RETURN TO SER AR INDEX

Superfund Records Center
SITE: New Bedford
BREAK: 5.1
OTHER: 518413

{In Archive} New Bedford Harbor Supefund Site--State Enhanced Remedy

Matt Schweisberg to: Christopher.Boelke, karen.k.adams, tom_chapman, Chiarella, Lou, Jennifer.L.Mccarthy 04/02/2010 09:15 AM

Cc: Dave Dickerson, "Weinberg, Philip (DEP)", Larry Brill
Bcc: Ann Williams
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Chris/Lou, Karen/Jennifer, Tom,

I spoke with a few of you about this last week, at least in a general sense. For others, let me offer a brief background before getting to my request.

EPA has an ongoing Superfund remedial action in New Bedford Harbor to clean up PCB contaminated sediments. Years ago, the Agency determined an appropriate clean up threshold--the level of concentration of PCBs in the sediment above which our remedial action would address--and identified those areas in the harbor that exceeded that threshold and would be dredged to a certain depth to remove all sediments with concentrations above the threshold.

Recently, the Massachusetts DEP proposed an additional project that it would like to carry out to "enhance" the overall remedy (hence the name "state enhanced remedy" (SER) in the subject line above). The state (in conjunction with the City of New Bedford) would like to perform additional dredging, in this case navigational dredging, to remove contaminated sediments that fall below the EPA clean up threshold but nevertheless still contain elevated concentrations of PCBs. The state also proposes to dispose of the contaminated dredged material in a Confined Disposal Facility (CDF) that it would construct at an area known as the South Terminal site along the New Bedford waterfront. EPA has determined that the proposed SER could qualify as an enhancement to the federal remedy under CERCLA and its implementing regulations, and, as such, the activities associated with it--dredging, disposal--would not need to obtain otherwise required federal and state environmental permits (e.g., CWA section 404, MA Chapter 91, among others). On the other hand, a final determination is dependent upon EPA conducting a review of all Applicable or Relevant and Appropriate Requirements (ARARs) of those otherwise applicable state and federal environmental laws to ensure that the SER would comply with their substantive requirements. The attached letter from the MADEP explains in more detail the state's proposal (as well as its evaluation of both why and how the proposal complies with state environmental regulatory requirements). For those not familiar with Superfund, the jargon and acronyms may be a bit to digest.

NBH_StateEnhancedLetter.pdf

I will be coordinating a part of the ARAR review on the federal side, and here's where NOAA-Fisheries, the Corps, and USFWS (and perhaps a few others) come in.

Here's the request part. EPA would like your assistance in conducting this ARAR review, but you're participation is not required.

What participation would entail: A site visit and follow-up meeting (perhaps in concert with the site visit) with key state personnel; submitting comments, questions, requests for additional information to EPA/the State; reviewing the State's response; possibly another meeting or comment letter depending upon remaining issues/concerns.

Schedule: The site visit and initial meeting need to occur in April, and here are the only potential dates (mostly geared to my calendar): April 8, 12, 16, 30.

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So, I have a few questions:

1. Is your agency interested in participating?
2. Are you able to participate considering the initial schedule?
3. If yes to both, who from your agency would have the lead and be the POC?

I need to have your answers to the above three questions no later than Noon on Tuesday, April 6th. If you'll be participating, I'll be back in touch to coordinate.

If you have any questions or want to discuss, just give me a call. I'm tied up today from 10:00 am till about 4:00 pm, but may have a chance to return calls over lunch. I am in the office all day Monday, April 5th.

I realize this request may appear rather inflexible, and I suppose it is, but those are the conditions under which EPA is conducting this effort.

Thank you.

Matt Schweisberg

Chief, Wetlands Protection Program
Office of Ecosystem Protection (OEP05-2))
U.S. EPA New England Region
5 Post Office Square, Suite 100
Boston, MA 02109-3912
617-918-1628 (v)
617-918-0628 (f)
schweisberg.matt@epa.gov