



U.S. Department of Justice

United States Attorney
District of Massachusetts

SEARCHED	INDEXED
SERIALIZED	FILED
SEP 19 1985	
FBI - NEW BEDFORD	

1107 J.W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

September 19, 1985

Robert B. Allensworth
Ropes & Gray
225 Franklin Street
Boston, MA 02109

RECEIVED

SEP 21 1985

REGIONAL
OFFICE OF REGIONAL COUNSEL

Re: U.S. v. AVX, et al.
C.A. No. 83-3882-Y

Dear Mr. Allensworth:

Enclosed please find the Work Assignment Status Reports prepared by ~~MA~~ Corporation for May, June, July, and August, 1985.

Very truly yours,

WILLIAM F. WELD
United States Attorney

BY: Mary Beth Downing
Mary Beth Downing
Paralegal

cc: Verne Vance
Daniel Gleason
Mary Ryan
Paul Galvan
David McLathlin

bcc: Ellen Marshall
Mark Fitzsimmons
Charles King
Robert E. Cook
Mary Ann Maul
Carolyn Hinch

WORK ASSIGNMENT STATUS REPORT
EPA CONTRACT NO. 68-01-6699, MOD. NOS. 28, 53, AND 106
WORK ASSIGNMENT NO. 28-1L43.2
NEW BEDFORD SITE
BRISTOL COUNTY, MASSACHUSETTS
NUS PROJECT NO. S725

Activity: Remedial Investigation/Feasibility Study

1. Progress this Period - May 1 - 25, 1985:

The following progress was made this month:

- A draft copy of the response to comments and other sections of the Responsiveness Summary (Task 16) were completed.
- Work commenced on the development of scopes of services for two major studies (geotechnical investigation of the estuary; grid sampling of the harbor) and several smaller items of work to support the overall Remedial Investigation (RI) and Feasibility Study (FS).
- Validation of the organic data for Sullivan's Ledge was completed by the Remedial Planning Office (REMPO), as was the second round of field sampling (Task 11) and in the Acushnet River upstream from the hot-spot area (Task 16).
- The laboratory analysis subcontract (Task 19) was signed by Energy and Environmental Engineering, Inc., (E³I), with Battelle as a lower-tier subcontractor.
- Several additional items of work are being negotiated and processed with EPA and Battelle in relation to the modeling and sampling tasks (Task 8, 9). These include deep core sampling in the estuary, inclusion of the "edible portion" of biota in the laboratory analysis and modeling programs, and oceanographic monitoring to support future sampling programs.

2. Problems Resolved:

- All contractual and cost issues were resolved on the laboratory analysis contract, and the contract was signed.
- Battelle achieved a reduction in proposed costs for wave and current monitoring studies by soliciting bids and qualifications from private firms.
- The EPA has achieved coordination with ongoing EPA studies of Buzzards Bay that provide a cost-effective means of including the "edible portion" of biota into the food-chain model.

**WORK ASSIGNMENT STATUS REPORT
WORK ASSIGNMENT NO. 28-1L43.2
PAGE TWO**

- A meeting was held between EPA and REMPO to clarify the Agency's position on the fast-track FS versus the overall RI/FS, to identify additional studies that will be necessary, and to establish reasonable requirements and preliminary schedules.

3. Anticipated Problem Areas and Recommended Solutions:

- Several technical and cost issues remain unresolved on the additional items of work being requested by Battelle. Communications are ongoing to resolve the problems so that work can proceed.
- The additional RI studies being scoped by REMPO will require additional funding. Work Assignment Amendments will be prepared for the major studies. A transfer of funds from preliminary authorized tasks for which the scope has been reduced will be used for small items of work.
- The overall RI/FS is not scheduled for completion until FY 87, which could create problems since REMPO's contract ends in FY 86. EPA is seeking preliminary input on the options available.

4. Deliverables Submitted: None

5. Upcoming Events:

Upcoming events include:

- Meeting with the National Oceanic and Atmospheric Administration (NOAA) to discuss the relationship of the food-chain model and NOAA's natural resources damage assessment (June 10).
- Meeting in late June - early July for EPA, REMPO, and the Battelle modeling team to review progress, scope any additional needs, and establish revised schedules in relation to the laboratory analysis program.
- Meeting between EPA and REMPO to discuss the draft Responsiveness Summary.

6. Activities Planned:

- Finalization of Responsiveness Summary by June 30.
- Preparation of scopes of services for ambient air testing, geotechnical investigation, and grid sampling of harbor.
- Summer sampling in the estuary.

**WORK ASSIGNMENT STATUS REPORT
WORK ASSIGNMENT NO. 28-1L43.2
PAGE THREE**

- Completion of upfront QA/QC activities for laboratory analysis, and initiation of analysis of field samples from the estuary harbor/bay.

7. Key Personnel Changes: None

8. Subcontracting:

E³I, with Battelle as a lower-tier subcontractor, was procured to perform the laboratory analysis.

9. Travel this Period:

May 7, 1985: The REMPO Project Manager traveled to New Bedford to ascertain the feasibility of proposed temporary actions for hot-spot control.

May 8, 1985: REMPO personnel met with EPA and the U.S. Attorney to establish the approach to the overall RI/FS (see Item 2 above).

May 19-24, 1985: Sampling at Sullivan's Ledge, New Bedford Landfill, and the Acushnet River.

10. Contract Laboratory Program:

- All organic data for Sullivan's Ledge has been received and validated by REMPO. Inorganic results have not yet been received. (Note correction from the April Progress Report.)
- Thirty-three water samples sent for HSC analysis during the week of May 20-24.
- Forty-five sediment sample slots scheduled for week of June 10.

11. Schedule Changes:

Preliminary target date for draft combined RI/FS is Fall, 1986.

12. % Complete: 35

PES

**WORK ASSIGNMENT STATUS REPORT
EPA CONTRACT NO. 68-01-6699, MOD. NOS. 28, 53, AND 106
WORK ASSIGNMENT NO. 28-1L43.2
NEW BEDFORD SITE
BRISTOL COUNTY, MASSACHUSETTS
NUS PROJECT NO. S725**

Activity: Remedial Investigation/Feasibility Study

1. Progress this Period - May 26 - June 29, 1985:

The following progress was made this month:

- The Remedial Planning Office (REMPO) and EPA initiated a review of the draft Response to Comments on the fast-track Feasibility Study (FS).
- Meetings were held with the Corps of Engineers to clarify the additional studies that must be performed to support the FS, and who will perform the studies. Work continues on scoping these studies.
- Six deep cores were collected from the Acushnet River Estuary for chemical analysis. Sediment samples were also collected from Mill Pond upstream of the Estuary.
- Validation of the stream sediment samples for Sullivan's Ledge (Task 10) was initiated.
- Under a subpoena from the Potentially Responsible Parties (PRP's), REMPO files and documents relating to the New Bedford Project were produced and delivered for inspection by the PRP's attorneys.
- Detailed Standard Operating Procedures for the laboratory analysis program (Task 19) were developed by E³I and Battelle, and a review meeting was held.
- A decision was made to subcontract the Ambient Air Testing program (Task 12). The preparation of a scope of services is in progress.

2. Problems Resolved:

- Many technical issues of the laboratory analysis program were resolved at a meeting between REMPO, E³I, and Battelle personnel. Remaining issues, including final revisions to the Standard Operating Procedures, are near resolution. All contracting issues were resolved.
- The role of the Corps of Engineers in the RI/FS process, and its relationship to other ongoing work by REMPO and its subcontractors, continues to be resolved as the scoping process nears completion.

3. Anticipated Problem Areas and Recommended Solutions:

- A chemical and physical characterization study of the sediments in the Acushnet River Estuary is now considered to be necessary to develop a representative sample for testing by the Corps of Engineers. This could delay the start-up of the Corps of Engineers proposed testing program. Existing Corps of Engineers contracts may be used to expedite this work.
- (A potential duplication of effort exists between REMPO RI/FS activities and the proposed Corps of Engineers studies.) Close coordination continues to ensure that the various study objectives are properly addressed and that the concurrent efforts are supportive rather than duplicative.
- The studies by the Corps of Engineers are currently targeted to the Acushnet River Estuary. Similar studies may eventually be required for New Bedford Harbor, depending on progressive study findings.

4. Deliverables Submitted:

June 10, 1985: Preliminary draft of Response to Comments to initiate EPA review.

5. Upcoming Events:

- Receipt and review of proposal for additional studies being prepared by the Corps of Engineers, with appropriate follow-up meetings.
- Meeting on Sullivan's Ledge to review available RI findings; to identify preliminary remedial actions; and to assess potential data gaps.
- Deposition by REMPO's Project Manager and Manager of Remedial Planning on RI/FS activities completed to date.

6. Activities Planned:

- Finalization of the draft Responsiveness Summary will begin after all comments are received.
- Summer sampling in the estuary, harbor, and bay.
- Initiation of laboratory analysis of field samples.
- Issuance of Request for Proposal for ambient air testing.
- Continued support for RI/FS activities being developed in coordination with the Corps of Engineers.

**WORK ASSIGNMENT STATUS REPORT
WORK ASSIGNMENT NO. 28-1L43.2
PAGE THREE**

7. Key Personnel Changes: None

8. Subcontracting: None

9. Travel this Period:

June 11 - 14, 1985: REMPO staff member traveled to New Bedford to support Battelle in the collection and packaging of deep core estuary samples and Mill Pond samples.

June 19 - 21, 1985: REMPO Project Manager attended several meetings with EPA, the Corps of Engineers, and/or the Department of Justice attorneys to review and plan several tasks of the RI/FS.

June 28, 1985: REMPO Project Manager attended a meeting with EPA and the Corps of Engineers to scope the estuary sediment characterization study.

10. Contract Laboratory Program:

Previous samples not yet received by REMPO: (1) Round 2 well and stream sampling from Sullivan's Ledge; (2) Well samples from New Bedford Landfill; water samples from the Acushnet River.

New samples (June): (1) Sediment samples from deep cores in the Acushnet River Estuary; (2) Sediment samples from Mill Pond.

11. Schedule Changes: None

12. % Complete: 38

WORK ASSIGNMENT STATUS REPORT
EPA CONTRACT NO. 68-01-6699, MOD. NOS. 28, 53, AND 106
WORK ASSIGNMENT NO. 28-1L43.2
NEW BEDFORD SITE
BRISTOL COUNTY, MASSACHUSETTS
NUS PROJECT NO. S725

Activity: Remedial Investigation/Feasibility Study

1. Progress this Period - June 30 - July 27, 1985:

The following progress was made this month:

- **Tasks 8 and 9 - Modeling and Sampling - Summer sampling program in harbor completed by Battelle; Hydrodynamic data received from Woods Hole and application of data to model is progressing; current meters redeployed to monitor thermal/wind effects during summer.**
- **Task 10 - Sullivan's Ledge - Meeting held to resolve additional data needs for the wetlands assessment and offsite migration; Work Assignment Amendment being prepared; search for historic records and interviews completed.**
- **Task 11 - New Bedford Landfill - Site visit and interviews completed; report of all findings, including the hydrogeologic review, is in progress.**
- **Task 12 - Ambient Air Testing Program - Meeting held with EPA/Environmental Services Division (ESD) technical personnel to establish general scope of work; field reconnaissance to identify sampling locations completed; detailed scope of work and cost estimate near completion.**
- **Task 14 - Undisclosed Sources and Sites - Meeting held with FIT, GCA Corporation, and EPA's Private Investigator to review all information compiled; interviews completed; report of findings and recommendations for further study near completion.**
- **Task 15 - Community Relations - Community relations portion of the Responsiveness Summary completed and is undergoing review.**
- **Task 16 - Feasibility Study - The Remedial Planning Office (REMPO) continues to support EPA in reviewing and negotiating the Corps of Engineers proposed scope of work to ensure that the needs of the FS are being met.**
- **Task 19 - Laboratory Analysis - Standard Operating Procedures received and approved by REMPO, with EPA review in progress; Surrogates received from EPA to support upfront Quality Assurance/Quality Control testing.**
- **Task 21 - Additional Field Studies - Bid package for the grid sampling of New Bedford Harbor sediments completed and forwarded to EPA for review.**

**WORK ASSIGNMENT STATUS REPORT
NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE TWO**

2. Problems Resolved:

- Proposal received from the Corps of Engineers, and EPA's response to the proposal, have further clarified the role of the Corps in the RI/FS process.
- Many outstanding technical and administrative issues on Tasks 10, 11, 12, and 14 were resolved through a series of meetings(See Item 1).

3. Anticipated Problem Areas and Recommended Solutions:

- The hydrodynamic studies proposed by the Corps of Engineers and the ongoing modeling work by Battelle have not yet been fully integrated. A meeting is scheduled for August 5 to resolve the overlaps and deficiencies.
- The latest schedule for the Corps of Engineers studies will force an extension of the RI/FS schedule (including the modeling subcontract). This will likely lead to increased project costs for FY87.

4. Deliverables Submitted: None

5. Upcoming Events:

- Task 8 - Meeting with Battelle to resolve outstanding contract issues (August 8).
- Task 10 - Submittal of Work Assignment Amendment and issuance of Request for Bid for additional drilling.
- Task 12 - Submittal of detailed Work Plan for EPA review.
- Task 14 - Submittal of site summaries; EPA decision on follow-up assignments.
- Task 16 - Meetings with Corps of Engineers to finalize the scope of their involvement.
- Task 21 - Issuance of Request for Bid for grid sampling.

6. Activities Planned:

- Task 10 - Continue ongoing RI/FS activities and initiate new field investigations once approved.
- Task 11 - Complete hydrogeologic review and finalize report of findings.
- Task 12 - Initiate air sampling program at Sullivan's Ledge and the Acushnet River Estuary.

**WORK ASSIGNMENT STATUS REPORT
NEW BEDFORD SITE
WORK ASSIGNMENT NO. 28-1L43.2
PAGE THREE**

- Task 13 - Finalization and submittal of interim report on regional groundwater resources.
- Task 14 - Initiation of Preliminary Assessments at selected sites (if EPA assigns work to REMPO).
- Task 16 - Finalization of draft Responsiveness Summary once all comments are received.
- Task 19 - Finalize all QA/QC activities and begin analysis of New Bedford samples.

7. Key Personnel Changes:

Mr. Craig Martin has been assigned as REMPO Project Manager for the Sullivan's Ledge RI/FS (which will henceforth be dealt with as a separate Work Assignment).

8. Subcontracting: None

9. Travel this Period:

July 22-26, 1985: Four REMPO staff members traveled to Boston and New Bedford for a series of meetings, interviews, and site visits associated with Tasks 10, 11, 12, 14, and 16.

July 25-26, 1985: Two staff members from NUS' Environmental Services Division visited Boston and New Bedford to scope the Ambient Air Program (Task 14).

10. Contract Laboratory Program:

No change from June Status Report, with the exception that eight sediment samples were submitted for dioxin analysis.

11. Schedule Changes: None

12. % Complete: 39

Please conform to the style guide when completing!

WORK ASSIGNMENT STATUS REPORT

EPA CONTRACT NO. 68-01-6699, Mod. No.(s) 28, 53, and 106

Work Assignment No.(s) 28-1643.2

Site Name (Complete)/Location (County & State) NEW BEDFORD ESTUARY, BRISTOL COUNTY, MASSACHUSETTS

NUS Project No.(s) 5725

Activity: REMEDIATION INVESTIGATION/FEASIBILITY STUDY

Author: Joe Kennedy

1. Progress This Period (Month:Year) July 28- August 31 : 1985

The following progress was made this month:

- Tasks 8 and 9 - Modeling and Sampling - Bioaccumulation experiments and those of adsorption experiments ^{were} concluded; resultant experimental data ^{were} submitted to modeling team for continued progress in model development and calibration; Woods Hole contract for hydrographic data collection ^{was} completed.
- Task 10 - Sullivan's Ledge - ^{new} authorization received ~~for~~ for the Sullivan's Ledge Remedial Investigation and Feasibility Study (RI/FS) is limited to work related to the preparation of a Work Plan and Work Assignment Agreement. In the interim ongoing data analysis and other investigative tasks continued under Task 10, and will do so until additional funds are authorized under the new Work Assignment.
- Task 11 - New Bedford Estuary - A paper report of investigative findings, including recommendations for additional studies is near completion.
~~Task 11 - New Bedford Estuary - A paper report of investigative findings, including recommendations for additional studies is near completion.~~
- Task 12 - Ambient Air Testing Program - The detailed scope of work and cost estimate for the estuary source study was completed and approved; a site visit to finalize sampling locations and to achieve site access was conducted; project mobilization including sampling order preparation, was completed.
- Task 14 - Undiscovered Sources and Sites - Summary of findings and recommendations for follow-up studies was submitted to EPA; detailed report of findings is near completion.
- Task 15 - Feasibility Study - The Remedial Planning Process (RPP) continues to support EPA in integrating all work being performed or proposed in support of the RI/FS.

- Tasks 8 and 9 - Conference call between FERM and GTE's project and contract personnel resulted in a resolution of several outstanding technical and contractual issues. Follow-up actions in progress, with laboratory analysis ~~is~~ the principal unresolved issue.
- Task 10 - The planned ambient air testing program ^{for Sullivan's edge} was cancelled based on a decision that a revised test ~~is~~ test and detail would satisfy the RI/FS needs. A revised program is being prepared.
- Task 10 - Ongoing discussions with EPA continue to resolve the administrative problems associated with a new authorization for the Sullivan's edge RI/FS.

3. Anticipated Problem Areas and Recommended Solutions:

- Task 10 - The current limitations on level of Effort hours and funds ~~the~~ constrains the progress toward a total separation of the Sullivan's Ledge RI/FS. Minimal activity to maintain study progress continues under Task 10 of Work Assignment No. 28-1643.2.
- Task 16 - Continued uncertainty in the long-term assignments related to the FS for the Estuary and Harbor inhibits long-term project planning such as preparation of budgets and expenditures. Efforts continue to be made to resolve these issues.

4. Deliverables Submitted:

- August 12, 1985: Summary of Findings and Recommendations, Investigation of Undisclosed Sources and Sites (Task 14).
- August 13, 1985: Preliminary Draft of Work Assignment Amendment for Sullivan's Ledge RI/FS (Technical Scope of Work only) (Task 10).

5. Upcoming Events: (i.e., review meeting(s) with EPA, PRP(s) or other agencies):

- Tasks 8 and 9: Meeting with Bate's on remaining technical and contract issues during week of September 9.
- Task 11: Submittal of draft letter report on New Bedford conditions on or around September 16.
- Task 14: Submittal of letter report on detailed findings related to each site identified.
- Task 16: Meeting on September 9 with EPA, the Corps of Engineers, and Bate's to update all progress and plans.

6. Activities Planned: (i.e., in-house and on-site work supporting completion of Work Assignment):

- Task 10: Continuation of ongoing RI/FS activities at Sullivan's Ledge pending approval and funding of additional work.
- Task 12: Completion of air sampling program at the Acushnet River Estuary.
- Task 16: Finalization of draft Responsiveness Summary once all comments are received.
- Task 19: Initiation of laboratory analysis of New Bedford samples.

Task 19: Meeting with EPA and Bate's at end of month to review initial laboratory test results.
Task 21: Final approvals and issuance of Request for Bid for grid sampling in the harbor.

7. Key Personnel Changes: • _____

None

8. Subcontracting: _____

No changes

9. Travel This Period: _____

August 5-6, 1985: Two staff members from NDS' Environmental Services Division met with EPA in Boston to finalize scope of air testing program, and then visited site to establish final sampling locations and to seek site access.

10. Contract Laboratory Program: _____

Results of HSC analyses of deep core samples received; no other change from previous status reports.

11. Schedule Changes: _____

None

12. % Complete: 42 (last day of month)