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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I

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

August 3, 1987

Paul B. Galvani
Ropes & Gray
225 Franklin Street
Boston, MA 02110

Dear Mr. Galvani:

This is in response to your letter of July 16, in which you requested "clarification of the process EPA is following." There is no mystery to the process EPA is following in respect to New Bedford Harbor. EPA is following the same process which governs every other Superfund site. EPA's process is governed by the National Contingency Plan, 40 C.F.R. §300. Opportunities for public comment are provided for by 40 C.F.R. §300.67. EPA will follow any additional regulations as soon as they are promulgated. As you noted in your letter, section 113(k)(2)(C) provides that existing procedures, "shall not include an adjudicatory hearing".

For your information, I am enclosing a copy of EPA's current schedule for completion of its studies of New Bedford Harbor. It may also be of interest to you that Ebasco, EPA's contractor, has released its request for proposal ("RFPs") for bench testing of technologies for biodegradation and PCB detoxification or destruction. I requested that Ebasco send copies of these to the defendants; however, for your information I am also enclosing copies with this letter. You will note that the texts include the paragraphs which were excerpted in my previous letter, which I mailed before these RFP's were released.

My May 26 letter was in response to a letter to E.C. Jordan (Ebasco's subcontractor) from John Brown of G.E., which in turn was in response to an inquiry from E.C. Jordan to G.E.. E.C. Jordan's inquiry (which was not directed to John Brown) was part of E.C. Jordan's effort to obtain information on treatment and destruction technologies, which preceded the issuance of the enclosed RFPs.

In gathering information on treatment and destruction technologies, EPA is acting under §300.68(h) of the National Contingency Plan, which indicates in subsection (3) that detailed analysis of alternatives may include gathering of additional information. The use of bench testing is provided for in Chapter 8 of EPA's "Guidance on Remedial Investigations Under CERCLA" (June, 1985); I am enclosing a copy of the relevant portion of EPA's guidance document.

If Aerovox has information which it feels EPA should consider concerning biodegradation of PCBs, EPA is willing to consider such information during the present phase of its study. Note that §300.67(d) states that comment may be provided for during the Feasibility Study. Whether or not you submit information at this time, you will have an opportunity to comment on EPA's Feasibility Study when it is complete.

Please feel free to contact me if you have any further questions.

Sincerely,



Charles Bering
Assistant Regional Counsel

cc: Laurie Burt
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