



CITY OF NEW BEDFORD

SCOTT W. LANG, MAYOR

Superfund Records Center

SITE: New Bedford

BREAK: 5.3

OTHER: 462543

September 12, 2009

Elaine Stanley  
Remedial Project Manager  
Environmental Protection Agency  
One Congress Street  
Suite, 1100 (HB))  
Boston, MA 02144

Re: Explanation of Significant Difference  
(Third ESD for Operable Unit 1, Upper and Lower Harbor Record of Decision)

Dear Ms. Stanley,

I am writing to express my concerns about the Explanation of Significant Difference (ESD) for Operable Unit 1, Upper and Lower Harbor ROD, September 25, 1998. It is my understanding that the EPA is soliciting public comment on the temporary storage of contaminated sediments at its facility on Sawyer Street in New Bedford and the use of a single liner until such time that permanent storage is determined.

The City has serious reservations about the impact of the temporary storage of this material. Of utmost concern, the EPA fails to define the term "temporary" in the ESD as well as identify the temporary risks. The temporary storage of sediment at Sawyer Street inhibits New Bedford's revitalization initiatives for the Upper Harbor waterfront by stalling important land use development plans for the site (See Appendix A). Under the Massachusetts Contingency Plan (310 CMR 40.0000), standards have been promulgated in order to assess whether contamination under a building could pose a risk of indoor air contamination and a health risk for building occupants. The continued storage of sediments with TCE triggers great concern and would create a direct impediment to the land use plans for this site. Specifically, the contamination generates a loss of equity for the City, a situation that negatively affects development plans and the ability of developers to borrow from financial institutions.

Further, community perception merits full consideration regarding the storage of this sediment. The City is currently experiencing insurmountable costs and resource time from community concerns with the Parker Street Waste Site. A circumstance comparable for the Sawyer Street site will not be tolerated.



SDMS DocID

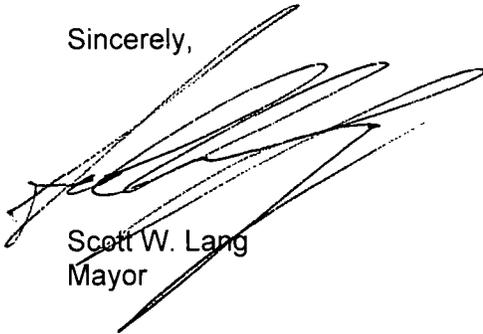
462543

In addition to the removal of the contaminated sediment from the Sawyer Street site, the City requests that in a future ROD amendment, confined disposal facilities (CDFs) A, B, and C be removed from the remedy and that a permanent disposal strategy be determined for the Dredge Disposal Area at the Sawyer Street site.

As the EPA proceeds with the clean-up it is crucial that sediments are removed from the Sawyer Street site. The City of New Bedford has incurred decades of blight, lack of investment, and irrevocable harm from the pollution in its Harbor. It is imperative that the EPA take an approach to the remedy that both expedites the clean-up and enables the City to move forward with its economic development agenda to improve the quality of life for its citizens.

I appreciate your consideration of our comments and look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott W. Lang", written over a light blue horizontal line. The signature is stylized and somewhat cursive.

Scott W. Lang  
Mayor

## NEW BEDFORD ECONOMIC DEVELOPMENT COUNCIL

1213 Purchase Street • New Bedford, MA 02740  
t: 508.991.3122 • f: 508.991.7372 • www.nbedec.org



*Uniting New Bedford's economic strengths*

### **APPENDIX A: NEW BEDFORD UPPER HARBOR ECONOMIC DEVELOPMENT STRATEGY** **Prepared by Matt Morrissey, Executive Director**

The development potential of the EPA site located to the south of Riverside Park along the Acushnet River holds great significance to the future redevelopment of New Bedford's north-end neighborhoods and historic mill structures that line the river's edge. The EPA's remediation plan for the Sawyer Street site must include the removal of all contaminated material from Cell #1 and the transportation of these materials out of New Bedford. Over the past three years the Lang Administration has shed new light on this area of the city that has been long abandoned, and as a result of thoughtful community based planning, New Bedford has seen a surge of development activity.

The EPA site is located in the heart of the upper harbor area, has direct highway access, and will serve as the development anchor, but only if it is fully remediated allowing for it to be developed to its highest and best use. The upper harbor area of New Bedford is one of the most intact collections of historic mill buildings and environmental beauty. While the Acushnet River's southern area has always been critical to New Bedford's whaling and fishing industry, historically the river has been ignored as a significant asset for environmental education and future development in this northern area of the city. It is critical that all parcels in this area, from the Reliable Truss site to the north to the Fairhaven Mills site to the south, are all cleaned to the highest environmental standards for new development and public access.

The City of New Bedford's nearly 100,000 citizens have long been burdened with one of the highest unemployment rates in the Commonwealth, and like many dense urban areas, we lack open space for new and sustainable development that will expand our commercial tax- base and bring new jobs to our citizens. This eight-acre site is in the heart of more than \$210 million in recent and ongoing development activity and is far too great an opportunity to be left fallow, but for an asphalt cap. Additionally, the residents of this area of the city have long been deprived of meaningful opportunities to connect with the water, be it a result of harsh industrial development or the exclusive use of land for the commercial fishing industry.

The Lang Administration continues to make every effort to ensure that New Bedford residents have their connections and views to water restored at every opportunity. Therefore, the City strongly urges the EPA to remediate the current Sawyer Street site to allow for full potential of redevelopment and public access to the Acushnet River.

Following is an overview of activity undertaken in the past several years in the areas near the EPA site along the Acushnet River:

- Upper Harbor Community Visioning  
Recently completed, the process was launched with a community workshop that drew more than 160 participants in March 2008 to engage a broad range of stakeholders to create a more unified community-based "vision" for the future of the Upper Harbor area along the Acushnet River. The plan focuses on; reconnecting to the water, the adaptive reuse of targeted mills, the creation of a river walk, and the transformation of Acushnet Avenue into an international marketplace.
- Improved Infrastructure and Access to I-195  
The recently completed infrastructure improvements correct an long standing traffic problem at the intersection of Coggeshall Street and the I-195 Westbound ramps, while providing the necessary traffic improvements to ensure the successful redevelopment of the Fairhaven Mills site by improving vehicular and pedestrian access from Coggeshall, Mitchell and Sawyer Streets. The new access drive through the development site provides safe and efficient vehicular and pedestrian access to the adjacent EPA Site and to the planned community boathouse on the Acushnet River.
- Riverside Landing Mixed-Use Development  
Riverside Landing is a mixed-use commercial development at the former Fairhaven Mills site that contains the construction of 5 new buildings of approximately 200,000 total square feet as well as substantial

infrastructure improvements to the off-ramps at Coggeshall Street as well as the reconstruction of Sawyer and Mitchell Street. The site design introduces a new road that will bisect the site and offer direct highway access to the EPA site on Mitchell Street for future development. Phase one of this project, which includes the construction of a 90,000 square foot retail building, is currently under construction. In addition to the mixed-uses commercial development, the project greatly improves access to the river and includes the construction of a community boat house.

- Crew Course Development

New Bedford's upper harbor presents a unique opportunity in Southeastern Massachusetts to reconnect our citizens to the water in what will become the premier community rowing course in New England. The upper harbor course is a natural asset to New Bedford, creating new opportunities for thousands of residents and visitors to see the city through a new lens, while serving as a home course for regional high school teams, masters, and community rowing clubs. Rowing began this summer with a well attended Open Row and Paddle Day.

- Riverwalk

The recently completed community vision plan for the redevelopment of the upper harbor offers as its most significant recommendation the construction of a continuous river walk along the western bank of the Acushnet River. The walk will be designed to run north to south along the Upper Harbor, adjacent to the rowing course.

- 123 Ropeworks

This project was one the first in New Bedford targeted specifically for artist live work spaces. 14 artist live/work condominium units make up this development and the remaining units were recently sold.

- Riverside Park

This 22 acre park is one of New Bedford's most recently completed open space projects and provides breath taking views of the Acushnet River. This site was once the location of a mill structure lost to arson and directly abuts the EPA site. Riverside Park offers both active and passive recreation opportunities and has become one of the city's most popular open spaces.

- Whaler's Place

This assisted living complex was the first mill restoration project in the Upper Harbor area, and is of such quality that it has been locally and nationally recognized for its impressive design. The project is a certified rehabilitation and received state and federal historic preservation tax credits.

- Whaler's Cove

73 assisted living units continue the restoration started in this area by the Whaler's Cove project. This project is a certified rehabilitation as well and received state and federal historic preservation tax credits.

- Victoria Riverview

This project is being developed by the same team responsible for Wamsutta Place and has a prime riverfront location. This \$20 million, 100 market rate loft style residential project will begin construction in the summer of 2010.

- Cliftex Mill #1

This project is the adaptive use of a historic mill in the Upper Harbor Development District. The mill will be adaptively reused into an assisted living facility to serve New Bedford and the surrounding towns. Winn Development is planning to invest greater than \$25,000,000 in the project demonstrating that there is a viable use for vacant, historic mills in our community. Construction is planned for 2010.

- Healy Street Mill (RFP advertisement in 2009)

The City of New Bedford envisions the development of the 27 Healey Street Mill Redevelopment Site as an opportunity to develop manufacturing operations and light industrial or mixed uses that create new living wage employment opportunities for New Bedford's workforce. The site is situated within the Upper Harbor Development District and is adjacent to textile manufacturing operations and residential

