

## EPA Official Record

---

**Notes ID:** 4AAD988A12E56DA486257A3900586E5F

**From:** "Christopher.Boelke" <Christopher.Boelke@Noaa.gov>

**To:** Matt Schweisberg/R1/USEPA/US@EPA

**Copy To:** Phil Colarusso/R1/USEPA/US@EPA

**Delivered Date:** 07/28/2011 01:16 PM EDT

**Subject:** Re: Fw: shellfish mitigation at south terminal

I could talk friday afternoon

Matt Schweisberg wrote:

> Hi Chris,

>

> Phil and I are drafting an email message for internal distribution.

> After sending the draft to Phil this morning, I've come to realize that

> it has an inaccuracy regarding commercial harvesting and depuration (due

> solely to my misunderstanding). Anyway, I attach the draft below, which

> will need revision to correct my mistake, which is that commercially  
> harvested shellfish are always depurated before sale. Being told that  
> they are depurated in only limited circumstances and that the bed in  
> question where the Commonwealth would like to relay calms is not one  
> of

> those limited cases, I fail to understand why there would be separate  
> PCB standards for commercial vs. recreational harvesting. Maybe you  
> and

> Phil can shed some light on that point. Please look at the draft and  
> suggest how we might revise it to best convey our collective thoughts  
> here.

>

> I'm out of the office tomorrow, but we could talk on Friday, though my  
> availability is limited. I could likely talk in the PM, between 2:00 -  
> 3:30.

>

> Thanks.

>

> Matt

>

>  
> -----  
>  
>  
>  
>  
> Stephen, Jim, and Carl,  
>  
> As Matt's recent voice mail message described, we met with Gary Davis  
of  
> EEOEA, Kathryn Ford of MADMF, and Chet Myers and Jay Borkland of Apex  
on  
> July 21st to discuss the shellfish relay issue. The meeting was brief.  
> The Commonwealth explained its preferred option and we explained EPA's  
> concerns. Essentially, the issue reduces to whether shellfish  
currently  
> in the areas to be dredged and/or filled for the South Terminal  
project  
> will be moved to 1) one or more permanently closed areas within the  
> inner harbor (north of the hurricane barrier) to serve as a seed  
source  
> for the future -- EPA's prior (current?) position; or 2) a  
commercially  
> available shellfish bed in the outer harbor (south of the hurricane  
> barrier) that would be closed for up to 18 months and monitored to  
allow  
> the shellfish to depurate, then opened to commercial harvesting only -  
-  
> the Commonwealth's preferred option. The attached memo from MADMF  
> biologist Kathryn Ford provides a summary of these options. The memo  
> contains a third option -- no relaying and operating a seeding program  
> -- that neither the Commonwealth nor Phil or I support.  
>  
>  
>  
> The daylight between EPA's position and the Commonwealth's preference  
> seems to arise from the application of different standards for PCBs.  
> Here, the Commonwealth uses the FDA tolerance standard of 2.0 ppm.  
> According to the limited sampling recently conducted by MADMF, PCB  
> concentrations in clams had a mean of .27 ppm, with a range from .21  
> to .33 ppm. According to Dave Dickerson, the Commonwealth also has  
used  
> a "margin of safety" standard of 1.0 ppm in the past on the NBH clean  
up  
> project. Both of these standards are geared toward commercial  
shellfish

> harvesting where the shellfish are depurated before being sold to  
> restaurants, food preparation firms, etc. for consumption by the  
public,  
> so the PCB standard can be higher than the standard for recreational  
> harvesting where no depuration takes place. EPA has used a PCB  
standard  
> of .02 ppm for fish and shellfish tissue that is geared toward  
> recreational harvesting where someone might dig them in the morning  
and  
> eat them that evening.  
>  
> For the issue at hand, the Commonwealth wishes to move the clams to a  
> deeper water commercial bed, close it for 12 - 18 months for  
depuration  
> (and monitor the clams for PCBs, metals, and bacteria), then open the  
> bed once levels are suitable for human consumption (from the  
> Commonwealth's perspective, bacteria levels are of greater concern  
than  
> PCB levels). As Phil and I discussed, this proposal could be  
> appropriate if the commercial bed is as inaccessible to recreational  
> harvesters as the Commonwealth asserts. On the other hand, we should  
> recognize that there would likely be no way to completely eliminate  
the  
> risk of a recreational harvester accessing the bed and grabbing some  
> clams during the closure period or after re-opening. How significant a  
> risk that circumstance might be is unclear to us.  
>  
> So, at the close of our July 21st meeting, Gary Davis asked that we  
> consider the information provided and reconsider our position on  
> shellfish relay. It seems to us that OSRR needs to mull over the  
> information provided by the Commonwealth, our thoughts expressed  
above,  
> and consider the Commonwealth's request to relay shellfish south of  
the  
> hurricane barrier.  
>  
> We are available to meet and discuss any of this on Monday, August 1st  
> or sometime the following week if you wish.  
>  
> Phil and Matt  
>  
>  
>  
>  
>

>  
>  
>  
> From: Christopher.Boelke@Noaa.gov  
> To: Matt Schweisberg/R1/USEPA/US@EPA  
> Cc: Phil Colarusso/R1/USEPA/US@EPA  
> Date: 07/27/2011 12:02 PM  
> Subject: Re: Fw: shellfish mitigation at south terminal  
>  
>  
>  
> Matt - Talked with Phil About this yesterday. Thought I could discuss  
> with you this afternoon, but something has come up. I am free all day  
> tomorrow and friday.  
>  
> Chris  
>  
> ----- Original Message -----  
> From: Matt Schweisberg <Schweisberg.Matt@epamail.epa.gov>  
> Date: Monday, July 25, 2011 2:53 pm  
> Subject: Fw: shellfish mitigation at south terminal  
> To: "Christopher.Boelke" <Christopher.Boelke@Noaa.gov>  
> Cc: Phil Colarusso <colarusso.phil@epamail.epa.gov>  
>  
>  
>  
>> Hi Chris,  
>>  
>> Phil and I met briefly with Gary Davis, Kathryn, and Chet and Jay  
>>  
> last  
>  
>> week to discuss the shellfish issue. Kathryn's message below is the  
>> result. State pushing hard for option 1 in the memo. Not sure where  
>> our Superfund Program is on this point. Phil and I need to talk thru  
>> it, and you should be included in that discussion. Do you have any  
>>  
> time  
>  
>> for a phone call this week?  
>>  
>> Matt  
>>  
>> ----- Forwarded by Matt Schweisberg/R1/USEPA/US on 07/25/2011 02:50  
>>

> PM  
>  
>> -----  
>>  
>> From: "Ford, Kathryn (FWE)" <kathryn.ford@state.ma.us>  
>> To: Matt Schweisberg/R1/USEPA/US@EPA, Phil  
>> Colarusso/R1/USEPA/US@EPA  
>> Cc: "Davis, Gary (DCR)" <gary.davis@state.ma.us>,  
>>  
> "Hickey,  
>  
>> Michael (MISC)" <michael.hickey@state.ma.us>, "Shields,  
>> Thomas (MISC)" <thomas.shields@state.ma.us>, "'Jay  
>> Borkland'" <jborkland@apexc.com>, "'Chet Myers'"  
>> <cmyers@apexc.com>  
>> Date: 07/25/2011 02:14 PM  
>> Subject: shellfish mitigation at south terminal  
>>  
>>  
>>  
>> Matt and Phil,  
>>  
>> Attached is a memo describing the shellfish mitigation options at  
>>  
> south  
>  
>> terminal. It includes the PCB concentration data and a map of the  
>> station locations.  
>>  
>> Regards, Kathryn  
>>  
>> \_\_\_\_\_  
>> Kathryn H. Ford, Ph.D.  
>> Massachusetts Division of Marine Fisheries  
>> 1213 Purchase St. New Bedford, MA 02740  
>> (508) 990-2860 x145  
>> (See attached file: eea shellfish mitigation at south terminal for  
>>  
> epa 7-25-11.pdf)



- Christopher\_Boelke.vcf