



Comments on ESD#4

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History: This message has been forwarded.

The following comments and questions are offered regarding EPA's proposed development of a CAD cell for New Bedford Harbor to receive PCB-contaminated sediment.

1. The ESD#4 states that approximately 5.2 kilograms (kg) of PCB will be released during the short-term operation of the CAD cell of which 2.4 kg are estimated to be "placement losses". Curiously, the ESD states that these losses are "one to two orders of magnitude less than typical losses from mechanical dredging operations" (ESD page 10, bullet j). This would suggest that the mechanical dredging operations will release 24 to 240 kg of PCB. Why hasn't EPA considered this impact relative to the use of hydraulic dredges which release less PCB than mechanical dredges and which are currently being relied upon. Shouldn't the impact evaluation of CAD cell disposal also consider the switch from hydraulic dredges to mechanical dredges necessary for use in conjunction with the CAD cell?

2. EPA asserts that the CAD cell would comply with the substantive requirements of the Clean Water Act. Would EPA or the State ever allow the discharge of 5 kg of PCB to New Bedford Harbor from an upland PCB disposal facility over a relatively short period of time?

3. The determination that PCB disposal in the CAD cell meets the requirements of TSCA for disposal of PCB remediation waste is contingent upon assumed monitoring; however, the determination does not set performance standards regarding concentration levels or releases of PCB that cannot be exceeded. Is that because EPA believes that no matter how much PCB comes out of the CAD cell or is released by mechanical dredging that the disposal will not present an unreasonable risk to health or the environment? How will EPA assure this is protective if there are no performance standards limiting how much PCB can be released?

4. Has EPA developed a risk assessment for the proposed disposal?

5. Why hasn't there been a complete reevaluation of remedial alternatives? When the original ROD was issued, no alternative considered dredging occurring on a timescale of 40 years. Why isn't EPA considering other alternatives relative to a 30- or 40-year dredging program?

6. This ESD clearly proposes to reduce the protectiveness of PCB disposal relative to the original ROD and certainly relative to the off-site disposal that is currently underway. The evaluation criteria that are compared to the current scenario are time and money. Why isn't EPA formally considering the other remedy evaluation criteria such as short-term effectiveness and long-term effectiveness? Is EPA presuming that the sooner the remedy is completed the more protective it will be regardless of short-term impacts?

7. Where else has EPA allowed the disposal of PCB remediation waste by dropping it through the water column over a CAD cell? Why does EPA Region 1 think they can get away with this here when EPA at other prominent PCB sites such as the Hudson River in New York, the Fox River in Wisconsin and the Kalamazoo River in Michigan has decided to dispose such waste in appropriately licensed upland facilities?

8. Has EPA considered the environmental justice aspects of PCB disposal in the New Bedford area?

9. Has EPA considered how this proposed change relates to EPA's forthcoming dioxin reassessment?



EPA has been working to complete a comprehensive reassessment of the effects of dioxin and has promised to publish the reassessment by the end of 2010. The draft reassessment considers certain PCB compounds to be "dioxin-like" and equates them directly to dioxin through discount factors which recognize that these PCB compounds are not as toxic as dioxin.. The draft reassessment makes no suggestion that dioxin or PCBs are less toxic than previously thought; on the contrary, the reassessment will result in lowering the "safe" levels of dioxin in soils. It is clear that EPA headquarters is about to formalize this relationship between PCBs and dioxin; dioxin of course has this well-established stigma of being the most toxic of man-made chemicals. At the same time, EPA Region 1 is proposing to pour PCBs through the water column of New Bedford Harbor into a hole in the sediment to save time and money. Has EPA Region 1 considered the dioxin reassessment guidance? Has EPA considered the potential public relations impacts of the placing dioxin in the CAD cell (EPA Region 1 may say that PCBs are not dioxin; but, a visit the EPA dioxin reassessment website will show that EPA believes dioxin includes certain PCB compounds which are found in the Aroclors released to New Bedford Harbor)? Has EPA contemplated how it will respond when the public is told that their PCB problem may be a dioxin problem at the same time EPA is deciding to allow for greater PCB releases associated with dredging and disposal of PCB in New Bedford Harbor?

10. I am local citizen and recreational sailor who has kept a sailboat on New Bedford Harbor for the past decade. I also have worked continuously since 1976 on the assessment and remediation of PCB contaminated sediment sites for both government and responsible parties (I am not being compensated for the preparation of these comments). From my experience, it is astonishing that EPA would propose CAD cell disposal of sediments with PCB levels greater than 50 ppm and I can't think of any other major PCB sediment site - and I have worked on them all - where EPA would propose such an inherently risky disposal method.

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