

New Bedford Harbor
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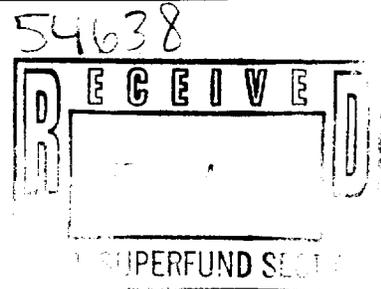


New Bedford Harbor Trustee Council
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Gloucester, MA 01930-2298

Phone: 508-281-9136
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February 3, 1997

Mr. David Dickerson
Remedial Project Manager
U.S. Environmental Protection Agency
Region I, HBO
JFK Federal Building
Boston, MA 02203-0001



Dear Mr. Dickerson:

The New Bedford Harbor Trustee Council (Trustee Council) requests that the following comments be included in the administrative record for "EPA's Proposed Cleanup Plan for Upper and Lower New Bedford Harbor" (the Proposed Plan). EPA should be acknowledged for working through the many difficult issues surrounding development of the Proposed Plan. The Trustee Council hopes that the Proposed Plan is accepted, and encourages EPA to implement the Plan as soon as possible in order to provide much needed protection to the harbor's natural resources and to the community.

The Trustee Council has reviewed the Plan and supports the proposed target cleanup levels (TCL) as more protective to natural resources than those proposed in the 1992 Proposed Plan. Although post-remediation PCB levels will approach, but likely exceed, FDA acceptance levels for edible tissues in fish and shellfish, the Trustee Council recognizes that increased costs, time and disruption make further reduction in TCLs infeasible.

Coordination between EPA's cleanup and the Trustees' restoration activities will be essential to prevent duplicate or conflicting efforts as cleanup progresses. To assist in this coordination, the Trustee Council requests that EPA provide information to it on restoration-related issues throughout the design phase.

In addition, the Council has specific areas of concern which are discussed below. They include, but are not limited to: actions taken to clean up the affected Upper Harbor salt marsh; the timing and phasing of cleanup actions around the harbor; plans for the cove in the vicinity of Belleville and Coffin Avenues; confined disposal facilities (CDFs) and their potential uses; and activities in the Outer Harbor.

Upper Harbor Salt Marsh: Salt marshes are particularly productive areas. Care must be taken to insure that a functioning salt marsh remains after remediation and

restoration are complete. The Trustee Council requests specific plans for the Fairhaven salt marsh, with regard to the amount of area to be cleaned, the methods to be used, how the area will be restored, what monitoring will occur, and what corrective actions will be taken if monitoring determines that remediation/restoration activities are not successful.

Timing and Phasing of Cleanup Activities: Specific information on timing and phasing of cleanup activities will allow the Trustee Council to make orderly plans for future restoration activities. When a particular area has been cleaned up, the Trustees may be able to begin restoration in that area.

In addition to seeking general information on timing and phasing of cleanup, the Trustees specifically request that EPA consider the following facts in support of an early cleanup of the cove area north of the "Hot Spot" CDF. The Trustee Council has been asked to consider funding construction of a park in the cove area. The Trustees are considering this park in the first round of restoration funding, since the cove is close to residential housing impacted by harbor contamination and local residents have few close alternatives for recreational activities. In addition, restoration work at the site will provide benefits to wetlands in the cove.

Placement and Sizing of CDFs: The proposed siting of CDFs in aquatic habitats will result in impacts to natural resources. As you know, EPA internal guidance calls for replacement of aquatic areas destroyed by remedies at Superfund sites. The Trustees would like to know the proposals EPA is considering for replacement of aquatic areas in the harbor which will be lost to CDFs. The Trustees suggest that the impacts of the CDFs can be partially offset through appropriate habitat enhancement during CDF construction. Enhancements could include, for example, construction of CDFs so that they will provide associated fringe marsh and shellfish habitat.

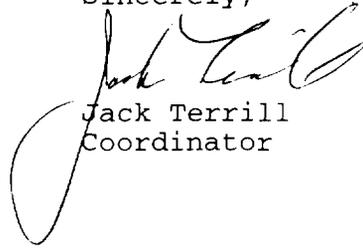
A more problematic concern related to construction of the CDFs is the extent of impacts to aquatic areas which will result from sizing the CDFs to accommodate sediments which may be dredged to enhance navigation in the harbor. As you know, the use of these CDFs for non-Superfund purposes could have serious policy implications for both EPA and the Corps of Engineers regarding compliance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The Trustees would like to discuss with you issues related to filling aquatic areas for CDFs, including actions we may be able to undertake jointly to replace natural resources lost as a result of actions taken to remediate

site contamination.

Outer Harbor: Finally, the Trustee Council requests that EPA re-examine the decision to postpone complete dredging of the ("hot spot") contaminated areas of the Outer Harbor. To dredge to one cleanup level and then follow up some years later with additional dredging would appear to be needless duplication of effort resulting in additional costs. It would be more efficient to complete outer harbor hot spot dredging under the Proposed Plan. In addition, sampling required for this area may be done during the design phase for the Upper and Lower Harbor.

The Trustee Council looks forward to talking with you about the requests we have made above, and to working with you to coordinate cleanup and restoration activities.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Terrill". The signature is written in a cursive style with a large, sweeping loop at the bottom left.

Jack Terrill
Coordinator

cc: Mike Bartlett
Peg Brady
John Bullard
Ken Finkelstein
Marcia Gittes
Marguerite Matera