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HOWARD T. WEIR
DIAL DIRECT (202) 467-7195

MORGAN, LEWIS & BOCKIUS

COUNSELORS AT LAW
1800 M STREET, N. W.
WASHINGTON, D. C. 20036
TELEPHONE: (202) 467-7000
CABLE ADDRESS: MORLEBOCK
TELEX: 89-627
TELEFAX: (202) 467-7176

June 22, 1988

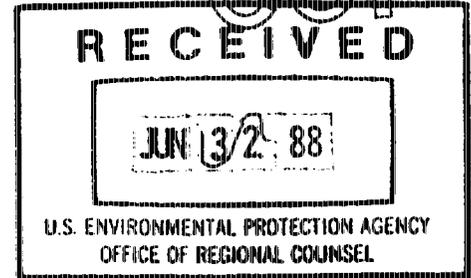
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Charles Bering, Esq.
Office of Regional Counsel
U.S. Environmental Protection
Agency - Region I
J.F. Kennedy Federal Building
Room 2203
Boston, MA 02203

(By Hand)

Ellen M. Mahan, Esq.
Environmental Enforcement Section
Land & Natural Resources Division
U.S. Department of Justice
P.O. Box 7415
Washington, D.C. 20044-7415

Re: New Bedford Harbor Split Sampling

Dear Mr. Bering and Ms. Mahan:

This letter responds to proposals in your May 9, 1988 letter which in turn responded to our April 27, 1988 letter requesting split sampling relative to EPA's pilot dredging program. You propose to perform an intercalibration on four sediment samples from two locations in New Bedford Harbor and similar analyses of Dr. John Brown's sediment cores from the upper estuary. While aspects of your specific proposal with respect to Dr. Brown's sediment samples are somewhat confusing, we are agreeable in principle to an intercalibration study of sediment samples, which would include split samples of Dr. John Brown's sediment cores from the upper estuary showing dechlorination of PCBs. On the other hand, we asked for splits of sediment and water samples from monitoring of the pilot dredging program in our April 27 letter, and we are surprised and disappointed that you failed to respond to these requests at all.

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The government proposals and our requests are discussed in more detail below.

Splits of Water Column and Sediment Samples

As stated in our April 27, 1988 letter requesting your attention to this matter, we wish to obtain splits of samples taken in connection with the Pilot Dredging Study monitoring program. This would include sampling during baseline monitoring and during the pilot dredging study itself. The first paragraph of your letter proposes only to inter-calibrate the analyses of four sediment samples immediately prior to dredging. While these pre-pilot study split samples are of interest to us, their promise by no means fulfills our request for splits of water column, sediment, or biota samples in our earlier letter.

Our request for splits of these samples was nowhere addressed in your May 9, 1988 letter. From telephone discussions between Charlie Bering and Leslie Ritts (counsel for Federal Pacific Electric), we understand that government attorneys have been told by their consultants that there are technical difficulties in splitting water homogenates from the pilot dredging monitoring program. We have reviewed this issue with our respective consultants who categorically disclaim any problem, pointing out that the government's own workplan calls for "duplicates" in any event.^{1/} Because the

^{1/}Split sampling of water samples for PCB analyses should not present problems during conduct of the USACOE New Bedford Pilot Dredging Program. Such split sampling is routinely performed during environmental sampling program, and is likely a part of the internal QA/QC program for the USACOE Pilot Dredging Program.

It is our understanding that much of the water sampling to be conducted by the USACOE will consist of composite

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water column samples are critical to evaluation of both the engineering feasibility of dredging in the Harbor as well as any potential health or environmental risk posed by the resuspension of materials in the estuary, we renew our request for splits of these samples. We would be happy to discuss the specifics of a sampling program, i.e., the number of samples and the like, with you in more detail at your convenience.

Intercalibration Study

We would be interested in participating in an inter-calibration study of sediment samples, although we do require clarification of which samples EPA desires to intercalibrate. This confusion specifically centers on the proposal as it applies to Dr. John Brown's 1986 sediment samples from the upper estuary (see further discussion, below). Obviously, laboratory methodologies, standards, and standard operating procedures (SOPs) for calibration, sample preparation and

1/(...continued)

sampling. To be effective, the composite samples will have to be homogenized to obtain a representative aliquot of the sample for analysis. Thus, sample homogenization should not present a significant difficulty. In cases where USACOE intends to collect discrete samples, similar homogenization techniques could also be used to assure sample uniformity prior to discrete sample splitting.

If EPA is concerned that the difficulty with split sampling rests in the physical process of sample splitting, several methods could be used to address this concern. Perhaps one of the simplest methods that allows collection of homogeneous representative split samples would be to insert a stopper or spout into the sample container equipped with a bifurcated Teflon® base. This would allow the sampling team to split samples with a minimum of effort and in a technically acceptable manner.

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cleaning must be worked out in cooperation with EPA's Naragansett Laboratory. We look forward to arranging a meeting of our consultants to enable them to work out these details.

Dr. Brown's Samples

Paul Galvani (counsel for Aerovox Incorporated) agrees to make these samples available to you. Indeed, Dr. Brown offered them to Dr. Taylor at the EPA Naragansett Laboratory last year. In return, we ask that you provide us with splits of the sediment samples taken by Dr. James Lake of the Naragansett Laboratory from the Naragansett Bay and Eastern Long Island Sound.

As to Dr. Brown's samples, arrangements will need to be made with Dr. Brown at the General Electric Company and Mr. Galvani to facilitate the shipment of these samples. Your May 9 letter appears to propose intercalibration of these "old" samples. Further discussion and clarification of which samples the government wants to intercalibrate is required as to that portion of the proposal.

Rapid Access to Analyses

Charles Bering's May 9, 1988 letter states as a precondition for parts of the government's proposal the rapid access to analytical results. We also request to have rapid access to the government's analyses from both the intercalibration studies and the pilot dredging monitoring program. Twenty-four hour turnaround would appear appropriate.

Observation of Construction and Sampling

Another part of our April 27 proposal that was not directly addressed in the government's May 9 response was the request to allow a consultant to observe the sampling and construction events on the PRP's behalf. Instead, EPA has

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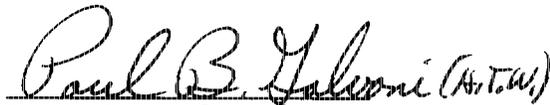
indicated that it will schedule some public visits to the area of the estuary where this work will commence. Safety concerns appear to be at issue. Our consultants have been trained for remedial response work, and indeed have participated in the RI/FS process on behalf of other private parties and EPA. We, therefore, renew our request to have a representative from the PRP group present at the sampling and construction events.

Conclusion

We would appreciate your prompt response to this letter and in any event at least 48 hours prior to the date any sampling is to commence. We understand that the pre-operational sampling described in Mr. Bering's letter of June 2 to Mary Ryan did not take place on June 9 as scheduled and have not yet heard of any rescheduled date. You may call Mary Ryan (617/439-2212) or Leslie Ritts (202/467-7153) to discuss questions you may have regarding specific issues. Arrangements with Dr. Brown will need to be coordinated with Paul Galvani.

Please include this letter as part of the administrative record in this matter.

Sincerely,


Paul B. Galvani
Ropes & Gray
225 Franklin Street
Boston, MA 02110
For: Aerovox Incorporated


Daniel J. Gleason
Mary K. Ryan
Nutter, McClennen & Fish
One International Place
Boston, MA 02110-2699
For: AVX Corporation

MORGAN, LEWIS & BOCKIUS

Charles Bering, Esq. and
Ellen M. Mahan, Esq.
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Howard T. Weir
Howard T. Weir
Leslie S. Ritts
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036
For: Federal Pacific
Electric Co.

David A. McLaughlin (H.T.W.)
David A. McLaughlin
McLaughlin & Folan
448 County Street
New Bedford, MA 02740
For: Belleville Industries,
Inc.

Verne W. Vance, Jr. (H.T.W.)
Verne W. Vance, Jr.
Wendy Jacobs
Foley, Hoag & Eliot
One Post Office Square
Boston, MA 02109
For: Cornell-Dubilier Electronics
Corporation