



U.S. v. AVX Original Investigation Document

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

62528

REGION I

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



SDMS DocID 62528

6 OCT 1981

Mr. John L. Downey  
Chairman, Fairhaven Council of  
New Bedford Chamber of Commerce  
c/o Fairhaven Savings  
Post Office Box D-87  
Fairhaven, MA 02719

New Bedford  
17.07  
62528

Dear Mr. Downey:

Senator Kennedy has asked me to respond to your letter of September 10, 1981, concerning the New Bedford-Fairhaven Bridge.

As your letter points out, the environmental issues related to the disposal of materials that are possibly contaminated with polychlorinated biphenyls (PCB's) are only one of many issues that must be addressed before bridge replacement or repair of the bridge can proceed. I would also point out that the dredging that might accompany such a project only addresses a small portion of the larger environmental issue concerning PCB contaminants in the Achushnet River estuary and New Bedford Harbor. The possible interaction of the various environmental concerns makes the issue a complex one to address. Nonetheless, the entire situation is one to which I have directed priority attention in the Region I Environmental Protection Agency (EPA). My staff and the Massachusetts Department of Environmental Quality Engineering (DEQE) have been jointly exploring several possible courses of action, and the problem of disposal of sediments from the bridge is being given immediate attention.

EPA staff has met with personnel from the Massachusetts Department of Public Works (DPW) to advise them on the environmental aspects of disposal sites which they are currently considering and to visit one of the potential disposal sites. Our advice at this point can only be preliminary, because we need more detailed data on both the contamination levels of sediments at particular dredging locations and on the prospective disposal sites. However, we understand the importance of this project to the Town of Fairhaven, and we will make every effort to resolve the environmental concerns as expeditiously as possible. In fact, my staff has offered to review and comment on any disposal application prior to its formal submittal in an effort to expedite it.

You may be interested to know that the regulations which govern the disposal of PCB-contaminated dredged materials are set forth in 40 Code of Federal Regulations, sections 761.10(a)(5), 761.40 and 761.41.

These regulations provide strict criteria for incineration or land-filling of such wastes, but they also provide for approval by a Regional EPA Administrator of an alternative method of disposal if the party applying for approval shows that the approved methods are, based on technical, environmental, and economic considerations, not reasonable and appropriate, and that the alternative disposal methods will provide adequate protection to health or the environment. DPW, or any party seeking to dispose PCB-contaminated sediments, must apply for and receive EPA concurrence under the approved method or justify an alternative disposal method which can be approved according to the criteria explained above.

As I have said, there is no easy solution to this problem. However, let me assure you that EPA will be making every effort to resolve it as quickly as possible. If we can be of any further help to you, please feel free to contact my office at (617) 223-7210.

Sincerely yours,



Lester A. Sutton, P.E.  
Regional Administrator

cc: Senator Edward M. Kennedy  
John Bewick, MA Secretary of  
Environmental Affairs  
Anthony Cortese, MA DEQE  
Justin Radlow, MA DPW  
Rep. Roger R. Goyette (New Bedford)  
Sen. William Q. MacLean, Jr. (Fairhaven)