

EXPLANATION OF SIGNIFICANT DIFFERENCES



SDMS DocID 268458

I. INTRODUCTION

This document is a final Explanation of Significant Differences ("ESD") between the remedial action specified in the Record of Decision for the Sullivan's Ledge Superfund Site, Operable Unit I (the "OU-I ROD") and those now planned. This document also describes the conditions that justify these changes to the remedial action.

A. Site Name, Location

Site: Sullivan's Ledge Superfund Site --
Operable Unit I ("OU-I")

Site Location: New Bedford, Massachusetts

B. Lead and Support Agencies

Lead Agency: United States Environmental
Protection Agency ("EPA")

Contact: David O. Lederer
(617) 573-9665

Support Agency: Massachusetts Department of
Environmental Protection ("MA DEP")

Contact: Jay Naparstek
(617) 292-5697

C. Citation of the Comprehensive Environmental Response,
Compensation and Liability Act of 1980 ("CERCLA") Section
that Requires the ESD

Pursuant to Section 117(c) of CERCLA, if any remedial or enforcement action is taken under Section 104, 106 or 120 of CERCLA after adoption of a final remedial action plan, and if such action differs in any significant respect (i.e., in scope, performance, or cost) from the final plan, EPA must publish an explanation of the significant differences and the reasons why such changes were made. The EPA Interim Final Guidance on Preparing Superfund Decision Documents (OSWER Directive 9355.3-02, June 1989) further provides that issuance of an ESD is appropriate when EPA determines that the need for changes to a remedial action is significant but does not fundamentally alter the overall remedy.

Because EPA has determined that the changes to the remedial action at OU-I outlined below create significant but not fundamental differences from the remedy prescribed by the OU-I

V. AFFIRMATION OF THE STATUTORY REQUIREMENTS

Considering the new information that has been developed and the changes described in this ESD that have been made to the selected remedy, EPA and MA DEP believe that the remedy remains protective of human health, welfare and the environment and is cost effective. The revised remedy complies with federal and state ARARS to the same extent as the ROD for OU-I. The basis for continuing to waive portions of ARARs in the OU-I ROD still remains valid. In addition, considering the issues addressed in this ESD, the revised remedy utilizes permanent solutions and alternative treatment or resource recovery technologies, and satisfies the preference for treatment as a principal element to the maximum extent practicable for this Site.

VI. PUBLIC PARTICIPATION ACTIVITIES

Notice and information regarding these changes to the OU-I ROD has been disseminated by (1) a mailing to all parties on the Community Relations Mailing List and to all Potentially Responsible Parties and (2) publishing a notice of availability and a brief description of the ESD in the local newspaper, the New Bedford Standard Times. This notice described a 30 day public comment period, which began on April 4, 1995 and ended on May 4, 1995. A summary of comments received during the public comment period and EPA's responses to these comments (the "Responsiveness Summary") has been prepared. The ESD and Responsiveness Summary can be found in the Administrative Record File for this matter, which is available for public review. See Section I.E. of this ESD for the locations and times at which these documents are available for review.

July 26, 1995
Date of Issuance

By: Frank Cavatton
for Linda M. Murphy
Director, Waste Management
Division