



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

New Bedford
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SEP 11 1996

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: National Remedy Review Board Recommendations on the New Bedford Harbor Superfund Site

FROM: Bruce Means, Chair *BMeans*
National Remedy Review Board

TO: Linda M. Murphy, Director
Office of Site Remediation and Restoration
EPA Region 1

**Produced For The
12/96 AVX FOIA Request
New Bedford Harbor
Superfund Site**

Purpose

The National Remedy Review Board (NRRB) has completed its review of the proposed remedial action for the New Bedford Harbor Superfund site in New Bedford, Massachusetts. This memorandum documents the NRRB's advisory recommendations.

Context for NRRB Review

As you recall, the Administrator announced the NRRB as one of the October 1995 Superfund Administrative Reforms to help control remedy costs and promote consistent and cost-effective decisions. The NRRB furthers these goals by providing a cross-regional, management-level, "real time" review of high cost (and thus potentially controversial) proposed response actions. The Board will review all proposed cleanup actions where: (1) the estimated cost of the preferred alternative exceeds \$30 million, or (2) the preferred alternative costs more than \$10 million and is 50% more expensive than the least-costly, protective, ARAR-compliant alternative. In its review, the NRRB considers the nature and complexity of the site; health and environmental risks; the range of alternatives that address site risks; the quality and reasonableness of the cost estimates for alternatives; Regional, State/tribal, and other stakeholder opinions on the proposed actions (to the extent they are known at the time of review); and any other relevant factors or program guidance.

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Generally, the NRRB makes "advisory recommendations" to the appropriate Regional decision maker before the Region issues the proposed plan. The Region will then include these recommendations in the Administrative Record for the site. While the Region is expected to give the Board's recommendations substantial weight, other important factors, such as subsequent public comment or technical analyses of remedial options, may influence the final Regional decision. It is important to remember that the NRRB does not change the Agency's delegation authorities or alter in any way the public's role in site decisions.

NRRB Advisory Recommendations

The NRRB reviewed the proposed plan for the New Bedford Harbor site, along with other relevant site information, on August 14th, 1996. The Board discussed the site with Commonwealth of Massachusetts Project Officer Paul Craffey, EPA RPM David Dickerson, EPA site attorney Cindy Catri, and Office of Site Remediation and Restoration Deputy Director Frank Ciavattieri. Based on this review and discussion, the NRRB generally supports the Agency's proposed cleanup strategy as presented in the proposed plan. The NRRB makes the following observations:

- The Commonwealth and Region have ensured that community interests are well represented in the decision making process through the use of several techniques, including professional facilitation. The Board accepted the Memorandum of Agreement announced on August 1, 1996, outlining the community's support of the proposed remedy as representing community concerns and issues.
- The NRRB believes that the air monitoring costs are high, given the nature of the proposed remedial action and contaminants to be addressed. The Board recommends that the Region carefully examine the need for what appears to be an overly extensive air monitoring program.
- The water treatment costs appear to be disproportionately large relative to the overall remediation costs. The Board recommends that the Region examine the Commonwealth and Federal ARARs that drive the stringency of the effluent discharge limits to determine whether a less costly treatment process would be adequate.
- The Board also notes that the proposed remedial actions targeting PCBs will address the highest concentrations of metals as well. If Region 1 selects a PCB cleanup goal other than the proposed 10 ppm/50 ppm for the upper and lower harbor, respectively, they should examine the effect of this change on metal remediation.

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The NRRB appreciates the Region's efforts to work closely with the Commonwealth, local government and community to identify the current proposed remedy. The Board members also express their appreciation to both the Region and the Commonwealth of Massachusetts for their participation in the review process. We encourage Region 1 management and staff to work with their Regional NRRB representative and the Region 1/9 Regional Accelerated Response Center at Headquarters to discuss appropriate follow-up actions.

Please do not hesitate to give me a call if you have any questions at 703-603-8815.

cc: J. DeVillars
S. Luftig
E. Laws
T. Fields
M. Newton

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