



City of New Bedford

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March 4, 1993

Julie Belaga
Regional Administrator
United States Environmental Protection Agency
Region I
JFK Federal Building
Boston, MA 02203

Re: Proposed Remedy for New Bedford Harbor Superfund Site

Dear Ms. Belaga:

The purpose of this letter is to memorialize our telephone conversation of January 15, 1993, regarding EPA's proposal for remediation of the New Bedford Harbor Superfund Site. I understand that the purpose of your telephone call was to seek clarification of the City's comments on EPA's proposed plan.

EPA has proposed construction of shoreline Confined Disposal Facilities (CDF's) to contain contaminated dredge spoils generated by the proposed remediation of the Superfund Site. The City's comment letter requested that EPA consider siting a CDF in an area that would facilitate implementation of the City's Harbor Development Master Plan. Clarifying discussions between EPA and the City indicated that a CDF located in the North Terminal Area of the New Bedford Harbor waterfront, identified in EPA's Proposed Plan as CDF-7, could facilitate the City's proposed upgrade of this area.

The City understands that if EPA were to construct a CDF in the North Terminal Area as part of its Superfund remedial action, EPA would not need to use the entire area identified as CDF-7. As you have informed me, EPA's preliminary design utilizes approximately two-thirds of the area identified as CDF-7. Thus, one-third of this area may remain for potential use by the City. You have explained to me that EPA is willing to design the proposed CDF so as to facilitate the City's planned use of the remaining third of the area for the disposal of approximately 75,000-100,000 cubic yards of dredged material surrounding the piers and wharves

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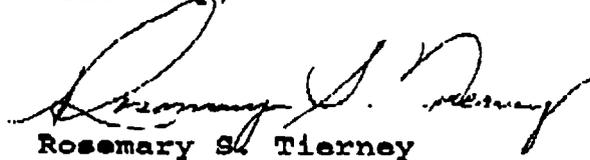
in the New Bedford/Fairhaven Harbor. However, because EPA cannot spend superfund money for non-Superfund purposes, the City will have to incur the costs to design and construct the modifications which will enable the City to use the remaining area as a disposal site. We understand EPA's inability to provide the full extent of assurances that we sought in our letter of December 24, 1992, is because of the restrictions placed upon the use of Superfund dollars.

EPA has, however, assured us that it will relocate the affected Combined Sewer Overflows (CSO's) to facilitate full build-out of CDF-7. Furthermore, EPA's construction is not expected to affect any currently installed underground utilities. In addition, you have assured me that the construction methods to be used by EPA will not be inconsistent with future use of the CDF for docking and commercial pier construction. After consolidation of the dredged sediments and final capping, this CDF is expected to support the siting of one-story warehouses, although underground utilities or other subsurface intrusions, will be prohibited and the limited load-bearing capacity of the sediments will require some restrictions on construction.

The City is pleased that EPA has responded positively to our comments, and is willing to accept the limitations on future use described above. In spite of these limitations the City agrees with EPA that construction of a CDF in this location will provide a direct benefit to the City.

The City is the owner of the property, and is in the process of securing the necessary adjustments to the leases on the property, to accommodate the siting of the Contained Disposal Facility. The City will put forth it's best effort in legally securing this area for the construction of the Contained Disposal Facility. The City is anxious to coordinate with EPA on this project, and we understand that EPA will solicit the City's input during the design process.

Sincerely,



Rosemary S. Tierney
Mayor
City of New Bedford