



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001



SDMS DocID

294217

URGENT LEGAL MATTER - RESPONSE REQUIRED
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

February 3, 1999

Karpa, Inc.
P.O. Box 23
Westport, MA 02790

Re: Request for access to property - New Bedford, MA
(southeast end of Sawyer Street - Map 93, Parcel 263)

To Whom it May Concern,

The U.S. Environmental Protection Agency ("EPA") respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to Karpa, Inc.'s property located at the southeast end of Sawyer Street in New Bedford, Massachusetts. The property is further defined as Parcel #263, Map #93 in the City of New Bedford tax assessment records. As described below, this access is required - and fully authorized under federal law - as part of the cleanup of the New Bedford Harbor Superfund site. EPA attempted to contact you via telephone about this matter, but no phone listing existed for Karpa, Inc. in Westport.

As you may know, in September 1998 EPA issued a Record of Decision for cleanup of the upper and lower harbor at the New Bedford Harbor Superfund Site. The remedy consists of dredging 450,000 cubic yards of PCB-contaminated sediment and disposing of the sediment in four shoreline confined disposal facilities (CDFs) (see Figure 1 attached). To help you understand what exactly a CDF is, Figure 2 attached shows a cross-section of a typical upper harbor CDF. Although the final layout of these facilities has not yet been established, the preliminary footprint of one of these CDFs - CDF "C" - overlaps the subject parcel #263 as shown in Figure 3 attached. The remedy also includes construction of water treatment plants to treat water decanted from the dredged sediment before discharge back into the Harbor.

With this letter, EPA requests access to parcel #263 to design, conduct and maintain response actions at the New Bedford Harbor Superfund Site. Site access is required for the duration of the response action: Remedial design activities should conclude in approximately three years; remedial action activities in approximately ten years; and maintenance activities will be conducted as long as the confined disposal facilities remain in place (i.e., in perpetuity). A list of anticipated activities, although not inclusive, is set forth in the attached Consent for Access to Property.

It is important to note that during the remedial design phase, EPA will refine its access and long-term property needs for the Harbor remediation and will identify affected properties or portions of properties with better accuracy and specificity. If the subject parcel #263 is identified as one of those affected in the long term - and at this preliminary point it appears that this indeed will be the case - EPA will contact you to discuss the specifics of any permanent easements or other long term property interests we may require.

EPA also requests access to documentation and structures to gather information about existing structural and foundation conditions, utility locations and information to perform the various surveys listed on the attached Consent for Access to Property, all of which are necessary for the Harbor cleanup.

EPA is confident that we can conduct our cleanup activities in a way that does not interfere with your company's operations, and that we can give ample advance notice of when we will be accessing your company's property. We are also hopeful that New Bedford embraces our long term vision for reuse of the upper harbor CDFs as shoreline greenways.

Please be aware that entry to the subject property to conduct these activities is authorized by federal law, in particular Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e). The authorization provided by CERCLA includes access to private property for the purpose of performing response action, and/or enforcing CERCLA.

In order to avoid delays in the harbor cleanup, it is critical that you review and sign the attached Consent for Access to Property form and return it to me by Friday, February 19, 1999 at the address listed below. If you have any questions regarding the harbor cleanup or our access requirements, I would be happy to discuss them with you either in person or via telephone at 617/918-1329. Note that access agreements must be signed by an authorized representative of all owners of the property as well as an authorized representative of all lessees. If other parties should be part of this access agreement for this property, please advise accordingly and provide the name, address and telephone number of designated contacts. The address to mail the completed Consent for Access to Property form is:

David J. Dickerson
US EPA Region I
1 Congress Street
Suite 1100 (HBO)
Boston, MA 02114-2023

Please note that if timely progress is not made towards finalizing the Consent for Access, it may become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with the cleanup activities for the New Bedford Harbor Site is greatly appreciated. Again, if you have any questions, please do not hesitate to contact me at the number listed above. All communications from you legal counsel should be directed to Cynthia Catri of the EPA Office of Environmental Stewardship at (617) 918-1888.

Sincerely,



David J. Dickerson, Remedial Project Manager

Attachments:

Consent for Access to Property

Figure 1 - Overview of the harbor cleanup remedy

Figure 2 - CDF cross-section

Figure 3 - CDF C and abutting properties

cc: Cynthia Catri, EPA Senior Enforcement Counsel

CONSENT FOR ACCESS TO PROPERTY

NAME: **Karpa, Inc.**

ADDRESS OF PROPERTY: **Southeast end of Coggeshall Street, New Bedford, MA**
(Parcel #263, Map #93 City of New Bedford Land Records)

I (We) consent to the officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives of the United States Environmental Protection Agency ("EPA") entering and having continued access to the above-referenced properties for the following purpose(s):

- to conduct response actions and perform associated operation and maintenance activities for the remediation of New Bedford Harbor

- to survey the property for the preliminary layout of a confined disposal facility

- to walk through the property to establish access and equipment requirements for test borings and document existing utilities

- to inspect structures to observe existing structural and foundation conditions and to perform dye tracing activities to further document utilities

- to perform wetland delineation, cultural resource survey, geophysical survey (to confirm utility locations), hydrographic survey, topographical survey

- to review and copy any documentation found on the property or in structures regarding structural and foundation information and utility locations

- to dig test pits for cultural resource surveys

- to dig test pits for establishing foundation conditions

- to perform soil borings

- to install groundwater monitoring wells

- to install utilities

- to install air monitoring stations

- to perform air, soil, sediment, surface water and groundwater sampling, as necessary

- to allow equipment access to shoreline

Karpa, Inc.
Access Agreement
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- to take other actions related to the investigation of surface or subsurface conditions as they relate to response actions for the New Bedford Harbor Superfund Site.

EPA will give reasonable notice before conducting the above activities unless an emergency arises for which immediate access is necessary. EPA does not anticipate that any of the above activities will interfere with or impede your company's ability to conduct its business; however, should EPA need to perform such activities, EPA will give reasonable advance notice of when those activities will be conducted.

I (We) realize that these actions by EPA are undertaken pursuant to EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. Section 9601 et. seq.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse and without threats or promise of any kind.

Date

Signature of Property Owner or
Owner's Authorized Representative

Name: _____

Title: _____

Address: _____

Phone: _____

CONSENT OF ADDITIONAL PROPERTY OWNER(S)

Date

Signature of Property Owner or
Owner's Authorized Representative

Name: _____

Title: _____

Address: _____

Phone: _____

Attach additional sheets if necessary

New_Bedford Harbor

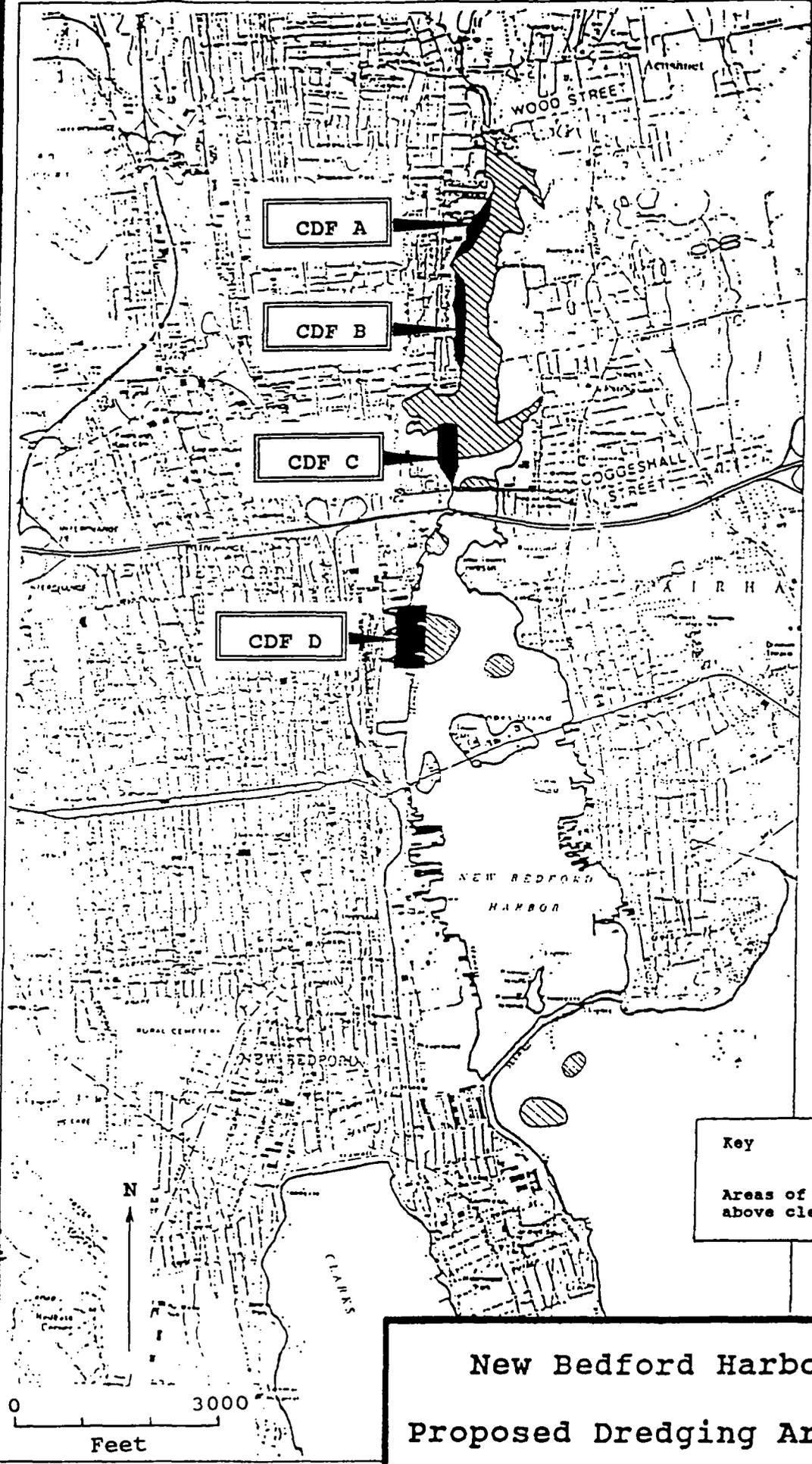
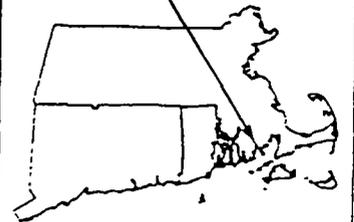


FIGURE 1

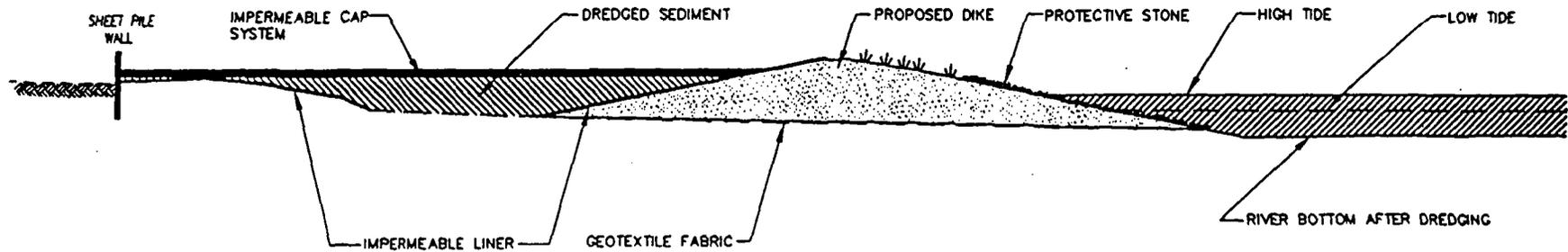
Key

Areas of sediment above cleanup levels

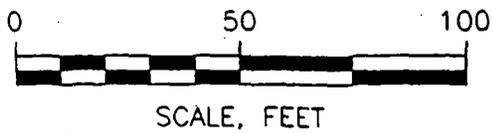


New Bedford Harbor ROD II
Proposed Dredging Areas and CDFs

FIGURE 2



TYPICAL CDF CROSS - SECTION
(to scale)



MATCH TO PLATE R-3

COFFIN LANE

84

85



11241500

ACUSHNET RIVER

SITE C

OUTER SLOPE OF DIKE

INNER SLOPE OF DIKE

SHEET PILE WALL

FIGURE 3

E758000

SAWYER STREET

COGGESHALL STREET

