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Delivered Date: 12/13/2010 10:37 AM EDT

Subject: RE: NBH - Enhancement SAP comments

Matt,

Just a few quick questions and/or concerns regarding the USEPA comments, prior to our integrating them into our Sampling and Analysis plan. I am going to address our questions with regard to specific comments made by USEPA:

USEPA Comment 1: We should be able to integrate this into the text.

USEPA Comment 2: The remediation and AUL issues discussed in this comment appear to be out of the scope of a Sampling and Analysis plan. Certainly, the results of the upland investigation will be considered under both the Federal assessment of this work and under Commonwealth of Massachusetts law. A Licensed Site Professional (registered in the Commonwealth of Massachusetts to perform investigations under the Massachusetts Contingency Plan, 310 CMR 40.0000) will be utilized during the investigation; however, it is currently unclear whether a release under 310 CMR 40.0000 may or may not have occurred at the site, and therefore, discussions of AULs (other than the existing AUL) and remediation appear to be premature.

USEPA Comment 3: Based upon previous e-mail exchanges and conversations with USEPA, it was our understanding that air monitoring was not required by USEPA, but was suggested to be included based upon anticipated concerns from local citizens.

Also, it is our understanding that PCB air monitoring in the upper harbor for the New Bedford Superfund site occurs monthly, not weekly, and that the samples have not historically been rushed. We do not believe that there is justification to treat this project differently. There is a high cost associated with this analysis (approximately \$15,000 to \$20,000 per event with no rush charges included). Additionally, it is our understanding that, having spoken with Cashins

and Associates (USEPA's air monitoring subcontractor for the New Bedford Superfund Site), that rush analyses of the air samples may not be possible, regardless of cost (we are still awaiting additional information from Cashins on this issue). If air monitoring is going to be required, it should be monthly, at most.

We concur that real-time particulate monitoring will be necessary during construction.

Although one subsurface sample has tested positive for asbestos to date, the potential extent of asbestos impacts at the site remain unclear, as well as the potential air impacts from asbestos from site activity. The sample was located within a sample collected from a boring, at a depth of 2-3 feet below ground surface. No surface asbestos has been located onsite to date. Additionally, it is not clear whether excavation is planned for the construction portion of the project (at present, only filling is anticipated). If subsurface asbestos is not disturbed, it seems unlikely that there will be air impacts. Therefore, it seems premature to plan an asbestos air monitoring program, until evaluation of the upland investigation has taken place.

USEPA Comment 4: See responses to USEPA Comment 3. Additionally, please note that the response actions requested appear to be out of scope for a Sampling and Analysis plan. Clearly a more significant work plan will need to be prepared for review at some later date to identify action levels and appropriate corrective actions; however, it seems premature to identify these levels and actions prior to characterizing the site and dredge material.

USEPA Comment 5: Again, it seems premature to presume that hazardous waste is present at the site. The discussion of what actions may be necessary at the site should wait until characterization of the site and dredge material have been completed.

USEPA Comment 6: To respond to USEPA's 11/9/10 comment, the following text was added to Section 4.4.1:

"Section 4.4.1 (Page 26-27): During the geophysical investigation and subsequent test pit program, observations will be made as to the presence of bulk ACM. Following guidance contained in draft regulations prepared by the Massachusetts Department of Environmental Protection Bureau of Waste Prevention and Waste Site Cleanup (dated October 11, 2007), Apex will visually survey the property for visible asbestos source material (VASM) including but not limited to abandoned building components and structures. Should VASM or suspected VASM be observed, a sample will be collected to confirm its presence. Confirmation will include submission of a sample for analysis by Polarized Light Microscopy (PLM) at an appropriate laboratory. Should ACM be confirmed, Apex will estimate the volume of the ACM. If required, Apex will notify the City of New Bedford, and an asbestos removal action will be

undertaken with approval from the Department of Environmental Protection and in accordance with other applicable State and local requirements."

We believe that this text represents the standard of care for Commonwealth of Massachusetts investigations for sites where bulk asbestos may be present among surface or buried building debris.

Therefore, based upon our above-listed questions/concerns regarding USEPA comments 1 through 6 on the Sampling and Analysis Plan, as well as our responses to Kim Tisa's earlier comments on PCB analyses, we anticipate the following revisions to the Sampling and Analysis plan:

- 1). Soil and groundwater PCB analyses will be changed to an Aroclor method.
- 2). Real-time particulate air monitoring will be conducted pre-construction to characterize existing conditions at the site. Real-time particulate monitoring will be conducted during construction.
- 3). USEPA's Comment #1 will be integrated into the plan.
- 4). A clarifying comment noting that the upland investigation will be conducted in accordance with MGL 21E program will be included within the document.
- 5). Table 1 will be altered to include a column noting media to be sampled.

If making changes 1 through 5 will not be sufficient to address USEPA's comments, please let us know.

Thanks,

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-----Original Message-----

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Subject: Fw: NBH - Enhancement SAP comments

Chet,

Here are our remaining comments on the SAP. We appreciate all the cooperation on this effort.

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----- Forwarded by Matt Schweisberg/R1/USEPA/US on 12/10/2010 08:01 AM

1. Section 1.2, 2nd paragraph: Need to clarify that characterization of the upland area is not only for Section 402 storm water runoff concerns but also to characterize whether there is hazardous waste, TSCA waste or solid waste in order to determine management and disposal of the material. It will also inform the impact of the proposed project on the existing AUL. Same comment on Section 4.4, page 22.

2. The plan should make clear that the entire site will also be evaluated under the M.G.L. c.21E program. For the portion that already has an RAO (2 State-owned parcels that are treated as one parcel in the plan), the plan should clarify that the current status of No Significant Risk will be maintained during construction and operation of the South Terminal facility, either by reopening the AUL or by implementing other protective measures to return the parcel to No Significant Risk status. For the remaining properties, a site assessment will be conducted in accordance with M.G.L. c.21E and the MCP and all required remediation will be performed. Also, need to document that once the facility is constructed, an AUL will be recorded to reflect prohibited land uses and a Grant of Environmental Restriction will be recorded to prohibit use of groundwater as required by TSCA.

3. Table 1 needs a column identifying the media to be sampled. Table 1 should include analysis for asbestos and particulates.

Also in the table, for air monitoring, besides the baseline sampling for PCBs, which appears to be sufficient, PCBs should be analyzed during the first few weeks of each construction phase (upland, dredging and filling), if each phase is being constructed at different times. We would also recommend a rapid turn-around-time, particularly for dredging and filling (if filling with contaminated material). Based on the results of the pre-construction baseline monitoring and monitoring during construction, the frequency may be cut back. Particulate and asbestos monitoring should also be conducted for upland construction, including baseline monitoring. The frequency should be continuous real-time for dust and weekly for asbestos. These could also be cut

back based on monitoring results.

4. Section 4.5 air monitoring: Particulates and possibly asbestos should be added here. While EPA welcomes receiving data about air monitoring, there should be a provision inserted here, that, in the event exceedences are detected, corrective action measures will be taken (e.g., engineering controls and possibly stopping work) until the cause for the exceedences is identified and corrected. As with storm water, we would expect that the State will be submitting a more detailed air monitoring plan that will include, among other things, specific air action levels . As to frequency of once per month during construction, see comment No. 3 above.

5. Section 4.4.2.1: If soil excavated from test pits contains hazardous waste, it would be better to take it offsite. If it is used as backfill and contains hazardous waste, it would trigger the need for an impermeable cover under RCRA C.

6. We offered a comment previously about asbestos and are unclear if its been addressed in this version of the SAP (see EPA's 11/9/10 comment on Page 18, Section 4.4.1 of the prior draft of the SAP). To reiterate for this version : RE the Table on p. 26: Visual observation for asbestos is inadequate. Samples should be taken where asbestos was found previously and when encountered in the field. These samples will need to be sent to a laboratory for analysis. (See also pages 830-831 of this submittal (the Schuster vacant lot assessment) which recommends further asbestos investigation on this lot.)