Fact Sheet:
How did EPA select 50 ppm Cleanup Level at the New Bedford Harbor Superfund Site

EPA's Record of Decision (ROD) 1998:

The cleanup plan for the New Bedford Harbor cleanup was signed in 1998 by EPA and contains a 50 ppm cleanup level for some areas of the Site; particularly the subtidal sediment in the lower harbor area between Coggeshall Street Bridge and the Hurricane Barrier; as well as the saltmarshes mainly located in the Upper Harbor.

EPA selected the cleanup levels in the 1998 ROD based on a careful consideration of multiple factors including how to best balance the protection of human health with the protection of sensitive ecosystems, such as the Site's valuable saltmarsh habitat; the large area covered by the Site (over a 1000 acres alone within the hurricane barrier); the wide range of potential direct contact exposure rates at the Site; and the fact that portions the Lower Harbor are within the Designated Port Area ("DPA") as classified by the Commonwealth of Massachusetts.

The principle behind the ROD is balance:

- Balance: EPA's ROD states that:

  "Although the ecological risk assessment pointed to a 1 ppm sediment PCB threshold for protection of marine organisms (see section VI.B), achieving this TCL was believed to cause more harm than good due to the radical alterations to the harbor and adverse environmental impacts that would result given the widespread nature of the PCB contamination. Remediation to this 1 ppm level would entail the removal or capping of huge amounts of contaminated sediment (approximately 1,000 acres and 2.1 million cubic yards of sediment). Of particular concern was the destruction of valuable saltmarsh habitat that would result. Thus sediment TCLs of 10, 50 and 500 ppm PCBs (as well as a no-action alternative) were used to establish more realistic and less damaging categories of cleanup alternatives. "

Of particular concern was the remediation of sensitive saltmarsh habitat which would likely cause profound effects on the whole harbor ecosystem. Among the numerous functional services provided by wetland areas, the tremendous productivity is perhaps the most important; destruction of these areas would eliminate a significant contributor to the primary productivity that supports the harbor ecosystem.

- The milestone of the 1998 New Bedford Harbor Record of Decision was reached with the support of many local entities. When determining the cleanup level for each area of the harbor and shoreline an ecological risk assessment was completed.

- The main goals of the harbor cleanup are to reduce the PCB contamination in fin fish and shellfish and to create a fishable harbor and to protect people coming into contact with PCBs in sediment along the shoreline areas.

Progress:

- Reductions in sediment concentrations achieved since the ROD have been very significant, with average levels in the Upper Harbor down by 50% since 2004, and 60% in surficial Lower Harbor sediment.

- Since the 2013 Settlement with AVX, Inc, the main responsible party at the Site, the pace of cleanup has accelerated.

- EPA's ROD, along with navigational dredging done pursuant to CERCLA, will result in sediment concentrations that are in line with other major sediment cleanups across the country.

- The confirmational sampling conducted in areas affected by the first 80,000 cubic yards of subtidal dredging in the Lower Harbor (50ppm TCL) indicates sediments now average approximately 13 ppm PCBs.

State Enhanced Remedy (SER)

- The 1998 Record of Decision also authorized the Commonwealth of Massachusetts to dredge the Lower Harbor area for purposes of deepening and improving navigational channels in areas that are already below the EPA TCL of 50 ppm.

- Sampling performed area-wide in the lower harbor found that the average background level of PCB in the top 2 cm of the sediment was approximately 8 ppm total PCB, as opposed to the 50 ppm TCL.