



The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133-1054

Superfund Records Center
SITE: New Bedford
BREAK: 13.1
OTHER: 479438

July 1, 2010

Mr. H. Curtis Spalding
Regional Administrator
Environmental Protection Agency
5 Post Office Square
Suite 100
Boston, MA 02109-3912

Dear Administrator Spalding:

We write to request an extension on the public comment period for the proposed use of a confined aquatic disposal (CAD) cell in the New Bedford Harbor Superfund Site.

As you know, the Environmental Protection Agency (EPA) recently proposed a fourth explanation of significant differences (ESA) to the Record of Decision (ROD). The ESA would modify the remedy to include the use of a CAD cell in the lower harbor for disposal of mechanically dredged sediments with polychlorinated biphenyl levels above the previously authorized action levels. This would be a significant change from the original cleanup described in the ROD. While CAD cells have been used for navigational sediment, the contamination level in the new CAD sediment causes important concern.

As you also know, the Massachusetts Department of Environmental Protection (DEP) has a pending request to you for an enhanced remedy. While the request and the ESA are not currently connected, the issues brought by both are closely enough connected that those concerned about the ESA are also concerned about DEP's pending request.

The residents in communities surrounding the New Bedford Harbor need to be fully informed about the aforementioned proposal to be able to wholly participate through public comment. The EPA has been working on the ESA for several months, and yet the public is only allotted thirty days to fully study, consider, and submit comments on the proposed use of the CAD cell. An extension will provide the public with ample time to provide meaningful comments in regards to the current situation.



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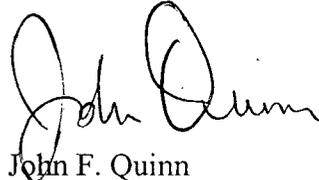
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Thank you in advance for your consideration of this matter. Please do not hesitate to contact us if you have any questions.

Sincerely,



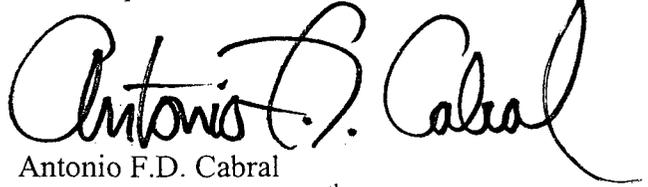
William M. Straus
State Representative, 10th Bristol District



John F. Quinn
State Representative, 9th Bristol District



Stephen R. Canessa
State Representative, 12th Bristol District



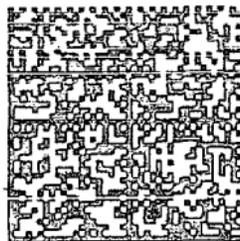
Antonio F.D. Cabral
State Representative, 13th Bristol District

✓ cc: Mr. David Dickerson, EPA, 5 Post Office Square, Suite 100, Boston, MA 02109-3912

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HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

WILLIAM M. STRAUS
REPRESENTATIVE
10TH BRISTOL DISTRICT



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