



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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New Bedford Harbor
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30976

February 21, 2002

Ms. Patricia Meaney
U.S. EPA Region I
Office of Site Remediation & Restoration
Suite 1100 (HBO)
1 Congress St.
Boston, MA 02114-2023

Re: DEP support of proposed ESD #2
Upper and Lower Harbor Operable Unit #1
New Bedford Harbor Superfund Site

Dear Ms. Meaney:

The Department of Environmental Protection ("DEP") has reviewed the draft Explanation of Significant Differences ("ESD") #2 for the New Bedford Harbor Superfund Site dated February 2002 - Operable Unit #1. This is the 2nd ESD for the New Bedford Harbor Site Record of Decision ("ROD") dated September 28, 1998.

The ROD originally called for the hydraulic dredging/transport by floating pipeline; water treatment; sediment consolidation in Confined Disposal Facilities (CDFs); and capping of the CDFs. The 1st ESD was issued in September 2001 and included the following: additional intertidal cleanup areas; mechanical dewatering; use of the pilot study CDF as an interim TSCA (Toxic Substance Control Act) facility; change in CDF D wall design; and use of rail at CDF D. The above referenced draft 2nd ESD calls for offsite disposal for the dredged sediments slated for CDF D (17 acres) and instead provides for the construction a 2-acre sediment dewatering facility. Because this draft ESD provides for the off site disposal of the contaminated material, it will result in the accelerated cleanup of contaminated sediments North of the Wood Street Bridge, an area of 2 proposed shoreline parks.

The DEP has evaluated the draft ESD #2 and supports the off site disposal of the contaminated sediments. The off site disposal will: 1) reduce the current remedial costs; 2) reduce potential significant future cost increases due to the construction of CDF D; 3) reduce the amount of

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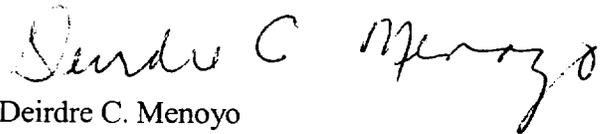
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filling of New Bedford Harbor tidelands; 4) reduce the cost of the Operation & Maintenance that would have been associated with a completed CDF D; and 5) allow for an accelerated cleanup North of the Wood Street Bridge. However, DEP is withholding its formal concurrence with the 2nd ESD pending review of public comment.

DEP appreciates the opportunity to provide input on this draft ESD. If you have any comments this letter, please contact Paul Craffey at (617) 292-5591.

Very truly yours,

A handwritten signature in black ink that reads "Deirdre C. Menoyo". The signature is written in a cursive style with a large, looped "D" and a long, sweeping "y" at the end.

Deirdre C. Menoyo
Assistant Commissioner
Bureau of Waste Site Cleanup

cc: Paul Craffey, BWSC, DEP
Richard Lehan, OGC, DEP