

Responses to USEPA TSCA-Related Questions

1. **Question:** Will the Commonwealth Plan to address TSCA issues via 761.61(a) - *Self-implementing on-site cleanup and disposal of PCB remediation waste*, or via 761.61(c), *Risk-Based Disposal Approval*?

Response: The Commonwealth presented information within its January 18, 2012 submittal to EPA indicating impacts to existing upland soil of various constituents, including petroleum hydrocarbons, metals, and PCBs. Due to the complexity of the proposed project, and uncertainties regarding the limitations associated with the extent of the sampling data collected and presented to EPA as of the date of this response, it is the Commonwealth's decision that approval via 761.61(c) would be most appropriate for this situation.

The purpose of the Commonwealth's plan to address impacts within the upland area at the site is to: 1). Remove hot-spot areas, 2). Reuse existing upland material above Mean High Water, 3). Cap the facility with 3 feet of off-site material to prevent direct contact with reused existing upland material, and 4). Place a deed restriction over the site to limit future use of the site as well as future excavation at the site. The purpose of these steps is to control direct contact in the future of the existing upland material to minimize future risks to humans at the site.

The Commonwealth's plans include the following steps:

- **The Commonwealth plans to excavate hot spots and dispose of the hot-spot material offsite.** Three hot-spots were identified within the Commonwealth's January 18, 2012 submission to EPA. Two hot-spots identified PCBs as the constituent of concern. The third hot-spot identified petroleum hydrocarbons as the constituent of concern. It is the Commonwealth's understanding that, due to concentrations of metals in soil, that additional areas may need to be identified as hot-spots for off-site disposal, and the Commonwealth is currently evaluating the need for such action. *The Commonwealth's goal during hot spot excavation of PCBs is the removal of concentrations greater than 25 mg/kg.*
- **The Commonwealth plans to excavate and stockpile "Upper Existing Material" in the upland area above Mean High Water.** In order to construct a facility that meets the highly intensive geotechnical requirements of the New Bedford Marine Commerce Terminal, the Commonwealth intends to remove all "Upland Existing Material" down to Mean High Water, and evaluate the upland soil for geotechnical

suitability for reuse within the facility. Material that is not suitable geotechnically, will be disposed of offsite.

- **The Commonwealth will construct the cofferdam structures associated with the quay-side of the New Bedford Marine Commerce Terminal, and will use “Parent” dredge material to fill the areas below Mean High Water within the New Bedford Marine Commerce Terminal.** Geologic “Parent” material is material that was placed prior to anthropogenic impacts. PCB impacts are related to impacts by man, and sediment impacted by PCBs will be removed and placed into CAD Cell #3 prior to dredging the “Parent” material for use within the New Bedford Marine Commerce Terminal.
- **The Commonwealth will utilize the “Parent” dredge material and the “Upper Existing Material” from the upland that is geotechnically suitable for reuse at the site to fill the site to an elevation 3 feet below the final facility grade.** Both the “Upper Existing Material” and the “Parent” dredge material will be used to re-grade the facility. It is anticipated that the material will be placed in lifts. Although no specific effort to blend the material is planned, some inadvertent mixing may occur due to the order in which the material is placed.
- **A 3 foot layer of Dense Graded Aggregate from offsite sources will be used to cap the facility.** Dense Graded Aggregate is less permeable than crushed stone, but is still a permeable substrate. A drainage system consisting of filter-fabric wrapped crushed stone will be used to pre-treat stormwater prior to conveyance to the local stormwater management system.
- **Place a deed restriction over the area within which a TSCA determination will be issued.** The Commonwealth proposes instituting a deed restriction to limit future use of the area within which a TSCA determination will be issued (see attached Figure) to commercial or industrial activity. The deed restriction will also manage future excavation at the site to control risks to potential future workers and occupants. It is anticipated that this restriction will likely be instituted as an Activity and Use Limitation under the Massachusetts Contingency Plan.

The specifics of the construction of the proposed facility, including cross-sections (see Drawing X-1.1 for facility cross-sections within Attachment A of the Commonwealth’s June 18, 2012 submission), were included within the draft plans for the facility, which were attached to the Commonwealth’s June 18, 2012 response to questions submittal to EPA.

2. **Question:** What are the proposed boundaries of the TSCA upland determination for the New Bedford Marine Commerce Terminal?

Response: The proposed boundaries are shown in the attached **Figure**.

3. Question: Please describe how your proposal will comply with both TSCA and the MCP requirements.

Response: The Commonwealth intends to meet ARARs associated with site cleanup, the two most applicable of which are the Massachusetts Contingency Plan and TSCA. Therefore, the Commonwealth intends to meet the relevant statutory requirements of each of these standards, and intends to prepare appropriate documentation to meet these standards. The Commonwealth had previously anticipated that the soil impacted with lead could be handled under the coal ash exemption of the Massachusetts Contingency Plan, due to visual evidence of coal ash at the location of the sample that failed TCLP for lead. The Commonwealth is currently looking into the details of this issue. Although the Commonwealth's plans (see Attachment A of the Commonwealth's June 18, 2012 submission to EPA) do not currently show the lead-impacted area to be excavated and disposed of offsite, the Commonwealth plans to work with EPA to update its plans to reflect excavation and offsite disposal of areas that have failed for TCLP (if required) between the EPA's Draft Decision and its Final Decision.

4. Question: Please show additional EPA sampling on the footprints of the proposed CAD Cell #3, the proposed dredge footprint, the proposed dredging in the Federal Channel Area, and within the area where sediment will be dredged associated with the Stormwater Drainage Swale Mitigation Area.

Response: A synthesis of existing data (data collected in association with this project, as well as historic data collected by EPA), along with volumetric-based average concentrations of PCBs is attached as **Attachment U** to the Commonwealth's June 18, 2012 submission.

5. Question: Please discuss the staging of the upland areas and the Stormwater Drainage Swale areas that may be excavated in the wet, and indicate how water will be controlled, and what procedures will be in place such that uncontaminated areas are not contaminated during excavation and removal procedures.

Response: The specifications that the Commonwealth has prepared are performance-based criteria that allows for some flexibility in how the Contractor hired by the Commonwealth will handle contaminated material; however, the following provisions are currently included in the Commonwealth's plans to manage contaminated soil or sediment and to protect uncontaminated areas:

Handling of Materials

- The transfer of soil materials from the excavation to the stockpile areas will be conducted in such a manner as to prevent the spread of contaminated or potentially contaminated materials and to minimize the mixing of soils from different areas in different stockpiles.
- Water-tight roll-off units may be used to temporarily store contaminated material. An impermeable cover will be placed over the units to prevent precipitation from contacting the stored material.
- If it appears to be impracticable to either directly load dredged sediment from the Stormwater Drainage Swale into a scow or to excavate the area in the dry, and the material must either be staged or stockpiled, transferred over land in any way that could result in contamination of previously uncontaminated areas, the material will be dewatered prior to transferring it to scows.
- Offsite disposal of contaminated material will be in accordance with State, Federal and local regulations at an approved facility.

Stockpiles

- The Contractor will be responsible for the construction, protection and maintenance of temporary stockpiles.
 1. Stockpile areas will be graded such that storm water runoff is diverted from stockpiled soils; berms (i.e., hay bales, silt fencing, gravel) will be placed around the perimeter of the area(s) to prevent contact of runoff with contaminated soils.
 2. The area will be blocked off to minimize worker and passersby contact with stockpiled soils. The area will be visibly marked with appropriate warning signs of potential hazards.
 3. For soils or dredge materials identified as contaminated, or for potentially contaminated soils or dredge materials, the first lift of stockpiled soil or dredge materials will be placed on a minimum of two layers of six-mil-thick (0.006") or one layer of 20-mil-thick (0.020") polyethylene barrier over existing pavement. The barrier will also be placed over the containment berms to control dewatering fluids from within the stockpiled material.
 4. The size of the individual stockpiles will be limited such that no individual stockpile is larger than 500 cubic yards.
 5. An impermeable barrier will be placed over the stockpiles to control odor and dust emissions and to eliminate impacts due to precipitation.
 6. All stockpile areas storing contaminated material will be graded to allow free-draining water to collect into a collection sump set in located within the bermed stockpile area storing contaminated material.

7. The sump pump set in will be lined with an impermeable barrier and surrounded with ¾-inch stone wrapped in filter fabric.
8. The sump discharge will pumped to an approved treatment system, as discussed above.

Treatment System

- The treatment system will be selected, sized and maintained by the Contractor to meet water quality criteria. The treatment system will be equipped with a sample port to allow the Commonwealth to sample treated liquid and test for suspended solids prior to discharge. It will be the responsibility of the Contractor to re-filter the material or provide alternate treatment such that water quality criteria are met.
- For treatment of liquids recovered when dewatering contaminated soil or sediment on land, the treatment system utilized by the Contractor will be capable of removing all dissolved or suspended contaminants prior to discharge, and meeting NPDES or septic system acceptance criteria, as necessary. The Contractor will be responsible for obtaining any necessary discharge permits associated with discharge of treated dewatering liquids.

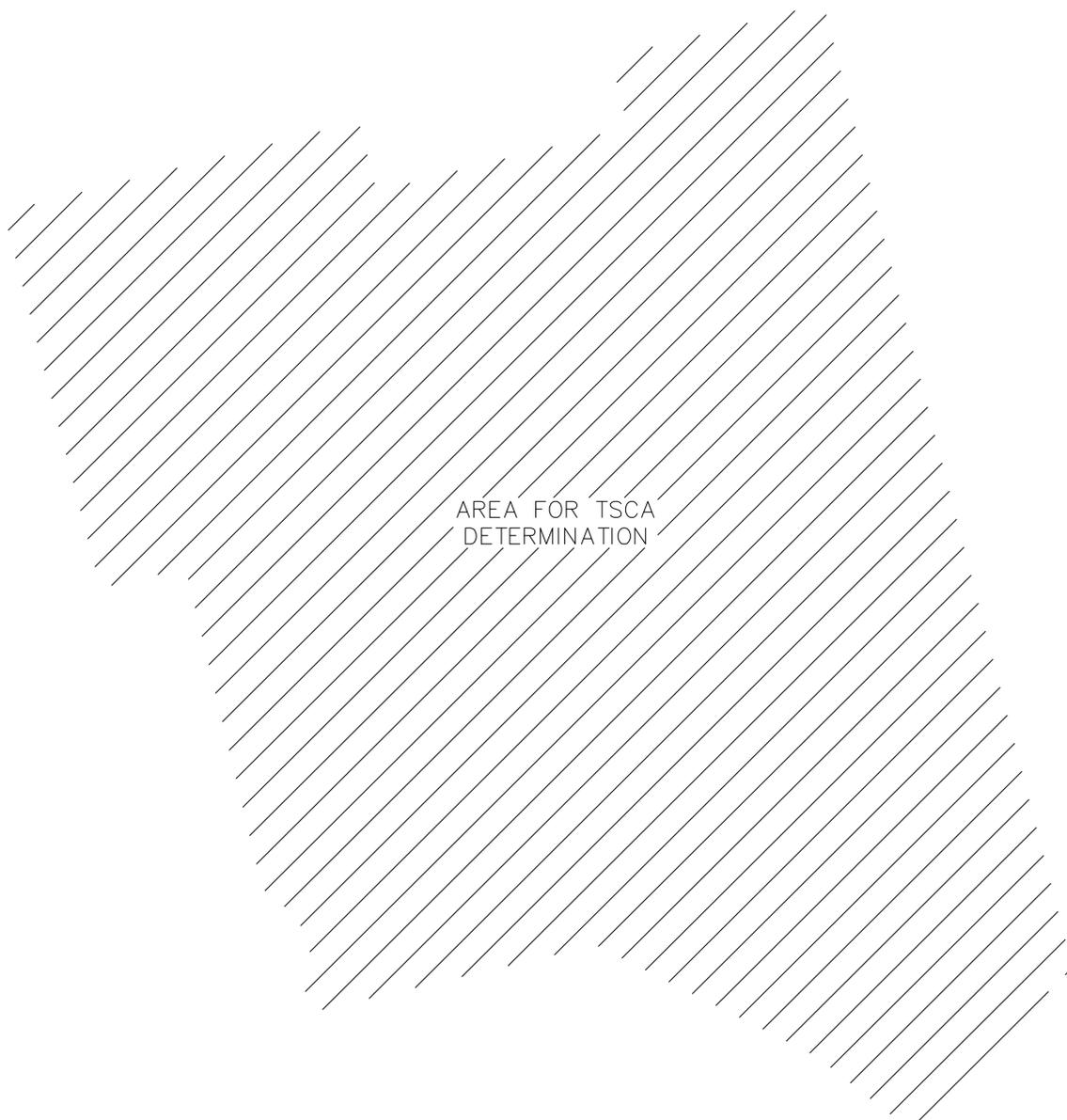


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AREA FOR TSCA
 DETERMINATION

COMMONWEALTH
 OF
 MASSACHUSETTS

NEW BEDFORD MARINE
 COMMERCE TERMINAL
 AREA FOR TSCA
 DETERMINATION

Scale: 1"=80'



Date	6/19/12	Drawing No.
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