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COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

February 6, 1993

Helen Waldorf
DEP Division of Hazardous Waste
1 Winter Street
Boston, MA 02108

Dear Ms. Waldorf:

The Massachusetts Coastal Zone Management (MCZM) Office has reviewed the January 1992 Proposed Remedial Action Plan (PRAP) for the Estuary/Harbor/Upper Buzzards Bay and the May 1992 Addendum Proposed Remedial Action Plan (Addendum) for parts of Upper Buzzards Bay.

As noted earlier in our comments on the PRAP and Addendum, MCZM supports the decision to remediate the remainder of the New Bedford Superfund Site as a means of accelerating the time by which environmental threats are reduced and public health is protected from exposure to polychlorinated biphenyls (PCB). The purpose of this letter is to identify MCZM's "applicable or relevant and appropriate standards, limitations, criteria, and requirements" (ARARs) for the site and the proposed remediation action.

The MCZM Program is a federally funded and approved state CZM program under the national Coastal Zone Management Act Amendment of 1990. The MCZM Program Policies are implemented on a networking basis with other Massachusetts Executive Office of Environmental Affairs (EOEA) agencies; the standards and criteria for administering these policies are contained within these agencies' regulations.

As the U.S. Environmental Protection Agency moves towards a record of decision (ROD), MCZM needs to ensure that the proposed remedial actions, engineering designs and proposed mitigation are consistent with our policies and the standards and criteria on which they are based. Although permits and licenses are not required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the activities must be consistent to the maximum extent practicable with the state regulations referenced in the policies of the approved Coastal Zone Management Program. Thus, for any activity that affects the coastal zone and would normally require a federal permit or license, e.g., U.S. Army Corps of Engineers permits, we anticipate that a request for review will be

submitted to the MCZM Office.

The following Coastal Zone Management policies are implemented through Commonwealth regulations.

MCZM Regulatory Policies Relevant to the PRAP and Addendum

- Policy #1 Protect ecologically significant resource areas for their contributions to marine productivity and value as natural habitats and storm buffers.
- Policy #3 Support attainment of the national water quality goals for all waters of the coastal zone through coordination with existing water quality planning and management agencies. Ensure that all activities endorsed by MCZM in its policies are consistent with federal and state effluent limitations and water quality standards.
- Policy #4 Condition construction in water bodies and contiguous land areas to minimize interference with water circulation and sediment transport and to preserve water quality and marine productivity. Approve permits for flood or erosions control projects only when it has been determined that there will be no significant adverse effects on the project site or adjacent or downcoast areas.
- Policy #5 Ensure dredging and disposal of dredged material minimize adverse effects on water quality, physical processes, marine productivity and public health.
- Policy #10 All development must conform to existing applicable state and federal requirements governing sub-surface waste discharges, sources of air and water pollution and protection of inland wetlands.
- Policy #12 Review proposed developments in or near designated or registered historic districts or sites to ensure that federal, state, and private actions requiring a state permit respect their preservation intent and minimize potential adverse impacts.
- Policy #13 Review developments proposed near existing public recreation sites in order to minimize their adverse impacts.

MCZM Non-Regulatory Policies Relevant to the PRAP and Addendum

In addition to the above policies there are others that the MCZM Program implements, often referred to as non-regulatory policies.

- Policy #14 Encourage and assist commercial fisheries research and development, restoration and management of fishery resources, development of extensive and intensive aquaculture and enhancement of anadromous fisheries, initiated at local, state and federal levels.
- Policy #18 Encourage through technical assistance and review of publicly funded development, compatibility of proposed development with local community character and scenic resources.
- Policy #22 Increase capacity of exiting recreation areas by facilitating multiple use and by improving management, maintenance and public support facilities. resolve conflicting uses whenever possible through improved management rather than through exclusion of uses.

Summary of ARARS

The following is a summary of remedial action activities, relevant MCZM regulatory policies and EOEa agency regulations that comprise the ARARS for MCZM's review of this project.

Dredging - Policies # 1,3,5,10

- 310 CMR 9.00 Administration of Waterways Licenses
- 310 CMR 10.00 Wetlands Protection Regulations
- 314 CMR 9.00 Certification for Dredging, Dredged Material Disposal and Filling in Waters

Wetlands and Tidelands - policies #1, 10

- 310 CMR 9.00 Administration of Waterways Licenses
- 310 CMR 10.00 Wetlands Protection Regulations

Dewatering - Policies #3,10

- 310 CMR 9.00 Administration of Waterways Licenses
- 310 CMR 10.00 Wetlands Protection Regulations
- 314 CMR 9.00 Certification for Dredging, Dredged Material Disposal and Filling in Waters
- 314 CMR 4.00 Surface Water Discharge Quality Standards

Air Quality Issues - Policies #1,10

- 310 CMR 6.00 Ambient Air Quality Standards for the Commonwealth of Massachusetts
- 310 CMR 7.00 Air Pollution Control

Disposal - Policies #1,3,5,10

310 CMR 10.00 Wetland Protection Regulations
310 CMR 19.00 Solid Waste Disposal Regulations
310 CMR 30.00 Hazardous Waste Regulations

The above policies and regulations will direct our review of the ROD for the Estuary/Harbor and Upper Buzzards Bay. We look forward to continued cooperation as this project moves forward. Enclosed is a description of the MCZM Federal Consistency review process. We anticipate that the ROD will include a request for review that would be appropriate for a formal federal consistency review.

Please contact Dr. Judith Pederson if you have any questions.

Sincerely yours,



Jeffrey Benoit, Director

cc: Susan F. Tierney, EOE
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