



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

DEVAL L. PATRICK  
 Governor

TIMOTHY P. MURRAY  
 Lieutenant Governor

Superfund Records Center  
 SITE: New Bedford  
 BREAK: 5.1  
 OTHER: 462548

IAN A. BOWLES  
 Secretary

LAURIE BURT  
 Commissioner

February 19, 2010

Mr. Larry Brill, Branch Chief  
 U.S. EPA Region I  
 Office of Site Remediation & Restoration  
 Suite 1100 (HBO)  
 1 Congress St.  
 Boston, MA 02114-2023

Re: Proposed ESD #3 for OU 1, Upper and Lower ROD  
 New Bedford Harbor Superfund Site  
 New Bedford, Massachusetts

Dear Mr. Brill:

The Department of Environmental Protection (MassDEP) has reviewed the proposed Explanation of Significant Differences (ESD) #3 for Operating Unit (OU) #1 for the New Bedford Harbor Superfund Site. This ESD modifies the New Bedford Harbor Record of Decision (ROD) signed September 25, 1998.

There are three operable units for this site. They include OU 1 – the upper and lower harbor; OU 2- the Hot Spot operable unit an area of highly concentrated PCB contaminated sediments located near the Aerovox building and OU 3 – the outer harbor. Prior to the issuance of any RODs for the Site in 1988-1989, a confined disposal facility (CDF) pilot study was conducted along the shoreline near Sawyer Street in New Bedford. This study consisted of a primary and secondary cell separated by a sheet pile wall and was partially filled with PCB-contaminated sediments dredged from the harbor. One of these cells is known as cell #1. The 1990 OU 2 Hot Spot ROD called for the dredging of approximately 10,000 cubic yards of contaminated sediments and treatment through incineration. As part of the ESD #1 for OU 2, solidified ash from incineration of PCB-contaminated sediments was to be permanently disposed of into cell #1. A second ESD issued on October 30, 1995, modified that to change cell #1 from a permanent disposal facility for incinerator ash to a temporary storage facility for the untreated hot spot sediments while other treatment technologies were evaluated. The OU 2 ESD #2 documented that the cell was designed and constructed to meet federal and state standards for use as a temporary storage facility for hazardous waste, specifically the Massachusetts hazardous waste surface impoundment regulations under 310 CMR 30.610, and 2) the federal Toxic Substance Control Act (TSCA) PCB storage regulations under 40 CFR 761. As part of the OU 2 ESD #2, EPA did waive two surface impoundments regulatory requirements, 310 CMR 30.612(3) and (6).

Remediation of the upper and lower harbor under OU 1 was initiated with the issuance of the 1998 OU 1 ROD. The ROD called for the removal approximately 450,000 cubic yards of PCB laden sediment to be

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 1-866-539-7622 or 1-617-574-6868.

MassDEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper



SDMS DocID

462548

Page 2

February 19, 2010

ESD Concurrence Letter

dredged from the harbor floor and surrounding wetlands and to be disposed of into four shoreline confined disposal facilities (CDF's A, B, C and D). In April 1999, EPA issued an Amended Record of Decision in April 1999 which changed the remedy from onsite incineration to offsite disposal into a TSCA permitted landfill. Sediments dredged from OU 2 were stored in cell #1 until transportation to an offsite TSCA permitted landfill started in December of 1999. In May 2000, the cell was excavated and emptied of the hot spot sediments. After removal, a single sixty (60) mil or 0.06 inch thick, high density polypropylene (HDPE) liner was reinstalled in cell #1 to replace the double liner which had been damaged during the removal of the hot spot sediments.

Since that time the EPA has refined the cleanup approach. A 2001 ESD (OU 2 ESD #1) and a 2002 ESD (OU ESD #2) modified the remedy to include offsite disposal for the dredged sediments originally slated for CDF D.

June through August 2008, EPA excavated approximately 6,900 cubic yards of contaminated shoreline sediments in the vicinity of the former Aerovox facility and stored them in cell #1.

The ESD documents EPA's decision to temporarily store contaminated shoreline sediments in cell #1 while alternative disposal options are explored. This ESD calls for a waiver of the Massachusetts hazardous waste regulations under 310 CMR 30.610, regarding the requirement of the surface impoundment to be constructed with a double liner. EPA believes that the presence of the HDPE liner and an underlying clay layer combined with the planned extensive monitoring of groundwater and air in the vicinity is equally protective as a double liner and therefore the impoundment is suitable for the temporary storage of the shoreline sediments. The MassDEP has evaluated the ESD for consistency with M.G.L. Chapter 21E, and the Massachusetts Contingency Plan (MCP). MassDEP concurs with EPA that the surface impoundment is equally protective with the HDPE liner and the underlying clay layer provided the storage is temporary and the extensive monitoring of groundwater and air analytical sampling results in the vicinity of the impoundment are consistently examined.

A public meeting detailing the ESD was conducted on September 24, 2008. A notice of availability and brief description of the ESD will be provided to a local newspaper for the general public. MassDEP concurs with this ESD because it demonstrates that although the cell #1 surface impoundment containing shoreline sediments does not have a double liner, it is equally protective based on the installed HDPE liner, the existing clay layer and the monitoring of air and groundwater.

MassDEP appreciates the opportunity to provide input on this ESD. If you have any comments on MassDEP's concurrence, please contact Joe Coyne at (617) 348-4066.

Very truly yours,



Jay Naparstek  
Deputy Division Director  
Bureau of Waste Site Cleanup

cc: Paul Craffey, BWSC, MassDEP

E-file: 20102019\_ESD3\_ConcurrenceLetter