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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Commissioner

October 10, 1996

John DeVillars, Regional Administrator
Linda Murphy, Director
Office of Site Remediation & Restoration
U.S. Environmental Protection Agency
J.F. Kennedy Federal Building - RAA
Boston, MA 02203-0001

Re: DEP request that navigational dredging be included as an enhancement of the remedy in the upcoming second ROD for the New Bedford Harbor Superfund Site

Dear Mr. DeVillars and Ms. Murphy:

The Department of Environmental Protection ("DEP") is requesting EPA to include navigational dredging as an enhancement of the remedy in the upcoming second Record of Decision for the New Bedford Harbor Superfund Site. DEP's request is consistent with EPA's support for this approach as stated in the Regional Administrator's written response to Congressman Barney Frank dated June 17, 1996.

At present, EPA's proposed Site remediation plan for the Harbor and Bay is to dredge only those sediments with PCBs in excess of 50 ppm. The areas to be dredged in the Harbor and Bay under such plan do not correspond to the areas requiring navigational dredging. However, these navigational dredge areas are physically located within the boundaries of the New Bedford Harbor Superfund Site designation on the National Priorities List (NPL). The proposed enhancement would consist of dredging the navigational channel as other portions of the Harbor are dredged during remediation, and to dispose of such dredged material in appropriate disposal facilities. For the reasons discussed below, DEP believes that the areas requiring navigational dredging, which contain lower levels of contaminants, should be integrated into the New Bedford Harbor remedial action, as allowed under the "Enhancement of Remedy" provisions in 40 CFR 300.515(f)(1) of the NCP.

First, from an environmental standpoint, including the navigational dredging areas as part of the remedial action will result in the cleanup of additional amounts of contaminated sediments sooner than would otherwise be possible. Because the removal will reduce the potential exposure of humans and biota to the contaminants, this expanded scope of remediation will clearly "enhance" the environmental and public health benefits resulting from the remedy. Second, the

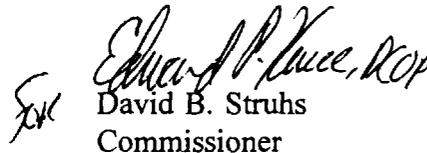
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navigational dredging works in concert with the City's own plans for developing the public and economic uses of the Harbor, thereby alleviating some of the impacts of the remedy. Finally, enhancing the remedy in this manner appears to have broad public support.

DEP wants to reiterate that the Commonwealth's ability to provide funding support for an enhanced navigational dredging component of the remedy is dependent on its ability to receive an adequate portion of \$45 million in state bond funding for navigational dredging of "designated port areas" of the Commonwealth such as New Bedford Harbor. As a practical matter, these funds represent the only potential funding source for any state contribution to support an enhanced navigational dredging component for the New Bedford Harbor remedy.

Notwithstanding the contingent nature of state funding, DEP believes an enhancement of the remedy to include navigational dredging warrants inclusion as an enhancement of the remedy in the upcoming second Record of Decision for the New Bedford Harbor Superfund Site. DEP requests that the Record of Decision expressly condition the implementation of the navigational dredging enhancement on the availability of Commonwealth funding. If you have any questions regarding DEP's request, please contact Helen Waldorf at (617) 292-5819.

Sincerely,


David B. Struhs
Commissioner

cc: Paul Taurasi, Regional Director, SERO, DEP
James Colman, Assistant Commissioner, BWSC, DEP
Peg Brady, CZM
Dave Dickerson, EPA