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BY HAND

July 11, 1989

Charles C. Bering, Esquire  
Assistant Regional Counsel  
United States Environmental Protection Agency  
Region I  
J.F. Kennedy Federal Building  
Boston, Massachusetts 02203-2211

Re: New Bedford Harbor - Draft Hotspot Feasibility Study

Dear Mr. Bering:

This letter responds to your June 9, 1989 cover letter transmitting a very preliminary version of the draft hotspot feasibility study for New Bedford Harbor to the potentially reasonable parties ("PRPs") in this matter. Instead of facilitating the type of comment which we realize EPA had hoped to be able to receive from our clients, the document raises a great many questions about the government's basis for certain types of statements contained in that draft report, most notably concerning potential risk. EPA has acknowledged that its consultants had not completed the baseline PCB or metals risk assessments for New Bedford Harbor when the decision to proceed with hotspot remediation as an operable unit was made. Nor has EPA circulated a draft baseline risk assessment to the PRPs or to the public as a basis for the conclusions drawn in the draft hotspot feasibility study. In fact, the only complete document of which we are aware concerning PCB risk to the community -- the Greater New Bedford PCB Health

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Effects Study, co-sponsored by the Massachusetts Health Research Institute and the United States Center for Disease Control -- has not so much as been cited or even referred to indirectly in the document that we received.

Moreover, there are several other important but as yet unavailable studies and internal communications which are cited in the document as the basis for a number of the government's key conclusions about the need to, and the method for, ameliorating perceived PCB risk in New Bedford Harbor. Among these are Otis (1989), concerning the results of the pilot dredging program and/or the U.S. Army Corps Engineering Feasibility Study; Radian (1989), concerning bench-scale biodegradation studies; and the U.S. Army Corps Hot Spot Sediment Sampling Program (1988), referenced on p. 2-7 of the report. We note that the Otis 1989 reference forms the basis of the government's conclusion regarding the engineering viability of full-scale dredging of contaminated sediments. We believe that there are other references which we do not have, and we are currently reviewing our collective files in order to submit a complete list of missing references and underlying data relied on in the document. It is also perplexing that the agency's analysis of legally applicable or relevant and appropriate requirements called for by the Superfund law has been omitted from the Hotspot Feasibility Study draft that we received.

Far from facilitating the type of exchange which we are sure you and others at the Agency had hoped for, we feel obliged to report back that the absence of this background information and technical support makes it impossible for us to begin any meaningful review and assessment of the agency's work. We hope that EPA will share the background documents as soon as this is impossible in order to assist us in commenting on the government's proposals. We also encourage the government to complete and to share its assessments of public health risk and ecological risk in New Bedford Harbor with the PRPs and the Community Work Group as soon as possible.

We are obliged in closing to point out once again that you should not interpret this letter or the PRPs' participation in this proceeding to in any way waive our clients' respective

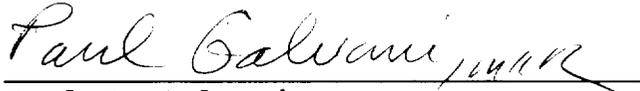
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rights to discovery, an adjudicatory hearing or a de novo trial  
in the ensuing proceedings.

Sincerely,



Howard Weir,  
Leslie Ritts, for  
Federal Pacific Electric Company



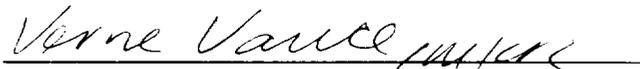
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cc: Ellen Mahan, Esq.  
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