

63729

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| SUPERFUND PROJECT NO. |                    |
| Site                  | New Bedford Harbor |
| Area                  | 17.2               |
| Dist.                 | OU 2 Hot Spot      |

**New Bedford Harbor Superfund Site**  
**Hot Spot Operable Unit**

**ADMINISTRATIVE RECORD**

**Regarding Administrative Order for Property Access**

EPA REGION I CERCLA DOCKET NO. I-93-1085

September 10, 1993



SDMS DocID 63729

**Title Information**

1. Notice of Disposal in Tax Lien Case, City of New Bedford v. Hyman Krivoff, Trustee u/w Ida Krivoff, dated April 25, 1946 and recorded on April 30, 1946, in Book 912, Page 389 of the Bristol County Registry of Deeds.
2. Notice of Tax Taking, recorded in the Bristol County Registry of Deeds in Book 846, Page 384.
3. Record of street acceptance for Belleville Avenue, Coggeshall Street, Coffin Avenue, Irvington Street, Hathaway Street, Mitchell Street, Sawyer Street and Washburn Street

**Remedy Selection Documents**

4. Draft Final Hot Spot Feasibility Study, New Bedford Harbor, July 1989, prepared for EPA Region I by E.C. Jordan Co. for Ebasco Services Incorporated.
5. New Bedford Harbor Superfund Project, Acushnet River Estuary Engineering Feasibility Study of Dredging and Dredged Material Disposal Alternatives, Report 2, Sediment and Contaminant Hydraulic Transport Investigations, December 1988, prepared for EPA Region I by U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.
6. Ambient Air Monitoring Program, Acushnet River Estuary, New Bedford, Massachusetts, Volume I, Draft Report, prepared by NUS Corporation, February 1986.
7. PCB Transport Data, collected at the New Bedford Harbor U.S. Army Corps of Engineers seawall, prepared by U.S. EPA, Environmental Research Laboratory, Narragansett, Rhode Island, February 9, 1993.
8. Site Location Map Hot Spot Area, Figure 2-1 in "Final Design Analysis," New Bedford Harbor Hot Spot Operable Unit Superfund Site, prepared by ERM-New England, Inc., for the U.S. Army Corps of Engineers.

9. 105 CMR 260.001 through 105 CMR 260.005, entitled, "Prohibition Against Certain Fishing in New Bedford Harbor."
10. Record of Decision, New Bedford Harbor/Hot Spot Operable Unit, signed by the Regional Administrator, EPA Region I, April 6, 1990. (Includes Responsiveness Summary).
11. Explanation of Significant Differences, signed by the Regional Administrator, EPA Region I, April 27, 1992.
12. Schedule for Meeting with Elected Officials Concerned with Incineration as Remedy for New Bedford "Hot Spot", and attached materials:
  - a. Memorandum dated April 14, 1992, from Gayle Garman, Remedial Project Manager, to New Bedford Harbor Superfund Site File, "Review of Technologies as Alternatives to Incineration for Treating Hot Spot Sediment."
  - b. Press Release, dated April 21, 1992, "EPA Evaluation Reaffirms Incineration to be Safest and Most Reliable Treatment for New Bedford Harbor Hotspot Sediments."

**Background Information and Correspondence Regarding Transportation Ordinance**

13. Land lease dated January 19, 1988, between the City of New Bedford and the United States of America, for property described in Attachment A thereto and known as 103 Sawyer Street.
14. Letter dated August 6, 1991 from Roxanne B. Mayer, Deputy General Counsel, Massachusetts Department of Environmental Protection, to Mary Sanderson, U.S. EPA Region I, Mark Otis, U.S. Army Corps of Engineers, and Armand Fernandes, Jr., New Bedford City Solicitor, transmitting the "New Bedford Harbor Federal Superfund Site Memorandum of Understanding for the Performance of Surveying, Sampling, Monitoring and Remedial Actions Hot Spot Operable Unit."
15. Memorandum dated October 19, 1987, from Marcy Wetherbee, Director, Office of Environmental Affairs, City of New Bedford, Massachusetts, regarding Alternative Transportation Routes for access to Sawyer Street site.
16. Excerpt of minutes of Committee on Ordinances of the New Bedford City Council, December 3, 1991 regarding the prohibition of construction of incinerator for the burning of PCBs in New Bedford.

17. Letter dated December 26, 1991, from George Roberts, Councillor at Large, New Bedford City Counsel, to Julie Belaga, Regional Administrator, EPA Region I, regarding EPA's authority to construct an incinerator for the Hot Spot remedial action.
18. Letter dated December 30, 1991, from Jim Sebastian, EPA Community Relations Coordinator, to members of the New Bedford City Council, transmitting information package relating to New Bedford Harbor Cleanup.
19. Letter dated February 3, 1992, from Julie Belaga, Regional Administrator, EPA Region I, to George Rogers, Councilor at Large, New Bedford City Council, responding to Mr. Rogers' letter of December 26, 1991.
20. Letter dated January 9, 1992, from George Rogers, Councilor at Large, New Bedford City Council, to Mark J. Otis, U.S. Army Corps of Engineers, regarding opposition to incineration of PCBs in New Bedford.
21. Letter dated February 3, 1992, from Mark J. Otis, U.S. Army Corps of Engineers Project Manager, to George Rogers, Councilor at Large, New Bedford City Council, regarding Hot Spot remediation.
22. Petition dated February 13, 1992, from George Rogers to the New Bedford City Council requesting that the Legal Counsel to the City Council meet with the City Solicitor for advice on matters related to EPA's right to access to and taking of City property.
23. Letter dated March 2, 1992 from Arthur J. Caron, Jr., New Bedford City Solicitor, to George Rogers, Councilor-at-Large, regarding the validity of the lease included in this Administrative Record as item 7, above, and attached letter dated March 3, 1967, from George Jacobs, City Solicitor, to Honorable Edward F. Harrington.
24. Letter dated June 30, 1992, from Julie Belaga, Regional Administrator, EPA Region I, to Janice A. Davidian, Clerk, City of New Bedford, regarding the Hot Spot Operable Unit remedial action.
25. Written Motion of New Bedford City Council, dated August 12, 1993, regarding the City Council's opposition to incineration of PCBs in New Bedford and that any group wishing to discuss incineration, except in opposition, is not welcome in the City Council's domain.
26. New Bedford City Ordinance, Section 15-70, entitled, "Transportation of Mechanism for Incineration and Water

Treatment."

27. "Council bars power to burn PCBs," The Standard-Times, New Bedford, Massachusetts, Friday, August 20, 1993.
28. Letter dated August 20, 1993, from Laury Taricano, Perland Environmental Technologies, Inc., to Maurice Beaudoin, U.S. Army Corps of Engineers, regarding New Bedford City Council's vote to deny permit for road opening to Commonwealth Electric to supply Sawyer Street site with electricity for Hot Spot response actions.
29. Letter dated August 23, 1993, from Mark C. Pelson, Perland Environmental Technologies, Inc., to Maurice Beaudoin, U. S. Army Corps of Engineers, regarding impact of New Bedford City Council's denial of Commonwealth Electric's application for a road opening permit and enactment of Amendment to Chapter 15, Section 15-70 (Transportation of Mechanism for Incineration and Water Treatment) on cost and schedule of response actions for Hot Spot.
30. Letter dated August 24, 1993, from Gayle Garman, EPA Remedial Project Manager, to Frederick M. Kalicz, President, New Bedford City Council, regarding progress of Hot Spot response actions.
31. Letter dated September 1, 1993, from Paul G. Keough, Acting Regional Administrator, EPA Region I, to the Hon. Rosemary S. Tierney, Mayor of New Bedford, and the City Council of New Bedford, requesting permission for EPA, its agents, contractors, and other authorized representatives to have access to all city property necessary to effectuate response actions for the New Bedford Harbor Superfund Site.
32. Letter dated September 3, 1993, from Paul G. Keough, Acting Regional Administrator, EPA Region I, to the Hon. Rosemary S. Tierney, Mayor of New Bedford, and the City Council of New Bedford, notifying addressees of EPA's intent to issue and order for access pursuant to CERCLA Section 104 on September 10, 1993.
33. Letter dated September 8, 1993, from Mark C. Pelson, Perland Environmental Technologies, Inc., to Maurice Beaudoin, U.S. Army Corps of Engineers, regarding contingency plan for the shipment and storage of water treatment equipment.
34. Letter dated September 9, 1993, from Mark C. Pelson, Perland Environmental Technologies, Inc., to Maurice Beaudoin, U.S. Army Corps of Engineers, regarding chronology of events in response to transportation ordinance.
35. Letter dated September 9, 1993, from Frederick M. Kalisz,

Jr., President, New Bedford City Council, to Paul G. Keough, Acting Regional Administrator, EPA Region I, regarding EPA's request for access.

36. City Council Calendar, No. 15, for September 9, 1993.
37. Letter dated September 10, 1993, from Rosemary S. Tierney, Mayor of New Bedford, to Paul G. Keough, Acting Regional Administrator, EPA Region I, regarding EPA's request for access.
38. Letter dated September 10, 1993, from Janice A. Davidian, New Bedford City Clerk, transmitting attached letter to the New Bedford City Council from George Rogers, Councilor at Large.

#### **Transportation Permit Applications and Denials**

39. Application of Mark C. Pelson for Perland Environmental Technologies, Inc. for Permit for Transportation of Mechanism for Incineration and Water Treatment and attached Denial of the application for failure to include all information on permit application form instead of attachment, dated September 8, 1993.
40. Application of Mark C. Pelson for Perland Environmental Technologies, Inc. for Permit for Transportation of Mechanism for Incineration and Water Treatment and attached Denial of the application for failure to submit application at least eight weeks before date of shipment, dated September 8, 1993.
41. Application of Mark C. Pelson for Perland Environmental Technologies, Inc. for Permit for Transportation of Mechanism for Incineration and Water Treatment for attached receipt dated September 8, 1993.
42. Applications of Mark C. Pelson for Perland Environmental Technologies, Inc. for Permits for Transportation of Mechanism for Incineration and Water Treatment and attached receipt indicating rejection of three applications for failure to state specific delivery dates, dated September 9, 1993.

#### **Street Opening Permit Application and Denial**

43. Application of Commonwealth Electric Company to the New Bedford City Council for permission to install two four-inch PVC conduits in Sawyer Street, East of Mitchell Street, dated July 13, 1993.
44. New Bedford City Ordinance, Section 2-193, entitled,

"Underground System-Permission to install conduits, manholes, etc."

**Water Permit Applications**

45. Letter dated June 3, 1993, from Henry A. Openshaw, Chief, New Bedford Fire Department, to David Hasey, Superintendent of Water, regarding cleaning and lining of water main on Sawyer Street.
46. Excerpt of minutes from New Bedford Water Board Meeting of June 29, 1993 regarding installation of 12-inch water main on Sawyer Street.
47. Letter dated July 21, 1993, from Laury Taricano, Perland Environmental Technologies, Inc., to Tim Rezendes, U.S. Army Corps of Engineers, regarding water tie in permit.
48. Letter dated July 21, 1993 from Joann Puchala, Clerk of the New Bedford Water Board, to Laury Taricano, Perland Environmental Technologies, Inc., reporting that the Water Board voted to require that a 12-inch water main be installed on Sawyer Street.
49. Letter dated July 23, 1993, from Laury Taricano, Perland Environmental Technologies, Inc., to Maurice Beaudoin, U.S. Army Corps of Engineers, regarding replacement of Sawyer Street water main.
50. Memorandum dated July 27, 1993, from Maurice Beaudoin, U.S. Army Corps of Engineers, to Mark Otis, U.S. Army Corps of Engineers, regarding results of water flow test for Sawyer Street.
51. Letter dated August 11, 1993 From Maurice Beaudoin, U.S. Army Corps of Engineers, to George Brightman, New Bedford Water Board, regarding replacement of Sawyer Street water main.
52. Memorandum of phone conversation, August 24, 1993, between Tim Rezendes, U.S. Army Corps of Engineers, and David Hasey, New Bedford Water Department, regarding replacement of Sawyer Street water main.
53. Memorandum of phone conversation, September 3, 1993, between Tim Rezendes, U.S. Army Corps of Engineers, and David Hasey, New Bedford Water Department, regarding replacement of Sawyer Street water main.
54. Letter dated September 3, 1993, from Maurice Beaudoin, U.S. Army Corps of Engineers, to George Brightman, New Bedford Water Department, requesting a technical justification for

replacement of Sawyer Street water main.

55. Application for Street Obstruction Permit, filed on behalf of I.W. Harding Construction Co., dated June 15, 1993 and attached Building Sanitary and/or Storm Sewer Permit, dated June 15, 1993.
56. Application for Permit and Meter, filed by Laury Taricano for Perland Environmental Technologies, Inc., dated September 10, 1993, with notation from Muriel Bruneau, Water Registrar, that application being held pending resolution of water main extension.

#### **Gas Permit Application**

57. Applications for Gas Service for 103 Sawyer Street, filed by Commonwealth Gas Company, dated September 8, 1993.

#### **General Information**

58. Letter dated August 30, 1993, from Elizabeth A. Bettencourt, Environmental Planner, New Bedford Public Works Department, to Maurice Beaudoin, U.S. Army Corps of Engineers, regarding minor changes to the Site Safety Health Plan for the Hot Spot.
59. Sections 55-63 of the Plan B Charter of the City of New Bedford, effective January 2, 1939.
60. Massachusetts General Laws, chapter 164, Section 75, entitled, "Regulation by municipal authorities."
61. Hot Spot Cleanup Schedule, prepared by U.S. EPA Region I.

#### **Access Order**

62. Administrative Order for Property Access, U.S. EPA Region I CERCLA Docket No. I-93-1085, September 10, 1993.