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August 6, 1987
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Re: New Bedford Harbor

AUG 10 1987
REGION 1
OFFICE OF REGIONAL COUNSEL

Dear Counsel:

We are writing to express collectively our concern regarding the direction the administrative process has taken in the New Bedford Harbor matter over the last few months. As companies identified as potentially responsible parties for the New Bedford Harbor site, we have an obvious interest in the work conducted pursuant to EPA's administrative process. We are prepared to bring to bear considerable resources and expertise in contributing to and evaluating this process if we are allowed to do so. We fear that the pending litigation, understandably the focus of much of the parties' attention over the past year, may have obscured the far more important underlying issues at stake -- a proper characterization of the environmental condition of New Bedford Harbor and an environmentally sound and protective approach to any remediation that may be undertaken.

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Certain recent developments suggest to us that EPA has prematurely focused potential remedial action on dredging alternatives. For example, the budget commitment to the Army Corps -- at \$6.5 million the single largest item in the entire RI/FS -- stands in striking contrast to the allocation of \$462,000 to explore destruction/detoxification and biodegradation technologies. The RFPs recently issued for these technologies do not address in-situ biodegradation, a potentially permanent remedial approach and a process which defendants have evidence is occurring in New Bedford Harbor. The focus of the RFPs appears to be limited to the use of biodegradation and destruction/detoxification technologies merely as an adjunct to dredging, a different orientation altogether.

Defendants are concerned that a widespread dredging approach to New Bedford Harbor is neither environmentally nor technically sound; nor is it, under the best of conditions, likely to lead to a permanent solution, consistent with the statutory preference of SARA. Yet, the dredging focus has led to projected study costs that exceed the average cost of cleanup at most sites.

We are convinced that the questions raised here are sufficiently complex that the EPA's and the Commonwealth's examination of remedial alternatives would be greatly enhanced by a dialogue among interested parties. We believe that the time is ripe to initiate meaningful, ongoing discussions between the EPA, the Commonwealth, and the PRPs, accompanied by a free flow of information. As part of that process, we are prepared to bring to bear considerable resources and expertise in discussing the remedial alternatives.

Accordingly, we propose that we meet as soon as possible to discuss the areas in which our respective technical consultants could engage in productive discussions. We are confident that the parties can and should find a way to work together to address the difficult questions presented by New Bedford Harbor, notwithstanding the pending litigation.

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We look forward to hearing from you at your earliest convenience.

Very truly yours,

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