

UNITED STATES ENVIRONMENTAL
Region I

U.S. v. AVX Original
PROTECTION AGENCY
Litigation Document

56535

In the Matter of:)
) Docket No. 83-1048
City of New Bedford)
New Bedford, Massachusetts)
Respondent)

PROCEEDING UNDER SECTION 106)
OF THE COMPREHENSIVE)
ENVIRONMENTAL RESPONSE,)
COMPENSATION, AND LIABILITY)
ACT 42 U.S.C. §9606.)

PREAMBLE

The following ORDER is being issued pursuant to the authority vested in the President by Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. §9606, and delegated to the Coast Guard by Section 8(f) of Executive Order 12316 (August 14, 1981), and redelegated by the Coast Guard to EPA, by the Instrument of Redefinition, signed October 2, 1981 by the Secretary of Transportation, and October 9, 1981, by the Administrator of EPA, who duly redelegated the authority to the Regional Administrator on April 1, 1983. Notice of the issuance of this order has been given to the Commonwealth of Massachusetts.

This Order is based on sampling conducted by EPA on August 31, 1982; on June 14, 1983 by NUS Corporation; and by GCA Corporation, (authorized representatives of EPA) on October 20 and 21, 1982, and December 10 and 14, 1982. On the basis of these results, EPA has determined that there may be an imminent and substantial endangerment within the meaning of Section 106 of CERCLA, and, pursuant to its authority under that section, EPA now seeks implementation of the measures called for in the following Order.

FINDINGS OF FACT

1. The City of New Bedford owns and operates a combined stormwater/sewage system which accepts industrial and domestic wastes. To prevent overloading the capacity of the system, there are approximately twenty-seven (27) combined sewer overflows (CSOs) which discharge stormwater and untreated sewage directly into Buzzards Bay and the Acushnet River Estuary during storm events.
2. The New Bedford Municipal Wastewater Treatment Facility is a primary treatment plant with a design capacity of 30 million gallons per day. Industrial wastes constitute approximately 21 percent of the discharge flow. The outfall from the plant extends 3,300 feet into Buzzards Bay.

3. On October 20 and 21, 1982, GCA Corporation conducted a sampling survey of bottom sediments from Buzzards Bay and the Acushnet River in close proximity to the combined sewer overflows. The concentration of total PCBs (as Aroclors 1242 + 1254) in bottom sediments near CSOs from the the contaminated lines (between Cove Street and Butler Street) ranged from 8 ppm dry weight(dw) to 14 ppm (dw) in the upper 8 cm of sediment (sampling stations OF16-OF18, Attachment A). The remaining CSOs on the peninsula had bottom sediment concentrations of less than 1 ppm (dw) to 2 ppm (dw) (Attachment A).

4. On December 10 and 14, 1982, GCA Corporation conducted a sampling survey of the New Bedford Municipal Sewer System. Sediment samples were collected from 19 locations. The results of this study indicate that portions of the sewer system (the East Rodney French Boulevard line) are highly contaminated with PCBs. The concentration of total PCBs (as Aroclors 1242 + 1254) ranged from 16 ppm (dw) to 78,000 ppm (dw)(sampling stations MS8-MS12, Attachment A). In general, sediment samples from the remainder of the system had PCB concentrations less than 2 ppm (dw) (Attachment A).

5. On June 14, 1983, NUS Corporation conducted a sampling

survey on selected portions of the New Bedford municipal sewer system. Sediment samples were collected from 3 stations located between Cornell Dubilier Electronics (CDE) and the Cove Road pumping station. The concentration of total PCBs (as Aroclors 1242 + 1254) ranged from less than one ppm (dw) to 17,000 ppm (dw) (sampling station MS20-MS22, Attachment A).

6. Under an existing Consent Agreement and Final Order (TSCA Docket No. 81-1001), Cornell-Dubilier Electronics Corporation, a New Bedford firm, removed PCB contaminated sediments from the municipal sewer lines on Mott and David Streets, between their facility and the main interceptor on East Rodney French Boulevard. The contaminated sediments were placed in drums and stored on-site prior to disposal. On August 31, 1982, EPA personnel randomly sampled sediments from 6 of these drums and analyzed the samples for PCBs. The concentrations of Total PCBs (as Aroclors 1242 + 1254) ranged from 13,000 ppm (dw) to 32,200 ppm (dw) (Attachment A).

7. The Commonwealth of Massachusetts closed approximately 17,000 acres of productive fisheries in Buzzards Bay due to contamination of fish and shellfish in excess of the U.S. Food and Drug Administration action level of 5 parts per million (ppm).

8. PCBs are hazardous substances as that term is defined

at §101(14) of CERCLA. PCBs are suspected carcinogens and are persistent in the environment. PCBs are highly lipophilic and bioconcentrate to high concentrations in tissue from low levels in water. Chlorobiphenyls also accumulate in the food chain. Due to these phenomena, extremely low levels of PCBs in aquatic environments can result in high levels of PCBs in fish, shellfish and other biota. As a consequence, fish and other foods obtained from aquatic environments are potentially significant sources of PCB exposure to humans, even if PCB levels in the water are low.

DETERMINATIONS

Upon the basis of the foregoing, EPA has determined that there may be an imminent and substantial endangerment to the public health or welfare or the environment because of the presence of PCBs in the New Bedford Municipal Sewer System, and because of the release or threat of the release of PCBs to Buzzards Bay. EPA has determined that discharges of PCBs into the sewer lines from the Cornell-Dubilier facility are the principal cause of the existing accumulations of PCBs in the sewer lines.

ORDER

I.A. The City of New Bedford (The City) shall provide to Cornell-Dubilier Electronics maps, schematic diagrams, and any other available relevant

information pertaining to those sewer lines which CDE is required to clean (Attachment B).

B. The City will grant CDE free and open access, during the cleaning operation, to those sewer lines that CDE is required to clean.

C. Within thirty (30) days the City shall submit a plan for sampling and analysis of the primary sludge and liquid effluent from the municipal wastewater treatment facility for PCBs. Samples shall be taken monthly for twelve (12) consecutive months and reported to EPA on a monthly basis. The liquid effluent samples shall be 24 hour composites; the sludge samples shall be composites of 3 grab samples taken within a 24 hour period.

All sampling and analysis conducted by the Respondent or its consultant pursuant to this order shall be performed according to approved analytical procedures and protocols for analysis of PCB content. All PCB measurements of sludge samples shall be reported on a dry weight basis. Respondent shall submit to EPA for approval, a quality assurance/quality control program in accordance with EPA guidance document QAMS-005/80, which will be utilized at all times during the sampling and analysis program.

II. EPA will review the PCB monitoring program as proposed by the Respondent and will transmit to

Respondent in writing the results of this review along with any modifications or changes to the plan.

III. Upon receipt of approval, Respondent shall within 30 days implement the approved PCB monitoring program.

IV. EPA retains the right to require additional monitoring, should EPA deem additional monitoring necessary, based upon the results of the monitoring program required herein.

EFFECTIVE DATE - OPPORTUNITY TO CONFER

You may, within fourteen (14) calendar days after receipt of this Order, request a conference with Michael R. Deland, the Regional Administrator of EPA Region I, or his designee, to discuss the Order; its applicability to you; the correctness of any factual determinations upon which the Order is based; the appropriateness of any action which you are ordered hereby to take and any other relevant and material issue.

If a conference is requested, this Order will not become effective until the expiration of the said fourteen day period, all times for performance of response activities shall be calculated from that date. However, you are hereby placed on notice that EPA may take any action, including the actions described in this Order, which may be necessary in the opinion of EPA for the protection of

public health and welfare and the environment, and you may be liable under §107(a) of CERCLA for the costs of those government actions.

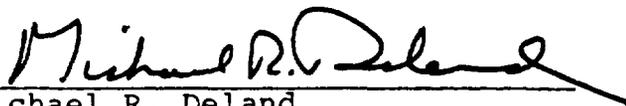
At any conference held pursuant to your request, you may appear in person and/or by attorney or other representatives for the purpose of presenting any objections, defenses or contentions which you may have regarding this Order. If you desire such a conference, please contact Merrill Hohman, Director, Waste Management Division, U.S. Environmental Protection Agency, Region I, 19th Floor, J.F.K. Federal Building, Boston, Massachusetts 02203 at (617)223-5186 within the time set forth above for requesting a conference.

PENALTIES FOR NON-COMPLIANCE

Pursuant to Section 106(b) 42 U.S.C. §9606(b) of CERCLA, you are advised that willful violation or failure or refusal to comply with this Order, or any portion thereof, may subject you to a civil penalty of not more than \$5,000.00 for each day in which violation occurs or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause, may also subject you to liability for punitive

damages in the amount of three times the total of all costs incurred by the government as a result of your failure to take proper action.

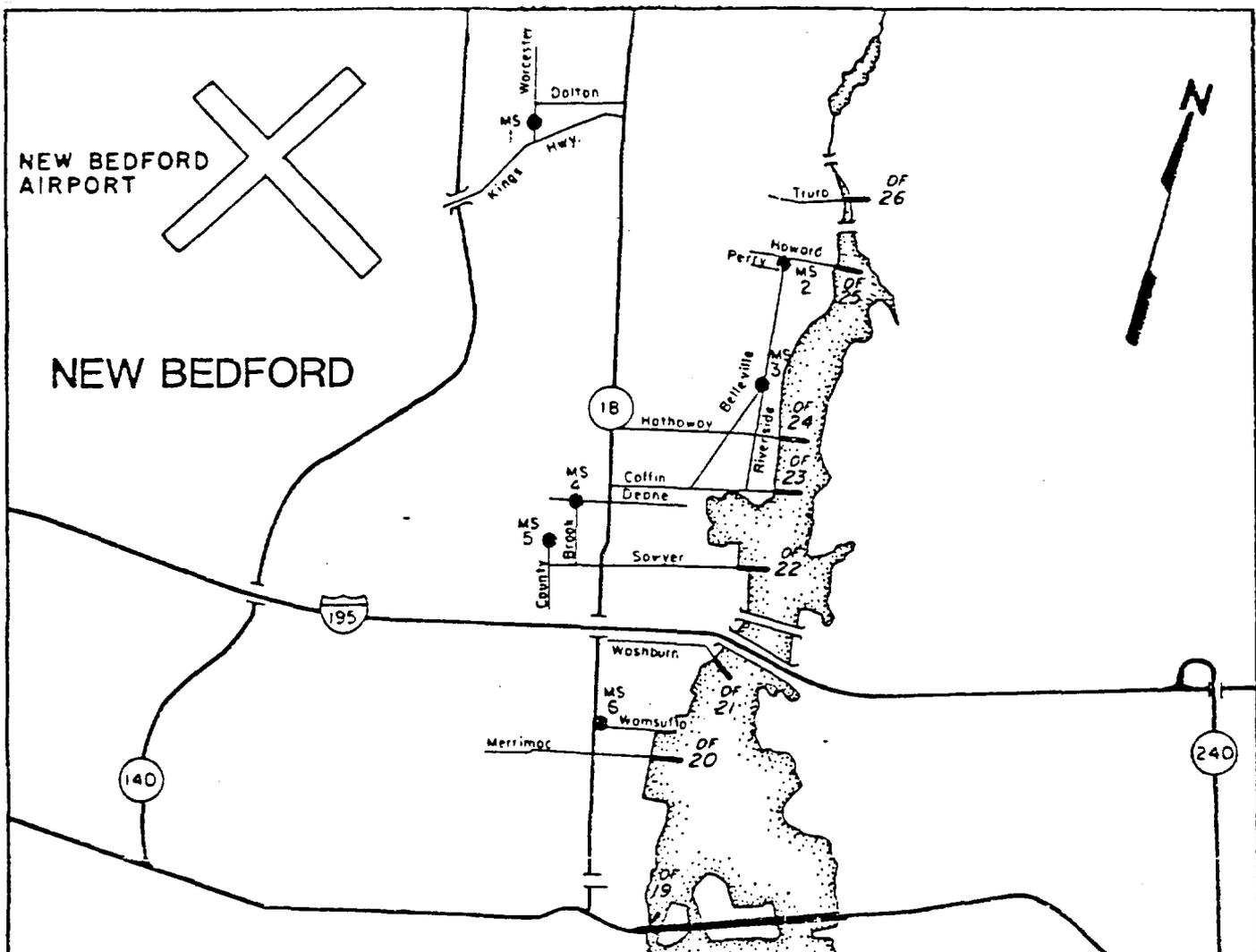
Issued at Boston, Massachusetts this 30th day
of September, 1983.



Michael R. Deland
Regional Administrator
United States Environmental
Protection Agency
Region I, Boston, Massachusetts

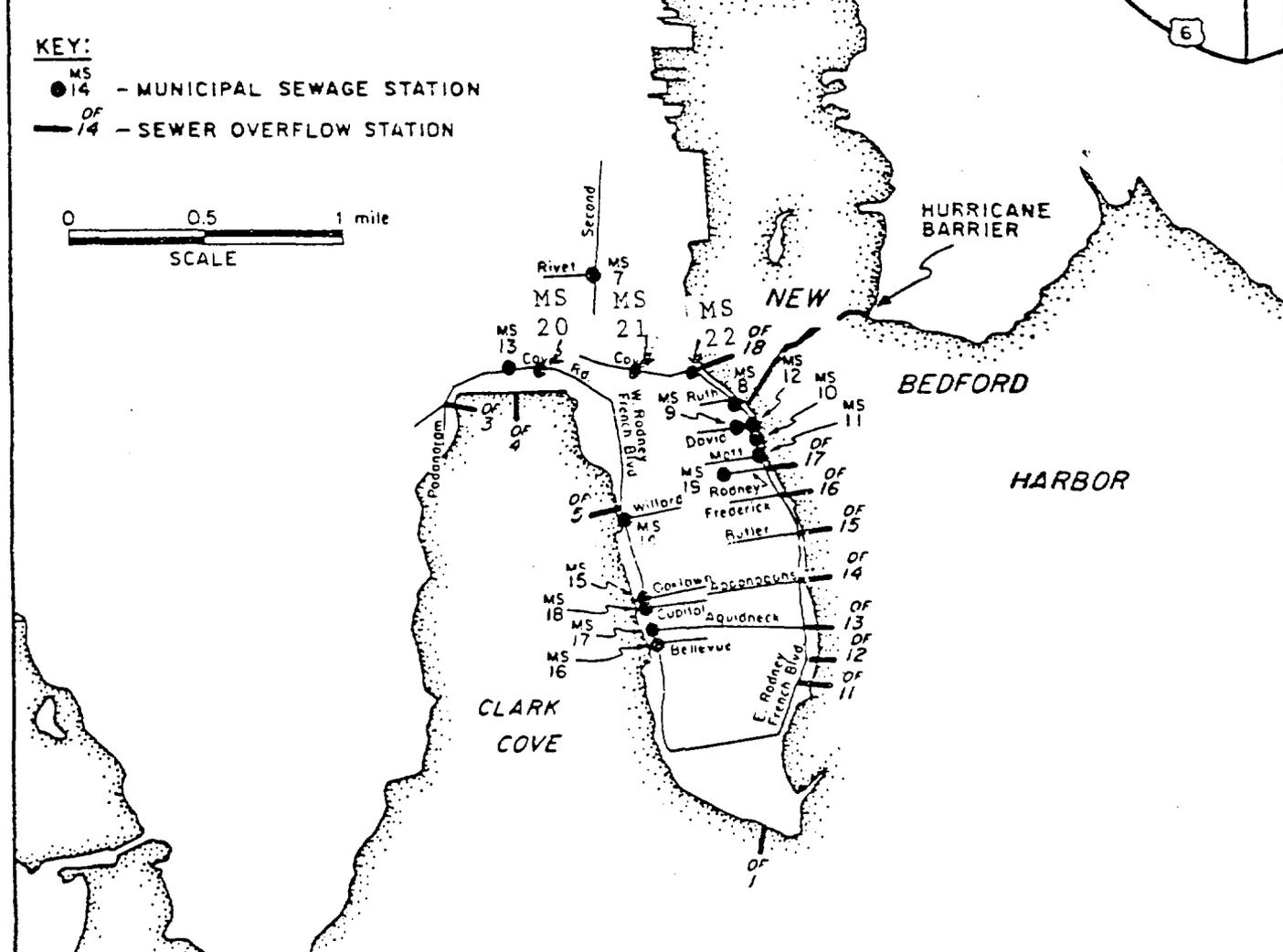
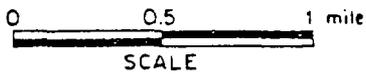
NEW BEDFORD
AIRPORT

NEW BEDFORD



KEY:

- MS 14 - MUNICIPAL SEWAGE STATION
- OF 14 - SEWER OVERFLOW STATION



CLARK
COVE

HURRICANE
BARRIER

BEDFORD
HARBOR

Attachment A

TABLE 1. RESULTS OF PCB ANALYSIS ON SEWERAGE LINE SAMPLES

Station No. ^a	Location	GCA No.	Aroclor found	Concentration ^b (mg/kg)
MS1	Worcester St. catch basin	28600	-	<2
		28601	-	<2
MS2	Intersection of Perry St./ Belleville Ave.	28602	-	<2
		28603	-	<2
MS3	Belleville St./ Belleville Ave.	28604	-	<2
		28605	-	<2
MS4	Brook St./Deane Street	28606	-	<2
		28607	-	<2
MS5	County St./Purchase St.	28608	1242	3
		28609	-	<2
MS6	Corner Acushnet Ave./ Wamsutta St.	28610	1242 & 1254	14
		28611	1242 & 1254	8
MS7	Rivet St./Second St.	28612	1260	4
		28613	1260	6
MS8	E. Rodney French Blvd. (between Ruth St./ David St.)	28614	1242 & 1254	26,000
		28615	1242 & 1254	78,000
MS9	David St./E. Rodney French Blvd.	28616	1242 & 1254	300
		28617	1242 & 1254	390
MS10	E. Rodney French Blvd. (between David St./ Mott St.)	28618	1242 & 1254	49,000
		28619	1242 & 1254	45,000
MS11	E. Rodney French Blvd./ Mott St.	28620	1242 & 1254	24
		28621	1254	16
MS12	E. Rodney French Blvd./ David St.	28622	1242 & 1254	2,800
		28623	1242 & 1254	3,900
MS13	Cove Rd. Pump Station (across the street)	28624	-	<2
		28625	-	<2
MS14	W. Rodney French Blvd./ Willard St.	28626	-	<2
		28627	-	<2

(continued)

Attachment A

TABLE 1 (continued)

Station No. ^b	Location	GCA No.	Aroclor found	Concentration ^c (mg/kg)
MS15	W. Rodney French Blvd./ Oaklawn St.	28628	-	<2
		28629	-	<2
MS16	W. Rodney French Blvd./ Bellevue St.	28630	-	<2
		28631	-	<2
MS17	W. Rodney French Blvd./ Aguidneck St.	28632	-	<2
		28633	-	<2
MS18	W. Rodney French Blvd./ Capitol St.	28634	-	<2
		28635	-	<2
MS19	Rodney St. (between Cleveland St. and E. Rodney French Blvd.)	28636	1242	2
		28637	-	<2
MS20	Cove Road/Stapleton Rd.	31742	-	<1
MS21	Cove St./Viall St.	31744	1242 & 1254	17,000
MS22	Cove St./Abbott St.	31746	1242 & 1254	7,200

^aCorresponds to Station No. provided on site map. MS denotes municipal sewerage system location.

^bResults reported on a dry weight basis.

TABLE 2. PCB RESULTS - BOTTOM SEDIMENTS IN THE VICINITY OF SEWAGE OVERFLOWS

Station No. ^a	Location	Depth (cm)	GCA No.	Aroclor found	Concentration ^b (mg/kg)
OF 1	Treatment Plant Primary Overflow	0-4 4-8	27336 c	-	<1
OF 3	East of Intersection of Cover Rd. and Padanaram Ave.	0-4 4-8	27337 27338	- -	<1 <1
OF 4	New Bedford Hurricane Barrier, Clark Cove Pumping Station	0-4 4-8	27339 c	1254 -	2
OF 5	Dudley St. and W. Rodney French Blvd.	0-4 4-8	27341 27342	- -	<1 <1
OF 11	Freedom Blvd.(extended) and E. Rodney French Blvd.	0-4 4-8	27343 27344	- -	<1 <1
OF 12	Seaview Terrace and E. Rodney French Blvd.	0-4 4-8	27346 27347	- 1254	<1 2
OF 13	Aquidneck St. and E. Rodney French Blvd.	0-4 4-8	27348 27349	- -	<1 <1
OF 14	Apponagansett St. and E. Rodney French Blvd.)	0-4 4-8	27350 c	- -	<1
OF 15	Butler St. and E. Rodney French Blvd.	0-4 4-8	27352 27353	1242 & 1254 1242 & 1154	8 8
OF 16	Frederick St. and E. Rodney French Blvd.	0-4 4-8	27354 27355	1242 & 1254 1242 & 1254	13 14
OF 17	Rodney St. and E. Rodney French Blvd.	0-4 4-8	27357 27358	1242 & 1254 1242 & 1254	8 8
OF 18	Cove St. and E. Rodney French Blvd.	0-4 4-8	27359 27360	1242 & 1254 1242 & 1254	10 10
OF 19	Rte. 6 - East of Front St. at Acushnet River	0-4 4-8	27362 27363	1242 & 1254 1242 & 1254	10 12

(continued)

Attachment A

TABLE 2 (continued)

Station No. ^a	Location	Depth (cm)	GCA No.	Aroclor found	Concentration ^b (mg/kg)
F 20	Merrimac St.(extended) - East of Herman Melville Blvd. at Acushnet River	0-4	27364	1242 & 1254	48
		4-8	27365	1242 & 1254	47
F 21	Washburn St. at Acushnet River	0-4	27366	1242 & 1254	53
		4-8	27367	1242 & 1254	70
F 22	Sawyer St. at Acushnet River	0-4	27369	1242 & 1254	10
		4-8	27370	1242 & 1254	8
F 23	Coffin Ave. at Acushnet River	0-4	27371	1242 & 1254	78
		4-8	27372	1242 & 1254	66
F 24	Manomet St. at Acushnet River	0-4	27373	1242 & 1254	360
		4-8	27374	1242 & 1254	440
F 25	Howard Ave. at Acushnet River	0-4	27376	1242 & 1254	900
		4-8	27377	1242 & 1254	540
F 26	Truro St. (extended)- East of River Rd. at Acushnet River	0-4	27378	1242 & 1254	5
		4-8	27379	1242 & 1254	11

Corresponds to Station No. given in map. 'OF denotes overflow location.

Concentration reported on a dry weight basis.

No subsample collected from this depth; Van Veen sampler resurfaced partially filled due to bottom condition not optimum for sampling.

ATTACHMENT A

TABLE 3

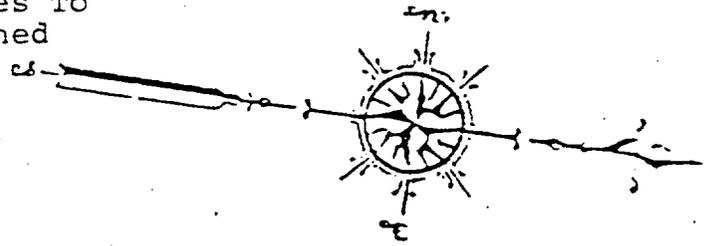
PCB CONCENTRATIONS FROM SEDIMENTS OBTAINED
FROM NEW BEDFORD SEWER LINES
CLEANED BY CDE.*

DRUM NO.	SAMPLE #	Total PCB (mg/g-dw) 1242 + 1254
25	74623	13,900
34	74624	25,200
47	74625	13,800
56	74627	25,900
62	74628	14,400
76	74626	32,200

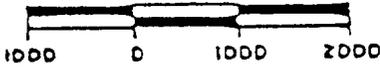
* Drums stored on-site at CDE, samples taken August 31, 1982.

CITY OF NEW BEDFORD BRISTOL COUNTY MASSACHUSETTS

Sewer Lines To
Be Cleaned

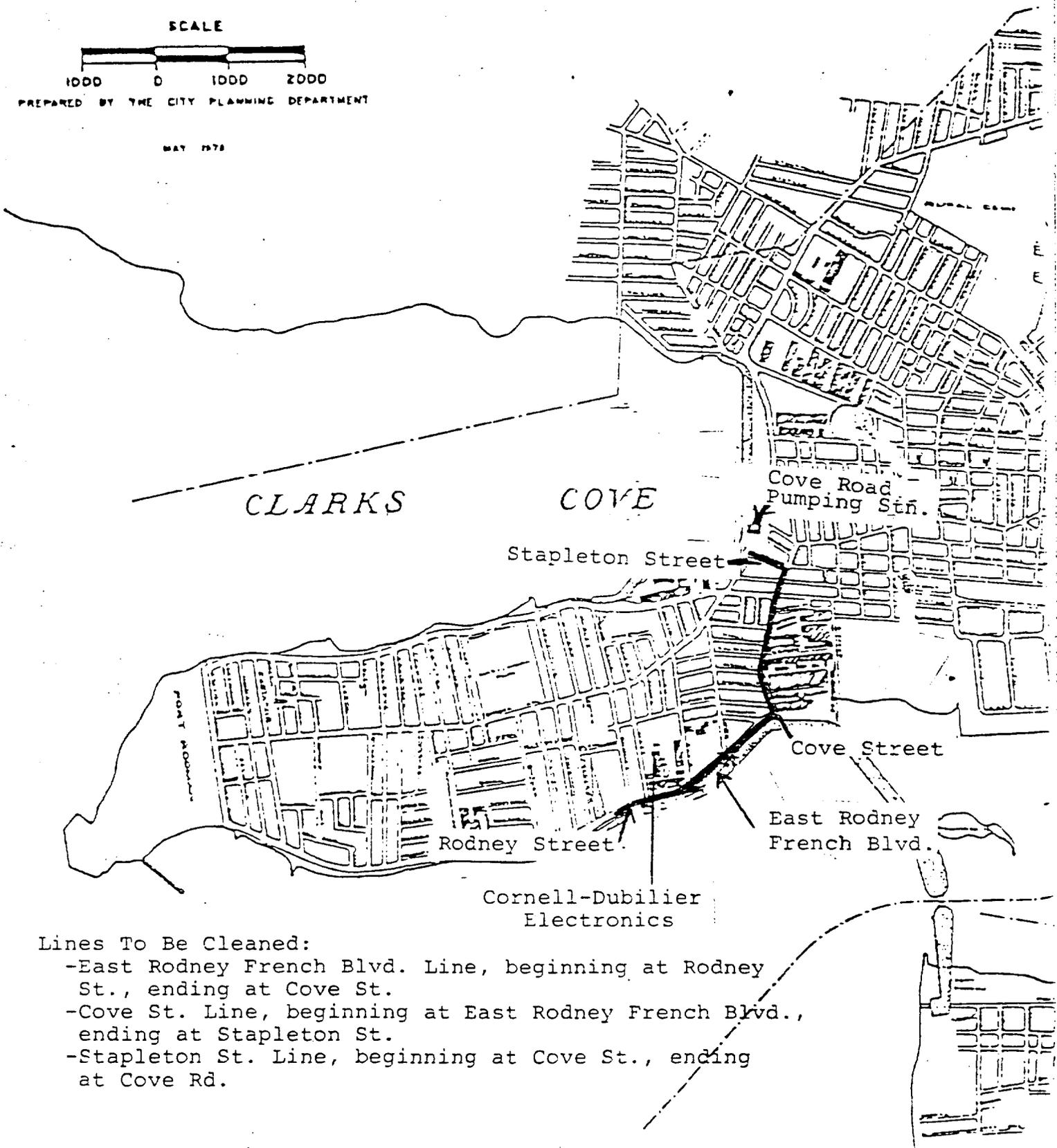


SCALE



PREPARED BY THE CITY PLANNING DEPARTMENT

MAY 1978



Lines To Be Cleaned:

- East Rodney French Blvd. Line, beginning at Rodney St., ending at Cove St.
- Cove St. Line, beginning at East Rodney French Blvd., ending at Stapleton St.
- Stapleton St. Line, beginning at Cove St., ending at Cove Rd.