighborhood of Springdale, Holyoke, Massachusetts for many years. It is a small very populated neighborhood.

**Incredibly** United Waste Management Inc. is proposing to develop a Construction & Demolition Material and Garbage transfer station down the street from my home at 686 Main Street, Holyoke.

The proposed site is near a very busy city park and in the middle of populated neighborhoods and schools.

I am concerned about the air quality, should they force this project upon us. *My Dad died because of asthma.* I have 2 and 3 year old granddaughters living upstairs.

I'm also concerned about the noisy trucks, fumes, wear & tear on the streets; and the possibility of **hitting** children going to and from the park.

Already trailer trucks rattle my house when they pass because the road needs repairs. Increased trucks from the proposed UWM transfer site could make living here unbearable. They also want to transport some trash by train on the rails that run "behind our homes."

Besides the health and safety issues, this proposed C&D MSW transfer station would ruin our neighborhood, damage Holyoke and devalue the property values. We already face many problems because of poverty in the city. Don't let them ruin our health too.

The government is elected by the people to protect it's citizens.

Sincerely,

A handwritten signature in cursive script that reads "Nancy J. Patruno".

Nancy J Patruno, CLU, FLMI

cc: Holyoke Board of Health Commissioners

April 26, 2008.

The Massachusetts Department of Environment Protection  
Solid Waste Section  
436 Dwight Street  
Springfield, MA 01103

Re: Report Number 137-005A

I am opposed to creating a large waste business in my neighborhood. It is too close to our houses and where our children play. I don't see any way that all that garbage can be moved to this business location without insects, rats or mice moving in also. This would be very bad for everyone.

Sincerely;

(print name, address, phone & e-mail)

Laura B. Kotz  
Signature

2443 Blandford Campus Center  
Mount Holyoke College  
50 College Street  
South Hadley, MA 01075  
kotz202@mtholyoke.edu

Cc: Holyoke Board of Health Commissioners

Monday, May 05, 2008.

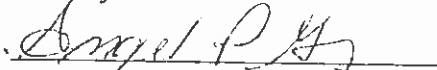
Mr. Dan Hall  
The Massachusetts Department of Environment Protection  
Solid Waste Section  
436 Dwight Street  
Springfield, Ma 01103

Re: Report # 137-005A

I am writing to express my great concern & opposition about the proposed solid waste facility proposed for 686 Main Street, Holyoke by United Waste Management of Holyoke.

- The proposers state that they want to handle municipal solid waste and construction and demolition waste at this facility. Because of the wide range of materials that can be delivered under those two categories, the potential for unpleasant or even dangerous odors or other airborne gases being produced. If drywall/sheetrock is stored in wet conditions, its deterioration can release hydrogen sulfide gas. I believe this facility is too close to my neighborhood and I worry about the impacts on the quality of my family's health and quality of daily life.
- I am afraid of the increase of very large trucks in our neighborhood if a proposed waste management facility is approved. According to the proposer's Environmental Notification Form, submitted to the state and the city, there would be a peak increase of 225 of these large trucks on a "peak day." That is on top of over 14,000 vehicle trips already taking place here every day. I believe a 1.5% increase, all big trucks, is too much for the neighborhood to bear? Where will they line up, how much diesel exhaust will I have to breathe? What might fly off or out of the trucks delivering to this location?
- I am writing to say that I believe there are many problems that such an operation might create so close to homes, school located at 620 Beaulieu Street, & the Holyoke Public Schools food storage building (less than 100 ft.). However, what worries me most is the possibility of wind-blown dust entering our neighborhood and our lungs. This dust could be coming from municipal waste or construction waste and I don't want anyone to breathe it, especially my family. If the weather is dry and the wind is high, it may be impossible to control this problem.
- I am opposed to creating a large waste business in my neighborhood. It is too close to our houses and where our children play. I don't see any way that all that garbage can be moved to this business location without insects, rats or mice moving in also. This would be very bad for everyone.
- I am writing out of great frustration that I have only recently learned about the details about a proposed garbage location for my neighborhood, which has many residents with Spanish as a primary language. The state regulations have officially recognized the problem with building undesired waste operations in certain neighborhoods with a higher frequency than other neighborhoods. Those regulations are found in the Environmental Justice Requirements {EOEEA - Environmental Justice 301 CMR 11.03 (9)(b)}. If my neighbors and I had received timely information about this proposal and the Environmental Impact Report submitted by the proposer, many complaints about, traffic, noise, odor, dust and vermin would have been submitted to MEPA before it was decided that the Environmental Impact Report was not required. I believe that was a wrong decision.

Sincerely



(Print name, address, phone & e-mail)

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Cc: Holyoke Board of Health Commissioners



### Appendix III: Public comment night DVD