



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203

July 2, 1985

James S. Hoyte, Secretary  
Executive Office of Environmental Affairs  
Commonwealth of Massachusetts  
100 Cambridge Street  
Boston, MA 02202

New Bedford  
2.1  
226899



SDMS DocID 000226899

Dear Secretary Hoyte:

During the summer of 1984, the Environmental Protection Agency (EPA) posted warning signs in English and Portuguese in areas of New Bedford Harbor where PCB contamination exceeded 50 parts per million. The signs prohibited fishing, shellfishing and swimming in conjunction with the Massachusetts Department of Public Health (DPH) ban (105 CMR 260.000 and 130 CMR 74). They were located mainly north of the Route 195 bridge. However, during the winter months, many of these signs were destroyed. This Agency is now in the process of reposting the area and shall make certain security fencing is installed at strategic access points around the Harbor.

In investigating the status of the DPH ban relative to this continued action, members of my staff learned that due to a separation of authority between the Massachusetts Division of Law Enforcement (DLE), which normally patrols the area, and the DPH, which has no field enforcement personnel, no one currently has the legal authority to enforce this specific ban. I am aware that the DLE and the DPH are working towards a solution to this situation and wish to voice my support of this effort.

To effect this goal on New Bedford Harbor, I feel, and I am sure that you will agree, that the posting of signs and construction of fences must be accompanied by a visible enforcement program. Utilization of existing resources to enforce the DPH ban provides an ideal solution in terms of efficiency and cost effectiveness. Please let me know if you foresee any significant problems regarding the Commonwealth's function in this effort so that I and my staff may be accurate in our dealings with the public.

The EPA and the Commonwealth have worked together closely in the past to protect public health and the environment. I again look forward to an effective EPA/Commonwealth of Massachusetts action in addressing this complex and emotional contamination problem.

Sincerely,

*Paul R. Deland*  
Michael R. Deland  
Regional Administrator