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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

October 27, 1992

Elizabeth Bettencourt, Environmental Planner  
City of New Bedford  
133 William Street  
New Bedford, Ma 02740

Dear Ms. Bettencourt:

This letter is a follow-up to your meeting of August 26, 1992, at which representatives of the agencies involved with the improvement of New Bedford Harbor had the opportunity to share plans and viewpoints. I want to be sure EPA and the City are in agreement regarding the resolution of those discussions before EPA makes a final determination about the Superfund remediation in the estuary, harbor, and bay. My notes from that meeting indicate there were four issues which were discussed.

The first issue concerned final disposal of the PCB contaminated grit in the old Belleville Avenue sewer main. The City requested, as it has in the past, that EPA make provisions for final disposal of the sewer grit as part of the Superfund remediation. However, during the ensuing discussion, representatives from Massachusetts DEP indicated that the contaminated grit did not pose an imminent hazard, and that DEP would be agreeable to a proposal to seal the sewer main, permanently entombing the contaminated material. They further indicated that the sewer main is currently classified as a non-priority site under M.G.L. Chapter 21E, and that a 21E waiver application would be appropriate. Donald Nagle, DEP Office of General Counsel, recently confirmed that the 21E waiver prohibition that formerly was part of the Consent Decree regarding the upgrade of Combined Sewer Overflows (CSOs) has been eliminated. In summary, the City has a feasible and less expensive alternative to its proposal of removing the PCB contaminated grit from the sewer and transporting it to a Superfund Confined Disposal Facility. Therefore, EPA has determined that it is unnecessary to provide disposal capacity for the contaminated sewer grit in the CDFs to be constructed for the Superfund remediation.

The second issue concerned EPA's preferred alternative for remediating the PCB contamination in the sediments adjacent to the City's wastewater treatment plant outfall. Both city and state representatives encouraged EPA to adopt the plan that proposes dredging this area, and they presented several reasons



why they believed dredging would be more environmentally protective than capping. EPA is still evaluating options for remediation of the outfall area. Any remedial work undertaken in the vicinity of the outfall, or at any of the CSOs, will be coordinated with the City through your office.

The third issue we discussed was the proposed locations of the Confined Disposal Facilities. The City, and in particular, the Harbor Development Commission, expressed a need to have the North Terminal area adjacent to the Conrail yard bulkheaded and filled to facilitate the expansion of commercial piers and associated uses. It was further noted that this area is owned by the City, and that the City would make the property available to EPA for CDF construction if the planned future use of the property could be enhanced. As was noted in the Proposed Plan of January, 1992, and the Addendum Proposed Plan of May, 1992, one of the proposed CDF locations about which EPA was seeking comment is CDF 7, in the North Terminal area. However, as was explained at the aforementioned meeting, some restrictions on future use of this CDF would be required in order to keep the contaminants isolated from the environment. Among these restrictions would be a loading limitation based upon the bearing capacity of the consolidated sediment, although it is expected that following several years of consolidation the CDF could support slab foundations and structures such as warehouses. In addition, depending upon the depth of clean material used to cover the contaminated sediments, there may be a prohibition on any underground utilities or other subsurface intrusion.

EPA needs written confirmation that the City understands the potential restrictions on the future use of CDF 7, if constructed, and whether the City is still offering this location for construction of a CDF. This letter and the City's response will be included in the Administrative Record that supports EPA's Record of Decision.

The fourth, and final issue had to do with the disposal of contaminated dredge spoils from maintenance dredging of the designated port area and navigational channels. Under the provisions of Superfund, EPA is not authorized to undertake the dredging of areas that do not exceed the risk-based target cleanup level. However, EPA currently does not expect to utilize the full capacity of CDF 7, if constructed. Because the CDF will be sized based upon the estimated maximum volume of material to be dredged at the chosen cleanup level, it is possible that some unutilized excess capacity will remain in the CDF at the completion of dredging. If the City is able to schedule its maintenance dredging to coincide with EPA's schedule for closure

of the CDF, it is very likely EPA would agree to let the City use this excess capacity. At a minimum, if there were no excess capacity, the City would be able to tie-into the bulkheads of CDF 7, in order to construct another CDF.

EPA looks forward to working with the City to implement this Superfund remediation. We respectfully request that the City take this opportunity to clarify its plans prior to EPA issuing its Record of Decision. In particular, I encourage you to provide EPA with a written response with the Mayor's signature within 30 days of the date of this letter.

I greatly appreciated the open and congenial sharing of ideas that occurred at the meeting in August, and I look forward to similar meetings with the City in the future. Please telephone me at (617) 223-5522 if you have any questions.

Sincerely,



Gayle Garman  
Remedial Project Manager  
MA II Superfund Section

cc: Mark Lowe, Esquire, EPA ORC  
Mark Otis, U.S. Army Corps of Engineers  
Paul Craffey, Massachusetts DEP/Boston  
Donald Nagle, Esquire, Massachusetts DEP/Boston  
Fred Kalicz, President, New Bedford City Council  
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