



The Commonwealth of Massachusetts
 Executive Office of Environmental Affairs
 Department of Environmental Quality Engineering
 Southeast Region

S. Russell Sylva
 Commissioner

Gilbert T. Joly

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Superfund Records Center

SITE: NEW BEDFORD

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April 8, 1987

APR 13 87

Mr. Frank Ciavatteri
 New Bedford Harbor Project Manager
 U.S. Environmental Protection
 Agency HRS-1903
 JFK Federal Building
 Boston, Massachusetts 02203

RE: NEW BEDFORD--Wetlands--Hazardous Waste
 New Bedford Harbor Superfund Site

WASTE MANAGEMENT DIVISION



SDMS DocID **49713**

Dear Mr. Ciavatteri:

The Department of Environmental Quality Engineering has reviewed the evaluation of alternative locations for the confined disposal facility (CDF) prepared by the U.S. Army Corps of Engineers and dated March 20, 1987. The Department has made the following comments:

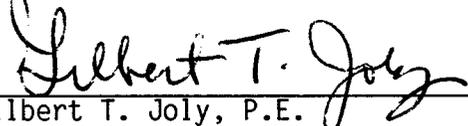
1. Location A is substantially the same area proposed in the earlier Pilot Study documents, however, the size of the dike has been substantially increased in light of the unfavorable geotechnical properties of the substrate. The Department has commented previously on the CDF location, and has concluded that the site may be appropriate. The Department maintains, however, that the CDF must be lined in order to contain any leachate derived from the contaminated sediment unless there is a clear showing that the natural sediment underlying the site would function in an equivalent manner as a liner. Additionally, any subtidal or intertidal disposal must be designed to withstand severe meteorological and oceanographic events. If the CDF is to be more than a temporary site, then some consideration of the effects of rising sea level should be included in the design analysis.
2. Location B would dike-off a portion of the cove. In some respects this option is more desirable than Location A in that it does not restrict circulation in the outer portions of the cove. However, the use of this alternative will destroy some existing salt marsh within the cove. It will also impact areas known to contain shellfish. The ecological impact of Location B is greater than Location A.
3. Alternative C is similar to B except that the CDF would be bounded by a sheet pile bulkhead rather than an earthen dike. The impacts are likely to be similar to the Location B alternative, although it is clear that the impacts on water quality would be lessened by the sheet pile alternative.

4. CDF Location D involves constructing a diked area within the extensive salt marsh complex on the Fairhaven-Acushnet side of the estuary. The proposed facility will destroy approximately nine acres of salt marsh. Salt marsh is the one coastal wetland resource area that receives the highest level of protection under the Wetlands Protection Act (Massachusetts General Laws, Chapter 131, Section 40). The performance standards for any work involving salt marsh are that the proposed activity shall not have any adverse effect on the salt marsh, decrease productivity of the marsh, or destroy any portion of the marsh. Based upon these strict performance standards, the Department cannot consider Location D as an acceptable alternative.
5. Locations E and F are in the upland areas bordering the Acushnet River Estuary. Please refer to the Department's letter to Mr. Merrill Holman, dated November 13, 1986, signed by Deputy Commissioner McLoughlin, stating the Department's position regarding upland disposal of New Bedford Harbor sediments.

Based upon the foregoing, it is the Department's position that alternative A is still the preferred CDF location. This conclusion is predicated upon agreement between EPA and the Department of Environmental Quality Engineering that the Pilot Study is to go forward as part of the Feasibility Study and that, should the CDF be eliminated from the final remedial action, the CDF will be removed from the estuary.

If you have any questions, please contact Brett Burdick at the above telephone number.

Very truly yours,



Gilbert T. Joly, P.E.
Regional Environmental Engineer

J/BB/cb

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