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NUTTER, McCLENNEN & FISH

Site: New Bedford
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December 31, 1987
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BY HAND

Charles C. Bering, Esq.
United States Environmental
Protection Agency
Region 1
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Boston, MA 02203

DEC 7 1987
REGION 1
OFFICE OF REGIONAL COUNSEL

Re: Pilot Study of Dredging and
Dredged Material Disposal Alternatives

Dear Counsel:

Enclosed with this letter please find comments submitted by the undersigned parties concerning the pilot dredging program proposed by the Environmental Protection Agency and the United States Army Corps of Engineers. These comments reflect our specific concerns with the proposed study, which, as designed, will produce so little information useful or meaningful in evaluating the environmental impacts of a large scale dredging project that the wisdom (and cost-effectiveness) of proceeding with the pilot study is highly questionable.

We are equally concerned with the underlying decision to undertake a pilot dredging project at all. The EPA has decided to spend millions of dollars to test and refine dredging techniques to a design specification level before even deciding whether a cleanup in New Bedford Harbor is necessary. What is the point of a costly RI/FS, not scheduled to be completed until August 1988, if an internal decision has already been made that

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a cleanup is necessary and that dredging is the remedial technology of choice? The EPA should decide the fundamental question of whether any cleanup is necessary in the Harbor before it spends millions of dollars refining only one of several possible remedial technologies. At best, the decision to undertake this multi-million dollar pilot study suggests that prior agency decisions favoring dredging alternatives have created a programmatic inertia which continues to focus mainly on removal of PCBs in the Harbor, ignoring the presence of other contaminants such as metals or polycyclic aromatic hydrocarbons. This bureaucratic posture likewise disregards new evidence concerning the lack of toxicity of PCBs, as well as the results of the Greater New Bedford PCB Health Effects Study, which demonstrates that the population of New Bedford has no greater exposure to PCBs in the environment than anyone else in the United States.

We request a meeting with EPA representatives at your earliest convenience to discuss these comments with you and with your technical consultants in greater depth.

Please include this letter and these comments in the Administrative Record being compiled in this matter.

Very truly yours,

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Enclosure

cc: Ellen Mahan, Esq. (Fed. Express w/encs.)
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