

RGR# 064

ACTION: FRANK CIAVATTIERI

DUE DATE: 5/16/88

CC: MD

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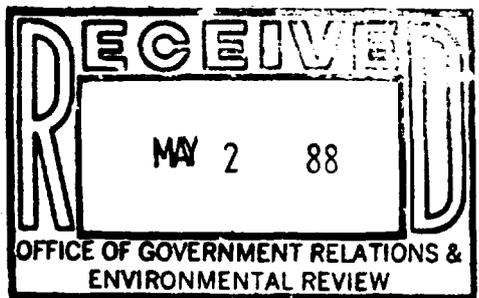
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CONSERVATION AND
THE ENVIRONMENT

Congress of the United States
House of Representatives
Washington, DC 20515

McJ Holman
Charles Berney
Ken Finkelstein

April 28, 1988



[Handwritten signature]

Dear Mr. Administrator:

As planning for the Superfund cleanup of New Bedford Harbor progresses, I am writing to request information on how the Environmental Protection Agency (EPA) intends to approach several important issues relating to the selection of the best cleanup option for the Harbor.

My most fundamental concerns relate to the environmental standards that will govern the Superfund activities in New Bedford. I understand that the pilot dredging project is intended to assess the feasibility of dredging as a method for cleaning up the Harbor. How will EPA measure the success of the project, and will it turn on the ability of the dredging to reduce the amount of contaminants remaining in the sediments and the water column? If so, how clean must the sediments and water be to judge the project a success?

Secondly, does EPA intend to monitor the dredging operations themselves to ensure that they do not stir up an unacceptable amount of contamination? If so, what levels of resuspended pollutants are deemed unacceptable? Are there Federal and state standards that apply to each of the contaminants at issue, and if so, will they also serve to trigger a shutdown if the standards are being exceeded during the dredging operations?

Thirdly, what standards will govern the design and operation of the dredge disposal site located just north of the Coggeshall Street Bridge? Since the sediments contain high levels of PCBs and other hazardous metals, will the requirements that normally apply to hazardous waste disposal facilities also apply at this site, such as the use of impermeable double liners and groundwater monitoring systems? If not, why not, and what other standards will ensure the protection of health and the environment?

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As for selecting the final cleanup option for the Harbor as a whole, I understand that section 121 of the Comprehensive Environment Response, Compensation and Liability Act (CERCLA) requires that all relevant and appropriate Federal and state standards apply to the cleanup, and that section 107 requires EPA to select the most cost-effective cleanup alternative meeting these standards. Would you therefore please describe the Federal and state standards that apply to PCBs and any other contaminants at the site, whether these constitute "relevant and appropriate" standards under CERCLA, and under what circumstances EPA might select a cleanup that does not achieve these standards. Conversely, do these standards cover all the contaminants at issue, and if so, are they adequate to protect health and the environment, or should more protective standards be established?

Cleaning up the Harbor and restoring its damaged fisheries and shellfisheries are the two principal objectives of this effort. Would you please describe the type of fisheries restoration that might be undertaken in conjunction with the cleanup and the sources of funding for the restoration work. Since title IV of CERCLA prohibits the use of Superfund money to finance natural resource restorations, is it likely that all funds derived from the litigation will be devoted to natural resource work, leaving the Superfund itself to finance the cleanup of the Harbor, or will a portion of the award from the litigation be devoted to cleanup costs?

Finally, section 104(c) of CERCLA prohibits EPA from cleaning up any Superfund site in any state that has not provided, within three years of enactment of the 1987 amendments to CERCLA, adequate disposal facilities for all the hazardous wastes generated within the state. Do you anticipate that the Commonwealth is undertaking the necessary actions to meet its obligations under section 104(c) so that the cleanup of New Bedford Harbor will not be disrupted by the mandatory shutdown required by that section?

I thank you in advance for your efforts in answering these questions and look forward to your response.

With kind regards.

Sincerely,



Gerry E. Studds

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