

September 1, 2005

Ms. Kimberly Tisa
EPA New England, Region 1
1 Congress Street
Suite 1100 (CPT)
Boston, MA 02114-2023

Re: Risk Based Cleanup Request
McCoy Field Site - Wetlands Remediation
New Bedford, MA

Dear Ms. Tisa:

This letter addresses your Memorandum dated August 18, 2005 regarding EPA's review of the Risk Based Cleanup Request submitted to EPA on June 20, 2005. The comments and responses are as follows:

General Comment

1. No substantive changes have been made to the original risk based cleanup request. Various discussions with the New Bedford Conservation Commission and representatives from DEP and the ACOE have identified the following specific provisions for minimizing impacts to the surrounding environment:
 - o Removal of additional soil/sediment from 6 to 18 inches deep at sixty-three (63) locations of new trees. Each location requires a hole of approximately 18 inches in diameter.
 - o Crossing of adjacent wetlands necessary for accessing the indicated work area will only be possible through use of wetlands mats. No filling of wetlands areas is permitted.
 - o The locations of the frac tank, soil stockpile staging areas, infiltration basin, and root barrier system have been more clearly delineated on the site plans (Contract Drawings 1 and 2).
 - o The technical specifications have been updated to reflect ConComm and DEP review comments. The organic content of the soil (via leaf composting) to be used to restore the wetlands is 24%, with a TOC of 12%. Test requirements have been incorporated from ACOE guidance.

We have provided you with the Bidding Documents for the remediation project, including a copy of Addendum #1 issued on August 31st. The Addendum includes the final Order of conditions issued by the New Bedford Conservation Commission.

Specific Comments

2. We have not yet pursued further delineation at the periphery of the indicated work area, due to site topography and prior remediation efforts along the embankment under Site Preparation Contract #1. Specifically, elevated levels of PCB concentrations coincide with areas of sediment

deposition and generally do not exist at adjacent areas with higher elevations, particularly along the embankment which has three feet of clean fill. As you know, we plan to complete confirmatory sampling at the horizontal and vertical limits of excavation, as outlined in the risk based cleanup plan, to demonstrate compliance with the target cleanup goal of 1 ppm.

- a. As requested, BETA will collect additional surface samples at the periphery of the remediation areas next week, to further define the limits of contamination.
- b. Additional vertical delineation sediment/soil samples (9) have been collected at six locations that coincide with elevated levels of PCB concentrations in surface sediments. The sample locations are illustrated on Figure 4 and the results are summarized on revised Tables 1-3, all of which are included in the enclosed Revision 1 to the Wetlands Remediation Risk Based Cleanup Request.

As anticipated, the PCB concentrations appear to be limited to the surface sediments within the top six inches of the wetland. We will perform confirmatory sampling and analysis, as discussed in the risk based cleanup plan, to confirm that the target cleanup goal of 1 ppm has been achieved.

- c. The intent is to remove all surface sediments along the base of the embankment up to the clean backfill placed under Site Preparation Contract #1.
3. The intermittent stream is not a defined channel; however, several samples were collected from the lowest elevations in the wetlands, where sediment deposition would be expected. Review of the results indicates that mostly "non-detect" results were obtained on the western side of the north – south line WC, including several in the location of the "intermittent stream". Specifically, the following sample locations coincide with the approximate location of the intermittent stream and they were all non-detect:

o WC-8	o WC-5	o WB-5
o WC-7	o WC-4	o WB-4
o WC-6.5	o WB-7	
o WC-6	o WB-6	

It is clear from the sampling results and remediation areas indicated on Contract Drawings 1 and 2 that the deposition has largely occurred in the area immediately adjacent to the embankment, presumably from erosion due to surface water runoff.

4. The moisture content of the samples has resulted in some elevated reporting limits; however, almost all of the reporting limits fall below the target cleanup level of 1 ppm PCBs. Reference is made to the revised summary of analytical results (Tables 1-3) that include the %solids and reporting limits for each sample. In addition, Table 4 includes a summary of the sample holding times. 91% of the surrogate recoveries (133 of 146) fall within acceptable ranges (40 – 150%).

A formal data usability assessment will be submitted to you next week.

We have updated the QA/QC Plan for confirmatory sample analysis to reflect current EPA guidance on analysis of sediment samples. Where solids content is less than 30%, dewatering of samples will be required.

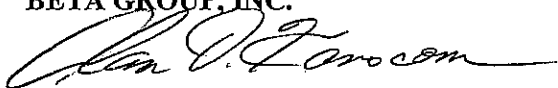
5. The status of the various state and local environmental permits follows:
 - o **MEPA Review** - A certificate dated August 15, 2005 was issued by the Massachusetts Executive Office of Environmental Affairs indicating that no further MEPA review is required. A copy is appended for reference.
 - o **Conservation Commission – Order of Conditions** was issued on August 31, 2005. A copy is included as attachment E in Addendum #1 sent to you under separate cover.
 - o **Section 401 Water Quality Certificate** – We had a meeting on August 30th at DEP to review supplemental requirements requested by DEP. All supplemental information needed by DEP, including the Order of Conditions issued by the Conservation Commission, will be provided to them by September 2, 2005.
 - o **Section 404 Corps of Engineers Permit** – According to Brian Valiton, the ACOE will be issuing a programmatic general permit on or about September 2, 2005.
6. The NPDES permit will be applied for by BETA on behalf of the City and the Remediation Contractor. We expect that the permit will be obtained next week. A copy will be forwarded to you.
7. The Contract Documents provide for the dewatering and/or solidification of excavated sediments prior to loading and off-site management, so that no free liquids are present in the sediments prior to shipment. Reference is made to Technical Specification 02215 in Addendum #1.
- 8a. The depth of confirmatory sampling has been revised in the sampling plan from six (6) to three (3) inches.
- 8b. Reference to “Appendix D” has been changed to “Attachment D”. The recommended changes to the QA/QC Plan have been incorporated. See enclosed revised pages (Rev 1) to the original Wetlands Risk Based Cleanup Request.
- 9a. See response to Comment 7.
- 9b. The sediment scheduled for off-site management has already been sampled in-situ for PCBs, heavy metals and PAHs. The temporary stockpiling is a contingent provision only to provide for segregation of “suspect” material that may be characteristically different from the majority of the sediment. The location of the temporary stockpile is indicated on revised Contract Drawing 2, a copy of which is included with this response.
- 9c. We have made appropriate changes to the depth of confirmatory sampling. See response to Comment 2b.

- 10a. The Remediation Contractor will be responsible for handling and transportation of contaminated sediment so as to avoid deposition on paved areas (streets) and other areas in the vicinity of the Work. There are provisions in the Order of Conditions that require cleanup and restoration of any such deposition of contaminated sediment within resource areas. BETA, on behalf of the City, will provide full time on-site observation services and will be responsible for sampling any areas impacted by deposition of contaminated materials.
- 10b. i) Contract Drawings 2 and 3 illustrate the temporary impact areas immediately adjacent to the remediation areas, including access ways. No filling of either the temporary or permanent impact areas will be permitted; the Remediation Contractor is restricted to the use of wetlands mats. The proposed cleanup includes the general excavation and off-site management of up to six inches of leaf litter and surface sediment. Due to highly variable site conditions, the actual depth of sediment excavation will vary to accommodate such items as large rocks, trees to remain, root systems and other physical site conditions.
- ii) We have described the anticipated extent of contamination, while reserving the right to direct the Remediation Contractor to excavate additional sediment, both vertically and horizontally, based upon actual results of confirmatory sampling. Reference is made to revised Paragraph 3.02 (B) (2) in Technical Specification Section 02215 included in Addendum #1 to the Bidding Documents.
- iii) Reference is made to Technical Specification Section 02265 (Paragraphs 2.01 and 3.02) for test requirements for organic soil to be used in the wetlands restoration. This requirement is consistent with ACOE guidance provided by DEP.
- 10c. The technical specifications have been updated to reflect review comments and requirements of the New Bedford Conservation Commission and the DEP. Reference is made to the new Technical Specifications included in Addendum #1 to the Bidding Documents.
- i) See response to Comment 10b (i).
- ii) Figure 2 has been updated and reference has been changed to Contract Drawings 1 and 2.
- iii) See response to Comment 10b. Also, we have corrected the text reference to PCBs.
- iv) We do not expect to have any contaminated sediment with PCB concentrations greater than 50 ppm, since the highest detection in over sediment 100 samples is 18 ppm. The maximum storage within the work areas is limited to 100 cubic yards. We have eliminated any reference to estimated total of "suspect" material to be segregated.
- v) See responses to Comments 9b and 10c.
- 10d. The NPDES permit is required to temporarily dewater individual work areas, in the event flooding conditions are encountered during the project. Also see response to Comment 6.

Ms. Kimberly Tisa, USEPA
September 1, 2005
Page 5

Please call either Barbara Laughlin or me with any questions related to the above responses, or any further comments that may arise.

Very truly yours,
BETA GROUP, INC.

A handwritten signature in dark ink, appearing to read "Alan D. Hanscom", is written over the printed name.

Alan D. Hanscom, P.E., LSP
Associate

Cc: Gerard Martin, DEP
Dorothy Blickens, DEP
Brian Valiton, USACOE
Scott Alfonse, City of New Bedford
Sarah Porter, New Bedford ConComm
Jacqueline Coucci, City of New Bedford
Larry Oliveira, New Bedford School Department
William DoCarmo, City Project Manager
Lenore White, Nover-Armstrong
Evan Warner, MVG



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD
SECRETARY

Tel. (617) 626-1000
Fax. (617) 626-1181
<http://www.mass.gov/envir>

August 15, 2005

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Wetlands Risk-Based Cleanup for McCoy
Field/New Keith Middle School Property
PROJECT MUNICIPALITY : New Bedford
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 13577
PROJECT PROPONENT : City of New Bedford
DATE NOTICED IN MONITOR : July 9, 2005

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project does not require the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project entails the removal of up to six inches of sediments contaminated with polychlorinated biphenyls (PCBs) at selected locations comprising 0.87± acres of a 3.87-acre wetland area located at the rear of the McCoy Field and the New Keith Middle School, which are currently under construction.

The project is proposed as part of ongoing site assessment and remediation activities for the McCoy Field/New Keith Middle School project. The location of this project is a disposal site, identified by Release Tracking Number (RTN) 4-15685. The sediments to be excavated contain polychlorinated biphenyls (PCBs), metals and polycyclic aromatic hydrocarbons. This project received a Special Project Designation from the

Department of Environmental Protection (DEP) on October 10, 2001. Both DEP and the U.S. Environmental Protection Agency (EPA) are providing direct oversight of the proposed work. Specific project activities include the following:

- Clearing of vegetation and physical removal of leaf litter, surface vegetation, and surface sediment/soil;
- Live loading, transportation, and disposal of sediment to an appropriately licensed receiving facility; and
- Complete restoration of all disturbed areas, including replacement of the removed sediment/soil with clean soil and seeding with wetlands seed mix.

MEPA Jurisdiction and Required Permits

The project is undergoing review pursuant to Section 11.03 (3) (b) (1) (d) of the MEPA regulations because it will alter 5,000 or more sf of Bordering Vegetated Wetlands (BVWs). The project will require a 401 Water Quality Certification from the Department of Environmental Protection (DEP); A Section 404 Permit from the U.S. Army Corps of Engineers (ACOE); and an Order of Conditions from the New Bedford Conservation Commission (and hence, a Superceding Order of Conditions from DEP if the local Order is appealed). Because the City is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially requires state permits. In this case, MEPA jurisdiction extends to issues of wetlands and hazardous waste.

Wetlands Permitting Issues

The City has filed a Notice of Intent (NOI) with the New Bedford Conservation Commission. Compliance with Bordering Vegetated Wetland (BVW), Limited Project and Stormwater Management performance standards, as well as other Wetlands Protection Act standards, will be addressed during the review of the NOI. The public hearing process is on-going and, to date, the Conservation Commission has not issued an Order of Conditions.

In addition, DEP has received an individual Major 401 Water Quality Certification application for the removal of contaminated soils and sediments from BVW located adjacent to the McCoy Field/New Keith Middle School construction project. As a result of the August 3, 2005 on-site consultation conducted by DEP

staff, the City has been directed to submit project design clarifications and specifications for wetland restoration. The City should document all activities, past and present, temporary and permanent, direct and indirect, and cumulative impacts from the site clean-up and restoration effort, construction and ongoing operation of the project site.

Certain activities will require the City to file with the U.S. Army Corp of Engineers to receive a jurisdictional determination pursuant to the 401 and U.S. Section 404 Programs. The City should provide DEP with additional details on the wetland restoration effort including, but not limited to:

- submittal of required public notice;
- illustration of equipment access routes, construction and equipment staging areas, dewatering facilities and temporary stockpile areas;
- bio-barrier manufacturer and installation specifications;
- replacement soil composition and testing protocol; and
- wetland and upland seed mix specifications and supplier information.

During the review of the NOI and the Water Quality Certification process, the City should clearly demonstrate that the project meets performance standards for all applicable resource areas and that adverse effects have been avoided and minimized.

Conclusion

I have received several comment letters from local residents expressing deep concerns about the project. While I acknowledge these concerns, I am confident that both DEP and EPA will provide capable and competent oversight of the project. Moreover, the consultant for the City has adequately responded to these concerns in a letter dated August 11, 2005.

I would like to take this opportunity to emphasize that I do not have the authority to approve or deny this project. MEPA review is not a permitting process, nor does it serve as an appeal for local decisions. It does not pass judgment on whether a project is or is not environmentally beneficial, or whether a project can or should receive a particular permit. Rather, the MEPA process requires public disclosure of a project's environmental impacts as well as the measures that the proponent will undertake to mitigate these impacts. MEPA review occurs

before public agencies act to issue permits for a proposed project to ensure that they are fully cognizant of the environmental consequences of their actions.

I am confident that the review of the ENF has garnered sufficient input from the public so as to make the state agencies with permitting authority for this project (in this case DEP) fully aware of the important environmental issues involved. The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponent may resolve any remaining issues during the state and local permitting processes.

August 15, 2005

Date


Stephen R. Pritchard

Comments received:

07/21/05 Division of Marine Fisheries
07/21/05 Eddie L. Johnson
07/27/05 Brian Woolley
07/27/05 Karen Vilandry
07/29/05 Bonnie Howland
07/29/05 Environmental Research Corps
08/04/05 Department of Environmental Protection Southeast
Regional Office
08/11/05 BETA Group, Inc.

SRP/RAB/rab