



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J. F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02205

New Bedford
Boston 76662

July 22, 1983

William Lawless, Chief
Regulatory Branch, Operations Division
U.S. Army Corps of Engineers
424 Trapelo Road
Waltham, MA 02254

file
with
general

Re: NEDOD-R-24-83-031C

Dear Mr. Lawless:

We have reviewed the Revised Public Notice referenced above dated June 30, 1983, concerning the City of New Bedford Harbor Development Commission's request to retain fill which was placed in the Harbor without Federal authorization. Our letter of June 21, 1983, previously commented on the May 5, 1983, Public Notice concerning the southernmost portion of unauthorized fill. This letter only refers to the two additional areas of fill to the north of the fill area proposed to be developed into a barge loading ramp and transfer station by the R. M. Packer Corporation and Fish Hauling Truck Steam Cleaning Facility by Mr. Rene Servais.

As you are aware, New Bedford Harbor is being studied by the Superfund Program for remedial action to clean up its PCB pollution problem. The siting analysis for dredged material disposal sites will be completed in approximately nine months. This site is among those being considered as a potential dredged material disposal site for the Superfund dredging.

The Superfund Program will not solve all of New Bedford Harbor's problems relative to dredged material disposal. Additional dredging will need to be performed in conjunction with the Route 6 bridge replacement, and any private marinas, wharfs, and maintenance dredging of navigation channels.

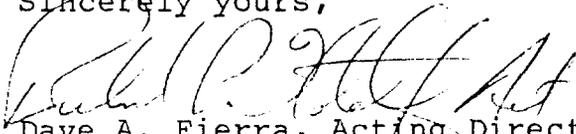
The unauthorized fill areas that the City wants to retain would be an ideal site for a dredged material disposal site. If it is determined unsuitable for the Superfund remedial actions (i.e. insufficient capacity), it would still be suitable for the other than Superfund dredging projects. Therefore, we feel the site should be investigated for use as a dredged material disposal site and should not be allowed to be developed for any other use until all decisions have been made concerning dredged material disposal sites for New Bedford Harbor. It is possible that the upland parcel slated for redevelopment adjacent to these areas could also be incorporated in a dredged material disposal site plan.

The use of this site for dredged material disposal would be environmentally preferable to the use of tidal mudflats or salt marsh areas. For this reason we have no objection to the City being granted a permit to retain this fill, with the condition that when plans are finalized concerning disposal sites, if this site is to be utilized, some of the fill may have to be moved around on site for disposal site preparation, and some of the fill may even have to be removed in order to gain the most capacity for a dredged material disposal site. In addition, some sort of mitigation for the permanent loss of these intertidal/subtidal Harbor areas should be required as a condition of the permit. Mitigation should be proposed by the City which would enhance the productivity of the Acushnet River ecosystem to the north of the PCB contaminated areas. One suggestion is to create fish passage facilities for anadromous fish (Alewives) at Hamlin Street and the New Bedford Reservoir as suggested in a 1970 report on anadromous fish.

If the site will not be used for dredged material disposal, any development of this parcel should be water dependent with a strong preference for fisheries-related activities. Such development can also feasibly occur after the site is used for dredged material disposal and appropriate capping and closure activities have been completed.

For further coordination, please call Edward Reiner of my staff at 617/223-5470.

Sincerely yours,


Dave A. Fierra, Acting Director
Water Management Division

cc: US F&WS, Concord, MA
NMFS, Gloucester, MA
MA CZM
MA DEQE, Wetlands Section, SE Region, Lakeville, MA
MA DEQE, Division of Waterways
MA EOE, MEPA Unit
City of New Bedford, Mayor's Office