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**U.S. DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
Office of Ocean Resources Conservation and Assessment  
Hazardous Materials Response and Assessment Division  
Coastal Resources Coordination Branch  
c/o U.S. Environmental Protection Agency  
Waste Management Division - HEE-6  
J.F. Kennedy Federal Building  
Boston, MA 02203  
July 13, 1992

Ms. Gayle Garman  
U.S. EPA Waste Management Division  
J.F. Kennedy Federal Office Building  
Boston, MA 02203

Superfund Records Center  
SITE: NEW BEDFORD  
BREAK: 5.3  
OTHER: 46647

Dear Ms. Garman:

Thank you for the opportunity to review and comment on the Proposed Plan and the Addendum Proposed Plan for the Estuary and Lower Harbor/Bay, New Bedford Harbor Superfund site. We would particularly like to express our appreciation for your exceptional efforts in addressing trustee concerns and coordinating trustee involvement in the development of the Addendum Proposed Plan for Upper Buzzards Bay.

### Overall Protection of Human Health and the Environment

Although the proposed 50 ppm Target Cleanup Level (TCL) for PCBs in sediment in the estuary and lower harbor will not be protective of biota or human health, NOAA recognizes that extenuating circumstances (e.g., technical infeasibility) may prevent EPA from meeting all the criteria for selection of remedial alternatives. As discussed in the Ecological Assessment, and as we have pointed out in previous comments to EPA, sediment PCB concentrations between 0.1 and 1 ppm would be protective levels for biota.

We are concerned that the 50 ppm TCL proposed for the estuary and lower harbor (and 500 ppm as proposed for the salt marsh areas) may set a precedent for PCB cleanup levels that are not protective of human health and the environment, unless it is explained clearly that 50 ppm is not the recommended protective level. The 50 ppm TCL was necessitated by the extraordinary magnitude of the contamination and resulting high costs and limited feasible alternatives. It should be clearly stated in the Record of Decision that 1 ppm is the protective level based on the risk assessment; however, the technical infeasibility of removing and disposing of large volumes of contaminated material resulted in consideration of other (less protective) TCLs.

The Proposed Plan is quite specific about the nature of the remedial action but the expectations for improvement are less clearly defined. The proposed remedial action will undoubtedly result in conditions that are more protective of human health and the environment than currently exist in New Bedford Harbor, but it will take many years of "natural recovery" before truly protective levels are reached. The monitoring program will provide critical information on the progress of the recovery.



## Remediation of Wetlands

### Target Cleanup Levels for salt marsh areas

Because of the importance of functioning wetland areas to NOAA's trust resources, it is very difficult to recommend remedial actions that would result in the destruction or elimination of wetland habitat, even if this loss of habitat and associated functions would only be temporary. However, we cannot support the 500 ppm TCL proposed for Inner Harbor salt marsh areas. This would leave high concentrations of PCBs to serve as a potentially significant source of contamination to other areas and to biota. We recommend that the same TCL be used for wetland areas that is used for other areas in the estuary.

Data from wetland studies conducted for the New Bedford Harbor site showed accumulation of PCBs in all trophic levels of all food webs studied, with evidence of higher PCB body burdens in higher trophic level organisms. If highly-contaminated sediments are not removed during remediation, it is likely that those areas would continue to act as important sources for food web transfer of PCBs throughout the estuary and harbor.

As described in the Feasibility Study, most of the salt marsh areas that have sediment PCB levels exceeding 50 ppm are located on the fringe of the salt marsh adjacent to the mudflats. Removal of contaminated sediments from the fringe areas could be accomplished without directly affecting most of the remaining salt marsh. Since the salt marsh fringe areas are likely to erode following dredging of adjacent mudflats, not remediating those areas may result in re-contamination of adjacent mudflat and channel habitat.

### Mitigation of effects on wetland areas from remedial action

The Proposed Plan (p. 17) acknowledges that some degree of impact on wetlands in New Bedford Harbor during remedial action is unavoidable. Direct sources of injury to wetland and salt marsh habitat include the removal of contaminated sediment and construction of CDFs in wetland areas. Wetland habitats may also be injured indirectly by remedial activities in adjacent areas and the alteration of hydrology by deepening of the channel and removal of mudflat sediment, which most likely will lead to increased erosion.

The Proposed Plan (p. 17) states that "All practicable measures to minimize potential harm and compensate for unavoidable impacts to wetlands will be examined." In view of the ecological importance of these habitats in the Acushnet River Estuary and New Bedford Harbor, it is imperative that protective measures be implemented during remedial activity that reduce both direct and indirect injury. For example, methods should be employed to stabilize the outer fringe of salt marsh areas to prevent accelerated erosion when contaminated sediments are removed from within the salt marsh or from adjacent mudflat areas. Without suitable buffer areas for the salt marsh (both upland and in the intertidal area), the long-term stability of the marsh cannot be assured. Mudflat habitat that is designated for two feet of sediment removal should be regraded with clean sediment immediately after dredging to restore the habitat as quickly as possible and reduce erosion of adjacent areas.

Wetland injury and loss during remedial activity should be evaluated and mitigated for. Mitigative measures should be developed that are based on both wetland area and functional values. Monitoring plans should include a wetlands component to monitor the effectiveness of remedial action in preserving and restoring wetland habitats.

### **Addendum Proposed Plan**

NOAA supports EPA's selection of alternative Bay-4 for the outer harbor. The 10 ppm TCL, while not completely protective of aquatic biota, will result in residual sediment contamination in Upper Buzzards Bay that is much closer to protective levels than the proposed 50 ppm TCL for the lower harbor and estuary. As a result, the reduction in PCB tissue levels in resident biota should be accelerated.

NOAA recommends use of clean marine sediments for capping the area near the Wastewater Treatment Plant outfall.

### **Monitoring and pre-remedial design sampling**

We support EPA's decision to conduct pre-design sampling in areas of Upper Buzzards Bay that have prior data indicating sediment PCB concentrations exceeding 10 ppm. We also support the commitment by EPA to use the data from this pre-design sampling to "ensure that remediation occurs where sediments exceed 10 ppm PCBs" (Addendum Proposed Plan, p. 1).

Remedial performance and post-remedial monitoring is required to document remedial effectiveness. We recommend that the monitoring program place greatest emphasis on sediment and biota sampling rather than conducting extensive monitoring of highly variable contaminant concentrations in water. We would like to participate in the process of developing monitoring objectives, scoping and reviewing the monitoring workplans, and reviewing the data.

### **Summary**

NOAA believes that a 50 ppm sediment TCL is not protective of natural resources. The ecological assessment and the hydrodynamic and food chain modeling conducted during the FS indicate that aquatic natural resources and their uses will not be completely protected by a 50 ppm sediment TCL. In fact, the FS points out that 1 ppm or less is the protective level. However, NOAA understands that a site-wide remediation to the 1 ppm level may not be technically feasible.

NOAA recommends that the same TCL for PCBs in the estuary apply to salt marsh sediment rather than the proposed 500 ppm TCL.

NOAA stresses the importance of developing mitigative measures based on the area and functional value of wetland habitat that is lost or injured during remedial action.

The additional remedial action proposed for Upper Buzzards Bay in the Addendum should result in significantly improved protection for the resources in the Bay and accelerate the restoration process.

A comprehensive monitoring plan should be developed that can be used to determine the effectiveness of remedial action in the recovery of the habitat and resources of the estuary, lower harbor, and Upper Buzzards Bay.

Sincerely,

 for  
John Lindsay, Coastal Resource Coordinator

  
L. Jay Field, Marine Biologist