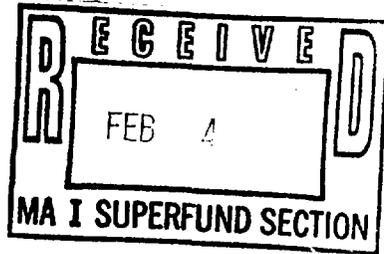




The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
 100 Cambridge Street, Boston, 02202

60196

WILLIAM F. WELD
 GOVERNOR
 ARGEO PAUL CELLUCCI
 LIEUTENANT GOVERNOR
 TRUDY COXE
 SECRETARY



February 3, 1997

Tel: (617) 727-9800
 Fax: (617) 727-2754
<http://www.magnet.state.ma.us/envir>

David Dickerson
 U.S.EPA (HBO)
 JFK Federal Building
 Boston, MA 02203

Subject: Proposed Cleanup Plan for the New Bedford Harbor Superfund Site, dated November 1996

Dear Mr. Dickerson:

I am writing to reiterate and expand on my comments at the Environmental Protection Agency (EPA) November 20, 1996 public hearing on the proposed cleanup plan for the estuary and lower harbor portion of the New Bedford Harbor Superfund site. My comments are made on behalf of MA Executive Office of Environmental Affairs (EOEA) agencies including the Department of Environmental Protection (DEP), the Department of Environmental Management (DEM), the Division of Marine Fisheries (DMF), and the Massachusetts Coastal Zone Management Program (MCZM).

I understand that there are many issues involved with the selection of a remedy for this site. The New Bedford Harbor Superfund Site presents one of the most complex remediation challenges in Massachusetts. Representatives of several EOEA agencies have participated in the Superfund Community Forum and, with federal and municipal officials, environmental organizations and interested citizens, have assisted in the development of this cleanup plan.

We support the recently proposed plan because we believe the proposed plan will remove the vast majority of PCBs from the site, protect the public health, and bring closer the time when all threats from PCBs to the marine ecosystem are eliminated within the harbor. Although not the perfect solution, because it does not destroy the PCBs, we believe it is the best solution technology will currently allow and it provides a good basis for a Record of Decision (ROD). We are encouraged by the Proposed Plan's focus on environmental cleanup and its inclusion of the remedy enhancement for navigational dredging.

Project Description

The proposed plan includes dredging of approximately 450,000 cubic yards of PCB contaminated sediments located predominantly north of the Coggeshall Street Bridge, and then disposal of this material in four confined disposal facilities (CDFs A, B, C, and D) located along the shoreline of the harbor. North of the Coggeshall Street Bridge sediments with PCB levels above 10 ppm will be dredged, except in the salt marsh areas. In the salt marsh areas and south of the Coggeshall Street Bridge, sediments with PCB concentrations above 50 ppm will be dredged.

Contaminated water from the CDFs will be collected and treated prior to discharge in the harbor. Following dredging the CDFs will be temporarily capped and given time to settle. After settling, the CDF will be covered with a final/permanent cap, and monitored in perpetuity.

Dredging Technology

EOEA staff are prepared to work with EPA to ensure that dredging and sediment storage is completed with the least environmental damage possible. Specifically,

- (1) dredging technologies must minimize escape of contaminants and particulate matter,
- (2) impacts on marine resources must be limited, and
- (3) care must be taken to ensure the salt marshes in New Bedford Harbor continue to function in a normal healthy manner.

PCB Disposal

The Commonwealth has made an extremely important commitment to long term monitoring of the CDFs. In order for EOEA agencies to carry out this responsibility, EPA must ensure that the facilities constructed as part of the remedy will effectively contain the PCBs.

Hazardous waste clean up technology is, however, developing rapidly. If a feasible and affordable PCB treatment becomes available before the final capping of the CDFs, EPA has agreed to consider destroying the PCBs stored as part of phase two. I strongly support this commitment on behalf of all the EOEA agencies and urge EPA to continue to look at new technologies and review them with the New Bedford Harbor Forum.

If no means is found to destroy the PCBs, we urge EPA to consider maximum beneficial uses when designing and constructing the disposal facilities. The biggest opportunity for this may be at proposed CDF "D", just north of North Terminal. EOEA agencies are now working with New Bedford and Fairhaven on a harbor planning process in this area. As part of this \$325,000 project that Governor Weld has funded for New Bedford, I have asked EOEA agencies to maximize future opportunities for water dependent economic uses and public access.

I am further requesting that EPA include additional dredging and disposal of the PCB contaminated areas above 10 ppm south of the hurricane barrier near the Cornell Dubilier outfall as part of the ROD. These areas above 10 ppm were previously included in the Addendum Proposed Plan dated May 1992, but are not part of the current Proposed Plan. The areas with PCBs greater than 50 ppm near the Cornell Dubilier outfall are now included in the Proposed Plan. Any other contaminated areas in Buzzards Bay should be considered after a Remedial Investigation for Operable Unit #3 (OU #3) is completed. The cleanup of the additional material above 10 ppm PCBs would remove contamination in the environment sooner rather than later. Funding for this additional remediation may be secured from a portion of the funds specifically set aside for the Bay cleanup and/or restoration in the Natural Resources Damages Court Registry Account and administered by the trustee council. This additional material could be disposed of in the same facility as the navigational dredging material, provided there is enough room.

I request that the ROD include an express commitment to further investigate the areas north of the Wood Street Bridge and in the ditches, creeks, and mosquito channels in the marsh on the east side of the Acushnet River north of the Coggeshall Street Bridge. The ROD should further state that

if the investigation identifies areas of PCB contamination above the target cleanup levels, then these areas be included in the cleanup.

Navigational Dredging

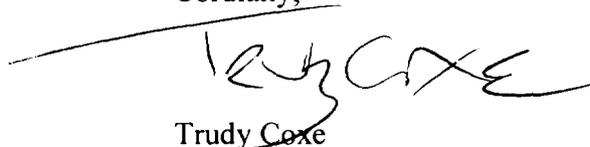
Marine commerce is being limited in many of the Commonwealth's industrial ports because of the inability of large deep draft vessels to access the ports. In order to help remedy this situation, EOEAs are currently in the navigational dredge planning process for the Commonwealth's major ports, including New Bedford, where there is no question that maritime economic development has been further impeded by the presence of PCB- and metals-laden sediment.

As part of the proposed remedy the most contaminated sediments in the upper estuary will be dredged. Less contaminated sediments will, however, remain in the New Bedford Harbor navigation channels. The state has urged EPA to consider an enhanced Superfund remedy which includes navigational dredging and disposal, provided that sufficient state funds are available for it. There are some major benefits to this proposal, among others linkage could streamline the permitting process and be cost effective. The addition of the navigational dredging to the ROD will ultimately improve both the environmental and economic conditions of the New Bedford Harbor area. This proposed enhancement is contingent on state funding.

The navigational dredging need is paramount for many of the New Bedford area marine industrial businesses and must move in the shortest time frame possible. Therefore EOEAs are, in cooperation with the US Army Corps of Engineers, proceeding with a concurrent and separate planning and permitting effort outside of the enhanced possible remedy. I will direct EOEAs staff to proceed with the most expedient plan for navigational dredging once it is determined.

I want to conclude by recognizing the time and effort invested by the communities of New Bedford, Fairhaven, and Acushnet; the citizens organizations including Hands Across the River, Concerned Parents of Fairhaven, and The Downwind Coalition; elected officials, and staff members of the New Bedford Community Superfund Forum. These people have worked long and hard over the past three years to craft an effective and workable solution to this complex and difficult problem. The New Bedford Public Forum has become a valuable model to resolve difficult and controversial clean up issues by obtaining public consensus.

Cordially,



Trudy Coxe

cc: Senator Montigny
Rep. Straus
Mayor R. Tierney, New Bedford
John DeVillars, EPA
David Struhs, MA DEP
Peg Brady, MCZM
Peter Webber, MA DEM
John Phillips, MA FWE
Phil Coates, MA DMF