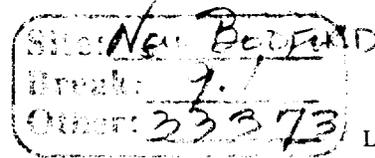




COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

JANE SWIFT  
Governor



BOB DURAND  
Secretary  
LAUREN A. LISS  
Commissioner

July 17, 2002

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

Re: DEP concurrence with proposed ESD #2 dated July 2002  
Upper and Lower Harbor Operable Unit #1  
New Bedford Harbor Superfund Site

Dear Mr. Cavagnero:

The Department of Environmental Protection ("DEP") has reviewed the proposed Explanation of Significant Differences ("ESD") #2 dated July 2002 for the New Bedford Harbor Superfund Site - Operable Unit #1. This ESD is 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. This ESD calls for: 1) elimination of CDF D: off site disposal of sediments initially proposed for disposal in CDF D; 2) an accelerated cleanup North of the Wood Street Bridge near the future site of 2 parks; and 3) updated cost estimate. The off site disposal reduces the filling of New Bedford Harbor, and reduces the cost of construction and O&M.

The DEP has evaluated the EPA's ESD for consistency with M.G.L. Chapter 21E, and the Massachusetts Contingency Plan (MCP). This ESD addresses a continuing source of surface water and sediment contamination in the estuary, harbor, and bay of the Site. EPA held a Public Hearing

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DEP on the World Wide Web: <http://www.state.ma.us/dep>

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on March 6, 2002 and a comment period to accept comments from the public. A Responsiveness Summary was prepared as part of this ESD to address all public comments. DEP concurs with this ESD because it continues the remedial actions of the contaminated sediments from the Acushnet River Estuary ecosystem and provides for overall risk reduction.

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

Very truly yours,



Deirdre C. Menoyo, Assistant Commissioner  
Bureau of Waste Site Cleanup

cc: Edward Kunce, DC, DEP  
Paul Craffey, BWSC, DEP  
Richard Lehan, OGC, DEP

e-file: ESD2 Concurrence Letter 020717 by DEP