



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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March 14, 2011

Mr. Larry Brill, Branch Chief
U.S. EPA Region I
Office of Site Remediation & Restoration
Suite 1100 (HBO)
1 Congress St.
Boston, MA 02114-2023

Re: ESD #4, State Concurrence
New Bedford Harbor Superfund Site OU1
New Bedford, Massachusetts

Dear Mr. Brill:

The Department of Environmental Protection (MassDEP) has reviewed the U.S. Environmental Protection Agency's (EPA's) proposed Explanation of Significant Differences (ESD) #4 for Operable Unit #1 of the New Bedford Harbor Superfund Site. This ESD further modifies the remedy EPA selected for Operable Unit #1 in the New Bedford Harbor Record of Decision (ROD), signed on September 25, 1998. The original selected remedy was previously modified by ESDs #1, #2 and #3. MassDEP concurred with EPA's original selected remedy and with EPA's modifications to the selected remedy as set forth in these three ESDs. MassDEP's concurrences are set forth in letters dated September 24, 1998; September 27, 2001; July 17, 2002; and February 19, 2010; respectively.

The selected remedy originally called for hydraulic sediment dredging, water treatment, and disposal into on-site Confined Disposal Facilities (CDFs). ESDs #1, #2 and #3 modified the selected remedy, including by replacing the largest of the four planned CDFs with off-site disposal. This fourth ESD further modifies EPA's selected remedy by adding the construction of an in-water Confined Aquatic Disposal (CAD) cell, by providing for the disposal of a portion of contaminated sediments into the CAD cell rather than off-site, and by providing for the use of mechanical dredging rather than hydraulic methods, for this phase of the work. The CAD cell will be used for disposal of approximately 300,000 cubic yards of contaminated sediments that were otherwise planned to be disposed of off-site. The remaining 400,000 cubic yards of contaminated sediments are still planned to be dredged by hydraulic methods and disposed of off-site and/or placed in the potential three CDFs still in the remedy.

CAD technology is a recognized and protective approach to disposal of contaminated sediments and MassDEP has determined that the selected remedy, as modified by the ESD, would remain consistent with M.G.L. Chapter 21E and the Massachusetts Contingency Plan.

MassDEP anticipates that the use of a CAD cell in lieu of one of the CDFs would significantly reduce both the time and cost to complete EPA's selected remedy. Under the current level of funding of \$15 million per year, EPA has determined that the selected remedy (as modified by ESD's #1, #2 and #3) would likely take 46 years to complete at a cost of \$1.7 billion (\$170 million State share). Assuming the same funding scenario, with the implementation of the changes to the selected remedy described in ESD #4, EPA estimates that the remedy would likely take 40 years to complete at a cost of \$1.2 billion (\$120 million State share), thus resulting in savings in time and money of approximately six years and \$50 million, respectively. As an added benefit, the reduction in the time required to complete the remedy would likely result in a corresponding reduction in overall site risk.

EPA held a Public Hearing on June 25, 2010 and provided an opportunity for public comment. MassDEP subsequently reviewed EPA's proposed modification to the selected remedy as described in ESD #4 and considered public comment received.

Based on MassDEP's review of the modification and consideration of public comment, MassDEP believes that modifying the selected remedy as described in ESD #4 would enable EPA to remediate the harbor in a more cost efficient and timely manner while still being protective of human health, public welfare and the environment. Accordingly, MassDEP concurs with the proposed modification to the selected remedy described in ESD #4.

MassDEP appreciates the opportunity to provide input on this ESD. If you have any questions on MassDEP's concurrence, please contact Joe Coyne at (617) 348-4066.

Sincerely,



Janine Commerford
Assistant Commissioner
Bureau of Waste Site Cleanup
Massachusetts Department of Environmental Protection

cc: Elaine Stanley, EPA
Cindy Catri, EPA
Man Chak Ng, EPA
Joe Coyne, BWSC, DEP
Paul Craffey, BWSC, DEP
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