

Response to Comments from the New Bedford Harbor Public Meeting held on December 8, 1982.

A general summary of the meeting and written comments are attached (Appendix A). The following response to comments will address primarily the written submittal because, questions and comments presented during the meeting were answered in-depth at that time. Responses to health related issues appear in Appendix B.

Issues

1. Sediment Disturbance and Transport During Possible Dredging Operations.

If dredging is utilized as a part of the remedial action program, mitigating measures to control sediment resuspension and transport will be specified in the engineering design of the program. Possible sediment transport control measures include: using dredges that minimally disturb sediment; utilizing silt curtains; and, dredging under optimal current conditions.

2. Effects of PCBs on Fisheries

The long-term, or chronic, effects of PCBs on saltwater fish species is poorly understood at this time. However, studies indicate that low levels of PCBs in water will produce adverse effects in some saltwater fish species, and that toxic effects of PCBs generally increase with increased duration of exposure.

Of economic concern to the local fishing and shell fishing industries is the exceedance of the five parts per million (ppm) Food and Drug Administration (FDA) action limit for PCBs in native fish populations. Fish are able to bioconcentrate PCBs in their tissues to levels thousands of times higher than that occurring in ambient water. As a result, fish inhabiting waters contaminated with PCBs, even at low levels of contamination, can after a period of time reach high PCB tissue levels (i.e. greater than 5ppm).

One of the studies to be conducted during the remedial investigation is to identify the specific sources of PCBs impacting Buzzards Bay. A sediment transport/food chain model, quantitatively describing the movement and fate of PCBs in the New Bedford Harbor/Buzzards Bay system, is proposed. This model will be used to predict how various remedial actions would affect the PCB concentrations in commercial fish.

3. Operational Problems at the New Bedford Wastewater Treatment Facility (WWTF)

Due to design and operational problems, the New Bedford WWTF generally does not achieve removal efficiencies expected of that

type of plant. In December of 1982, EPA conducted an extensive diagnostic analysis inspection to determine the causes of the problems. Several design and operational deficiencies were identified. As a result of the inspection, EPA issued an administrative order to the City to make specific equipment repairs and maintain the equipment in proper working order.

Design deficiencies have also been identified by state inspectors. Recently, the City has received grants from the State to upgrade the facility to correct design deficiencies and to implement a pretreatment program.

These actions are the first steps toward improving the efficiency of the facility. A cooperative, ongoing effort on the part of the City, State and EPA will be necessary to resolve the problems at the New Bedford WWTF.

4. Hazardous Waste Dumping in Fairhaven

Phase I of the Resource, Conservation and Recovery Act (RCRA) program has been delegated to the State of Massachusetts. Specifically, the Division of Hazardous Waste, of the Massachusetts Department of Environmental Quality Engineering is responsible for implementing Phase I of RCRA.

The current program includes compliance and enforcement for generators; transporters; and treatment, storage and disposal facilities of hazardous wastes. Illegal disposal of hazardous wastes would, therefore, fall under the jurisdiction of DEQE.

The dumping incident reported at the public meeting has been forwarded to the Southeastern Region of DEQE for their action. For more specific details, contact the regional DEQE Office in Lakeville at 617/947-1231.

5. Potential Reaction of PCBs with Other Environmental Pollutants

PCBs were chosen for use in electrical components because of their chemical stability and inertness to almost all typical chemical reactions. For example, PCBs do not undergo oxidation, reduction, addition, or substitution reactions except under extreme conditions (i.e. high temperature, catalysts, etc.). Therefore, the potential for PCBs reacting with other pollutants in the environment is extremely small.

6. Responsible Parties

Under the Comprehensive Environmental Response, Compliance and Liability Act (commonly called Superfund Act), for any Superfund monies to be used at a site, the government must investigate to see if responsible parties can be identified. Once responsible parties are identified, they may voluntarily take part in appropriate remedial actions. If they do not voluntarily assist in remedial activities, the government may take legal action, which in some cases can be for up to triple damages.

The investigations for responsible parties at the New Bedford Harbor Site are ongoing. At this time, EPA cannot comment further concerning which responsible parties have been identified.

7. Health Studies and Related Issues

The Massachusetts Department of Public Health is the lead agency for all health issues. Their response to health related comments are in Appendix B.

8. Development of the Remedial Action Master Plan (RAMP)

The State of Massachusetts, through the Interagency Task Force, and the EPA have worked cooperatively together to develop the New Bedford Harbor RAMP, which is being prepared for EPA by a contractor. No companies with potential involvement in New Bedford have had input into this process, nor have they received any remuneration from EPA.

9. Other comments

What is the Regulatory Status of Dioctyl phthalate, the compound used as a substitute for PCBs?

In some specific situations, Dioctyl phthalate (DOP) is considered a hazardous waste when it is discarded. As described in the Code of Federal Regulations (40 CFR §§ 261.33), DOP is considered a hazardous waste when:

- (1) is discarded as an off-specification commercial chemical (for example, the manufacturer makes a "bad batch" and wants to get rid of it);
- (2) residues are left in containers or inner liners; and
- (3) soils, water and debris contaminated from a spill of the commercial product.

In many cases DOP is not considered to be a hazardous waste. For example wastewater streams containing DOP from the manufacture of electrical components are not presently classified as hazardous wastes. Reject capacitors, containing DOP, are not considered hazardous wastes at this time.

The hazardous waste regulations are fairly complex, and are difficult to interpret on a general basis. Further questions concerning specific disposal practices can be referred to Region I's Waste Management Division at 617/223-5630.