

Repository Binder - July through August 17, 2005

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- July 12, 2005 – MEPA Email notice of on-Site meeting for Environmental Notification Form
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- July 21, 2005 – Transmittal letter to Mr. Brian Wooley for mailing of ENF
- July 21, 2005 – Signature acknowledging receipt of Notice of Intent (Rev.1), Field Notes, and Wetlands Permit Applications
- July 22, 2005 – Notice of PIP Meeting on August 17, 2005 sent to PIP mailing list recipients
- July 25, 2005 – Faxed request to Standard Times to publish Legal Ad for Notice of PIP Meeting
- July 27, 2005 – Published Legal Ad for PIP Meeting on August 17, 2005 – via email
- July 27, 2005 – Standard Times Article – “Local parents express worry at Keith hearing”
- July 27, 2005 – MA Historical Commission determination of “unlikely to affect significant historic or archaeological resources” by Ms. Margo M. Davis
- July 29, 2005 – Environmental Research Corps comments regarding ENF submittal
- August 2, 2005 – Versar, Inc. MEMO – Comments of Method 3 Risk Characterization – Wetlands Areas, Former McCoy Field, New Bedford, MA (June, 2005)
- August 3, 2005 – Copy of June 21, 2005 cut sheet for Legal Ad published regarding WQC submittal
- August 3, 2005 – BETA MEMO to Ms. Dorothy Blickens regarding August 3, 2005 DEP Site Walk – WQC Review Issues
- August 8, 2005 – Waste Management letter for off-Site disposal pricing

Repository Binder - July through August 17, 2005

August 9, 2005 – Waste Management Letter of Conditional Acceptance of PCB Remediation
Waste <50 PPM

August 9, 2005 – BETA letter to Ms. Ellen Bellio (LSP Opinion)

August 11, 2005 – BETA letter to Mr. Richard Bourre addressing Environmental Research
Corps comments on ENF

August 15, 2005 – BETA letter addressing Versar Comments dated August 2, 2005

August 15, 2005 – BETA letter to Ms. Dorothy Blickens regarding comments presented during
August 3, 2005 Site walk related to the Water Quality Certification dated
June 20, 2005

August 16, 2005 – DEP SERO stamped receipt of BETA letter regarding DEP Site Walk - WQC
Review Issues

August 17, 2005 – BETA letter to Ms. Sarah Porter – NOI Supplemental Submission No. 2

June 30, 2005

Document for McCoy Field Public Involvement Plan Document Repository


Re: McCoy Field Site
225 Hathaway Boulevard
New Bedford, MA 02740
EPA DRAFT Approval and associated Administrative Record Documents

The following bound document contains a copy of the EPA DRAFT Approval for Risk-Based PCB Remediation under 40 CFR §761.61(c). Additionally, all documents referenced in Attachment 2 – Administrative Record have been included.

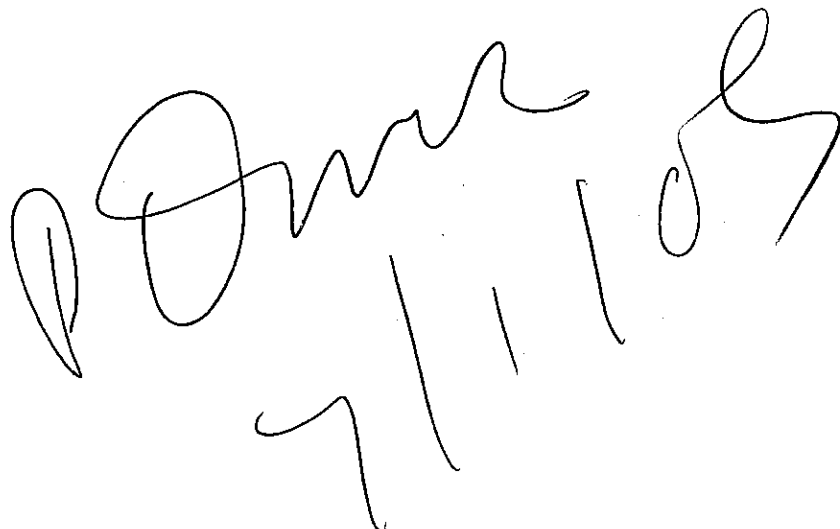
If you have any further questions regarding the contents of the repository document please call Alan D. Hanscom at the BETA Group, Inc. at 781 255-1982.

Very truly yours,

BETA GROUP, INC.


Barbara K. Laughlin
Senior Scientist

Cc: File, BETA





COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

COPY

07 JUL 2005

Mr. Scott Alfonse
City of New Bedford
133 William Street
New Bedford, Massachusetts 02740

RE: NEW BEDFORD --Wetlands
Major Water Quality Certificate
On-site, McCoy Field,
225 Hathaway Boulevard,
Transmittal No. W065206,
DEP File No. SE 49-543.

Dear Mr. Alfonse:

The Department of Environmental Protection has scheduled an on-site meeting at McCoy Field, 225 Hathaway Boulevard, New Bedford, on the above-referenced file for all concerned parties so that the Department can properly evaluate the situation prior to issuing a Water Quality Certificate in accordance with M.G.L. Ch. 21, § 43, 314 CMR 4.00, and Section 401 of the Federal Clean Water Act as amended (Public Law 95-217).

SAID MEETING HAS BEEN SCHEDULED FOR WEDNESDAY, AUGUST 3, 2005, AT 9:30 a.m.

In order to expedite the Department's review of the project, it is recommended that the applicant have the site posted with the street address and/or DEP File number and the wetland resource areas and significant project components identified in the field at the time of the above scheduled on-site. Please notify your respective professional experts, e.g. engineers, botanists, wetland scientists, etc... of the date and time of this on-site meeting.

If you have any questions regarding this matter, please contact me at (508) 946-2781.

Very truly yours,

Dorothy Blickens,
Bureau of Resource Protection.

db/

cc: New Bedford Conservation Commission

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

cc: Alan Hanscom, Beta Group, Inc.
315 Norwood Park South
Norwood, MA 02062

Permits and Enforcement Section, Regulatory Branch
U.S. Department of the Army
New England District
Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Executive Office of Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

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Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

COPY

07 . III . 2005

Scott Alfonso
City of New Bedford
133 William Street
New Bedford, Massachusetts 02740

RE: STATEMENT OF ADMINISTRATIVE COMPLETENESS REVIEW DEFICIENCY
Application for: BRPWW10
MAJOR FILL AND EXCAVATION PROJECTS

At: McCoy Field
225 Hathaway Boulevard
DEP File Numbers SE 49-543
Transmittal No. W 065206
New Bedford, Massachusetts

Dear Mr. Alfonso:

The Department has completed its Administrative Review of the permit application listed above and determined that this application is administratively deficient. The Department prior to beginning technical review requests the additional information listed below. In accordance with 310 CMR 4.00, you have 180-days from the date of this letter to submit the deficient information. However, the Department requests that you submit the information as quickly as possible to ensure completion of the review in a timely manner.

If you fail to submit the required material within 180-days from the date of this letter, your applications will be deemed withdrawn and you must reapply if you still wish to seek these permits. You will not receive a refund as a result of this action.

The Department may, at its option, agree to a written request for an extension of the time allowed to submit additional information pursuant to 310 CMR 4.04(2)(f), if the request is received within the next 180-days.

Additional information required is as follows:

1. Pursuant to 314 CMR 9.05 of the Water Quality Regulations, a public notice is to be provided to the Department within ten days of submitting a 401 Water Quality application.

314 CMR 9.03(3)... The public notice shall contain:

- (a) the name and address of the applicant and property owner;
- (b) the location of the proposed activity;
- (c) a brief description of the activity;
- (d) the name and address of the person from whom the additional information may be obtained;
- (e) the 21 day time period within which the public may comment;

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

- (f) the office and address within the Department to which comments should be addressed; and
 (g) a statement that any ten persons of the Commonwealth, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment that has submitted written comments may also appeal the Department's Certification and that failure to submit comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.

The public notice is to be published by the applicant, at the applicant's expense, in a newspaper of general circulation within the area of the proposed activity. *Please provide a copy of the actual public notice as published, including the name and date of the paper, for the project proposed under the individual 401 Water Quality Certification application(s) to this office.*

2. The Department's review of the project referenced above indicates that the project proposal exceeds the following wetland threshold(s) as found in 301 CMR 11.03(3)(b)1.d.:

"(3) Wetlands, Waterways and Tidelands

(b) ENF and Other MEPA Review if the Secretary So Requires

1. Provided that a Permit is required:
 d. alteration of 5,000 or more sf of bordering or isolated vegetated wetlands;..."

Therefore, the project is subject to review under the Massachusetts Environmental Policy Act (MEPA), Massachusetts General Laws, Chapter 30, Sections 61-62H. An Environmental Notification Form (ENF) should be filed with The Secretary of Environmental Affairs. Blank ENF's may be obtained from:

Secretary
 Executive Office of Environmental Affairs
 Attn: MEPA Office
 100 Cambridge Street, Suite 900
 Boston, Massachusetts 02114

Please provide a copy of the actual Environmental Notification Form and any subsequent decision issued by the MEPA Office to this office.

Following receipt of the information above, the Department has 30 days to complete a second Administrative Completeness Review. Should these applications, based on the submittal of additional information, be deemed incomplete a second time, each application will be denied in accordance with 310 CMR 4.04(2)(b)1.c.

Please submit the additional information requested for each individual 401 Water Quality Certification application with the enclosed Supplemental Transmittal Form(s) to Lori Rogers at 20 Riverside Drive, Lakeville, MA 02347.

If you have questions, please do not hesitate to contact me at (508) 946-2781.

Very truly yours,



Dorothy Blickens
 Bureau of Resource Protection

DB/
 Enclosure.

cc: New Bedford Conservation Commission

cc: Alan Hanscom, Beta Group, Inc.
315 Norwood Park South
Norwood, MA 02062

Permits and Enforcement Section, Regulatory Branch
U.S. Department of the Army
New England District
Corps of Engineers
696 Virginia Road
Concord, MA 01742-2751

Executive Office of Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Barbara Laughlin

From: Scott Alfonse [Scott.Alfonse@ci.new-bedford.ma.us]
Sent: Tuesday, July 12, 2005 10:45 AM
To: Alan Hanscom (E-mail); Barbara Laughlin (E-mail)
Subject: FW: MEPA Site Visit - McCoy Field/New Keith Middle Scholl - New Bedford (EOEA #13577)

-----Original Message-----

From: Bourre, Richard (ENV) [mailto:Richard.Bourre@state.ma.us]
Sent: Tuesday, July 12, 2005 10:34 AM
To: Stone, Sharon (DEP); Blickens, Dorothy (DEP)
Cc: Scott Alfonse
Subject: MEPA Site Visit - McCoy Field/New Keith Middle Scholl - New Bedford (EOEA #13577)

MEETING NOTICE

TO: Distribution
FROM: Rick Bourré, MEPA Unit
DATE: July 12, 2005
SUBJECT: McCoy Field/New Keith Middle School - New Bedford
EOEA #: 13577

An Environmental Notification Form has been submitted for this project. Therefore, a consultation meeting will be held to receive advice and comments from agencies, officials, and citizens regarding which environmental issues, if any, are significant for this project. Opinions as to the extent of significance of possible environmental impact will be welcome.

The meeting is scheduled as follows:

DATE: Tuesday, July 26, 2005

TIME: 12:00 noon

LOCATION: project site
225 Hathaway Boulevard
New Bedford

The meeting will include a brief presentation of the project by the proponent, with periods for questions, answers, and open comment. Additional comments will be welcome in writing prior to July 29, 2005.

Pursuant to the requirements of the Americans With Disabilities Act, this Meeting Notice is available in alternative formats upon request. Questions on the meeting may be answered by contacting Rick Bourré of the MEPA staff at (617) 626-1130.

Rick Bourré
Acting Assistant Director - MEPA
Executive Office of Environmental Affairs
(617) 626-1130
(617) 626-1181 (fax)
richard.bourre@state.ma.us

7/12/2005

Barbara Laughlin

From: Scott Alfonse [Scott.Alfonse@ci.new-bedford.ma.us]
Sent: Thursday, July 21, 2005 2:29 PM
To: Alan Hanscom (E-mail); Barbara Laughlin (E-mail)
Subject: ENF

Can you send an ENF to Brian Wooley @ 249 Summit St. New Bedford, MA. If you could get it in the mail today so he receives it prior to the MEPA site visit on Tues., that would be great. Thanks.

Scott Alfonse
City of New Bedford
Environmental Stewardship Department
133 William Street
New Bedford, MA 02740
(508)979-1487
(508)961-3045 fax
www.ci.new-bedford.ma.us



BETA Group, Inc.

Engineers • Scientists • Planners

315 Norwood Park South, Norwood, MA 02062 781.255.1982 fax: 781.255.1974
6 Blackstone Valley Place, Lincoln, RI 02865 401.333.2382 fax: 401.333.9225
88D Howard Street, New London, CT 06329 860.437.0239
email: BETA@BETA-inc.com

LETTER OF TRANSMITTAL

TO: Mr. Brian Wooley
249 Summit Street
New Bedford, MA 02740

Tel. _____

DATE: 07-21-05 BETA JOB No. 02865
RE: McCoy Field
Copy of Environmental Notification Form

WE ARE SENDING YOU THE FOLLOWING ITEMS:

- ATTACHED UNDER SEPARATE COVER
- SPECIFICATIONS PRINTS SEPIAS COPY OF LETTER
- SHOP DRAWINGS

COPIES	DATE	REV.	NO.	TITLE OR DESCRIPTION
1				Environmental Notification Form

FOR YOUR INFORMATION

FOR APPROVAL

FOR COMMENT

FOR YOUR USE

AS PER YOUR REQUEST

FOR REVIEW AND COMMENT

PRINTS RETURNED AFTER LOAN TO US

Enclosed is a copy of the Environmental Notification Form, associated text and Appendix B and C. Please note that due to the size of Appendix A (Wetlands Risk-Based Cleanup, Rev. 0, June 17, 2005), it is not included. You may view this document at the EPA website, City of New Bedford website, or the PIP Document Repository located in the New Bedford Public Library.

COPIES TO: File

SIGNED: 
Barbara K. Laughlin

July 21, 2005

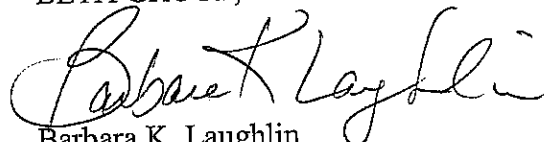
Document for McCoy Field Public Involvement Plan Document Repository

Re: McCoy Field Site
225 Hathawya Boulevard
New Bedford, MA 02740
NOTICE OF INTENT. Rev 1 (Supplemental) July 20, 2005
FIELD NOTES through March 28, 2005
PRC WETLANDS PERMIT APPLICATIONS

The following bound documents have been received by the New Bedford Public Library on July 21, 2005.

Very truly yours,

BETA GROUP, INC.


Barbara K. Laughlin
Senior Scientist

Cc: File, BETA



July 22, 2005

**Public Involvement Plan Meeting
McCoy Field – New Keith Middle School
Hathaway Boulevard
New Bedford, Massachusetts**

The next Public Involvement Plan meeting will be held at the Keith Junior High School Library on Wednesday, August 17, 2005 from 7:00 – 9:00 PM. A copy of the display ad, will be published in the Standard Times, is included below.

NOTICE OF A PUBLIC INVOLVEMENT PLAN MEETING

**McCOY FIELD - NEW KEITH MIDDLE SCHOOL
HATHAWAY BOULEVARD
RTN 4-15685**

The City of New Bedford has designated the above location as a Public Involvement Plan (PIP) site, in accordance with MGL c.21E 14(a), in response to a petition that was received from area residents. The next PIP meeting is scheduled to be held on **Wednesday August 17, 2005 from 7:00 – 9:00 PM** at the Keith Junior High School Library.

This meeting will be held to provide an update on remedial actions being conducted at the site and to address any questions and/or concerns that interested residents may have.

Any questions regarding this meeting or the Public Involvement Plan should be directed to Alan Hanscom, Licensed Site Professional, BETA Group, Inc., 315 Norwood Park South, Norwood, MA 02062 at 781-255-1982.

This notice has been provided to each petitioner, the Mayor, and the Board of Health in accordance with 310 CMR 40.1405 (5) (a) 2. In addition, this notice has been provided to attendees who signed-in at the previous Public Meetings. If you have any questions regarding this correspondence, please call Alan Hanscom at (781) 255-1982.

Attachment

cc: Mayor Frederick M. Kalisz, Jr. – City of New Bedford
Mr. Robert Davis, Commissioner of Health and Human Services, New Bedford Health Department
Mr. Gerard Martin - MA DEP/BWSC - Southeast Regional Office
Ms. Sarah E. Porter – City of New Bedford Conservation Commission



315 Norwood Park South . Norwood . MA . 02062
(781) 255.1982
Lincoln . RI • Rocky Hill . CT
e-mail • beta@beta-inc.com

Fax

To: THE STANDARD TIMES
Fax #: 508-979-4485
Phone #: 508-979-4345 OR 4351
Re: LEGAL AD

From: Barbara Laughlin (x135)
Pages: 2 (incl cover)
Date: 7/25/2005
CC: _____

- Urgent Please Comment For Review Please Reply

Comments:

① ATTACHED IS A LEGAL AD TO BE PUBLISHED AS SOON AS POSSIBLE

② PLEASE BILL THE CITY OF NEW BEDFORD

③ PLEASE MAIL A CUTSHEET TO ME AT THE ABOVE-LISTED "BETA" ADDRESS

④ CALL WITH ANY QUESTIONS.

Thank you

Barbara Laughlin

BETA is a full-service consulting firm for over 20 years, specializing in civil, transportation / traffic, structural, environmental engineering, as well as environmental sciences and GIS / Information Systems Management.

Visit us at www.BETA-inc.com

NOTICE OF A PUBLIC INVOLVEMENT PLAN MEETING

**McCOY FIELD - NEW KEITH MIDDLE SCHOOL
HATHAWAY BOULEVARD
RTN 4-15685**

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Any questions regarding this meeting or the Public Involvement Plan should be directed to Alan Hanscom, Licensed Site Professional, BETA Group, Inc., 315 Norwood Park South, Norwood, MA 02062 at 781-255-1982.

TRANSMISSION VERIFICATION REPORT

TIME : 07/25/2005 08:32
NAME : BETA GROUP NORWOODMA
FAX : 7812551974
TEL : 7812551982
SER.# : BRO64J734602

DATE, TIME
FAX NO./NAME
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Engineers * Scientists * Planners

315 Norwood Park South, Norwood, MA . 02062
(781) 255.1982
Lincoln, RI • Rocky Hill, CT
e-mail • beta@beta-inc.com

Fax

To: THE STANDARD TIMES
Fax #: 508-979-4485
Phone #: 508-979-4345 OR 4351
Re: LEGAL AD

From: Barbara Laughlin (x135)
Pages: 2 (incl cover)
Date: 7/25/2005
CC: _____

Urgent Please Comment For Review Please Reply

Comments:

① ATTACHED IS A LEGAL AD TO BE PUBLISHED AS SOON AS POSSIBLE

② PLEASE BILL THE CITY OF NEW BEDFORD

③ PLEASE MAIL A CUTSHEET TO ME AT THE ABOVE LISTED

[Click here to go back](#)

Category: Announcements

Description: Legals - NOTICE OF A PUBLIC INVOLVEMENT PLAN MEETING McCOY FIELD - NEW KEITH MIDDLE SCHOOL HATHAWAY BOULEVARD RTN 4-15685 The City of New Bedford has designated the above location as a Public Involvement Plan (PIP) site, in accordance with MGL c.21E 14(a), in response to a petition that was received from area residents. The next PIP meeting is scheduled to be held on Wednesday, August 17, 2005 from 7:00 - 9:00 PM at the Keith Junior High School Library. This meeting will be held to provide an update on remedial actions being conducted at the site and to address any questions and/or concerns that interested residents may have. Any questions regarding this meeting or the Public Involvement Plan should be directed to Alan Hanscom, Licensed Site Professional, BETA Group, Inc., 315 Norwood Park South, Norwood, MA 02062 at 781-255-1982. July 27

Location: MA

Date: 7/27/2005

Source: Standard Times

SOUTH COAST TODAY

The Standard-Times

.COM

Presented By

Jack Conway REALTOR

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Dartmouth, Westport, Lakeville,
Wareham, or Mattapoisett...



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Local parents express worry at Keith hearing

By STEVE URBON, Standard-Times senior correspondent

NEW BEDFORD -- What might have been a minor hearing on a relatively minor PCB cleanup behind the new Keith Middle School instead became a lightning rod for a handful of skeptical city residents who do not trust officials who allowed a second school to be built on an old dump site.

Technically, the midday hearing in the New Bedford High School library was to review a plan to remove lightly PCB-contaminated material from wetlands behind the new Keith to the north.

But the Massachusetts Environmental Policy Act hearing yesterday quickly turned to the topic of the school construction itself, and the building 35 years ago of the high school across the street.

"Nothing should be built. No human should be allowed on the site," said Karen A. Vilandry of Fairhaven, formerly of New Bedford. Brandishing lists of people who claim their sickness is somehow tied to contamination at the site, she called for a study and declared the area "is an active toxic waste site and that's it."

Brian Woolley of Wasting Away, a citizens group critical of the school building plan, grilled the city's consultant on the project, Alan Hanscom, about why MEPA is reviewing a cleanup proposal for part of the project this late in the game, while the school is actually under construction. Mr. Woolley also wanted to know why a project so near public housing did not trigger an "environmental justice" review under the regulations.

Later, John Lucas of New Bedford echoed the skepticism about the timing. "Don't mistake my excitement for anger. It's frustration," he said. "We don't honestly believe for one minute that any of this would have been done if we hadn't made noise about it."

Thomas Lopes of New Bedford demanded air monitoring on the grounds that PCBs will evaporate into the atmosphere and pose a threat. Citing a list of environmental boondoggles in the city, he was not dissuaded by EPA Region 1 PCB expert Kimberly Tisa's explanation that the PCBs on the site are not the volatile variety, but are heavy molecules that tend to stay in place.

Explaining the work that was the ostensible subject of the hearing, Mr. Hanscom said MEPA had been called in when it became apparent earlier this year that more than 5,000 square feet of surface material would have to be removed from the wetlands site. The area was contaminated by previous runoff from the school site, which is 6 to 8 feet higher, he said.

PCB concentrations of about 1.5 parts per million were found on 0.87 acres of the 3.87-acre site, which is mainly wooded. The plan is to remove the top six inches and dispose of it elsewhere, then restore the wetlands conditions.

Today's Edition

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The safety standard for PCBs is one part per million, said Mr. Hanscom, and most of the site behind the school tested negative for PCBs. Heavy metals also were found, but at insignificant levels, he said.

The school's construction is designed to carry surface runoff to storm drains, and roof runoff to the wetlands to maintain a water balance, Mr. Hanscom said.

The comment period for the review ends Friday, after which the MEPA staff will make recommendations to the Department of Environmental Protection, which must issue a water quality permit before work proceeds.

Although it is possible the work could be done later this summer, it is more likely to wait until next August, Mr. Hanscom said.

Contact Steve Urbon at surbon@s-t.com.

This story appeared on Page A4 of The Standard-Times on July 27, 2005.



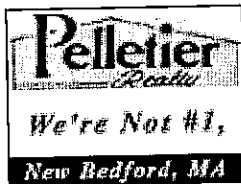
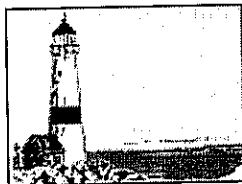
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JUL 22 2005

MASS. HIST. COMM

315 Norwood Park South
Norwood, MA 02062
(781) 255-1982 • fax (781) 255-1974
www.BETA-Inc.com

July 20, 2005

To: Distribution List

Re: McCoy Field-US Army Corps of Engineers Section 404 Permit Application

Enclosed, please find a copy of the Section 404 Permit Application (without attachments), submitted to the US Army Corps of Engineers on June 21, 2005 on behalf of the City of New Bedford. Included with the application form and cover letter are a Site Locus Map and Site Plans. A full version of the application package is on file with the US Army Corps of Engineers, New England District, Regulatory Office.

Questions regarding this submittal should be addressed to Alan D. Hanscom at (781) 255-1982.

Very truly yours,

BETA Group, Inc.



James Smith
Project Scientist

Cc: Massachusetts Historical Commission
Narragansett Tribal Historic Preservation Officer
Wampanoag Tribal Historic Preservation Officer
US Army Corps of Engineers, New England District, Regulatory Office.

After review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources.

Margo M. Davis 7/27/05
Margo Muhl Davis Date
Archaeologist/Preservation Planner RC 28630
Massachusetts Historical Commission

Environmental Research Corps
Saving our Wetlands to Protect our Future.....

July 29, 2005
Mr. Richard Bourre'
Acting Assistant Director – MEPA
Executive Office of Environmental Affairs
Boston, MA

Dear Mr. Bourne,

Environmental Research Corps is the environmental consultants retained by Wasted Away! – a local neighborhood group in New Bedford concerned with the pollutants and contamination of lands and water by PCBs. ERC is submitting comments as requested regarding the submitted Environmental Notification Form submitted to your Department and the Department of Environmental Protection.

ERC is of the opinion that MEPA should deny the application of the City of New Bedford for the following reasons:

- technical deficiencies in the ENF application
- incomplete testing as to the extent of the contamination within wetland resource area
- insufficient methods and plans to restore the wetland after disturbance

Technical deficiencies in the ENF application

The major deficiencies in the ENF application lie with the Wetlands, Waterways, and Tidelands section. Particularly under inland wetlands, the applicant has only indicated that approximately 38,000 SF of wetland will be disturbed.

Unlike the adjacent uplands which has had test probing of soils for PCBs and other contaminants over large areas (but also not all), the testing for pollutants in the wetlands has been limited and in fact is listed in the EPA TOSCA application as incomplete and in need of further testing and review. There is no assurances in the current testing done in the wetlands to indicate sufficiently that the extent of contamination is limited to 38,000 SF of wetlands. In fact, the wetlands contains a flowing stream that traverses off-site to the north into the Appongansett Swamp ecosystem. Various tests for PCBs along this wetland corridor have detected PCBs in these waterways in the past indicating that the extent of contamination is not limited “to base slope areas adjacent to school construction” as indicated in the application narratives.

As well, the applicant fails to note the bank affected by this activity. The maps and plans that accompanied the EPA application clearly defined areas of standing water in excess of 10,000 square feet thus qualifying as ponds under the Wetlands Protection Act. As such, these ponds have defined banks.

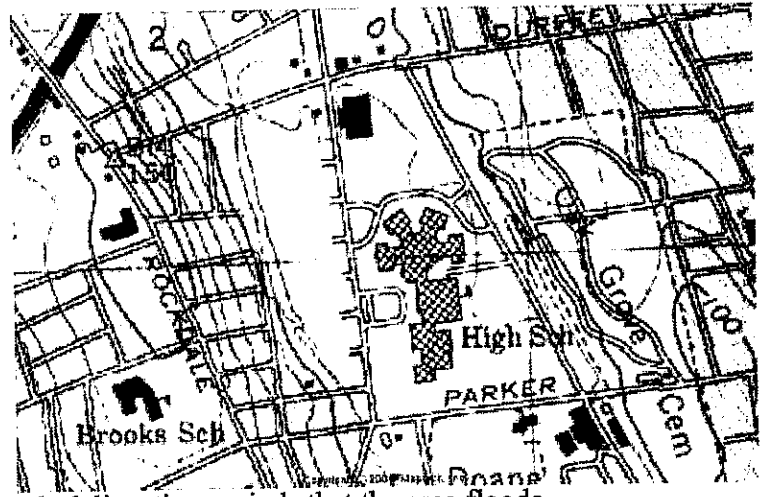
Environmental Research Corps
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As well, the USGS maps, the Natural Resource Conservation Service soil maps, the Mass GIS maps, and other documentation clearly defines a perennial stream in the wetlands draining to the endangered species zones of the Appongansett Cedar Swamp.

The applicant's failure to identify bank, land under water, and bordering land under water is sufficient to deny approval and reject the MEPA approval for lack of pertinent information.

Incomplete testing as to the extent of the contamination within wetland resource area

It is clear that the applicant is aware of the other types of resources besides bordering vegetated wetlands. The plans indicate the standing water areas and ponds, the consultant denoted during wetlands delineation periods that the area floods during storm events and exceeds the banks of the stream and ponding areas even encroaching upslope of the delineation line and staked hay bales on to slope areas from construction. Obviously the flood and retreat patterns of water movement within this wetlands ecosystem has the ability to add a mobile factor to PCB-laden soils and increase the pollutant transport factor severely. There needs to be a better documentation of the vadose zone hydrological parameters with tracer tests to identify hydrogeologic mapping for a complete understanding of the contamination of the wetlands ecosystem.



The applicant indicates in supplemental documents under the 401 Water Quality Certification and the ACOE section 404 application that "*additional sampling will be done as excavation proceeds in the wetlands*". Regulations require that the applicant document the extent of contamination prior to work within resources areas or wetlands remediation work. To conduct sampling as excavation proceeds is not standard practice.

As well, the applicant only indicates the average concentrations of PCB pollutants as 1.3 ppm and does not disclose the high elevations of PCB contaminations in the application, nor the range and extent of the concentrations.

The application under *Conservation Land* fails to identify that prior to current school construction, the site was an active recreational park used primarily as a soccer field facility until the detention of PCBs terminated that activity,

The applicant under the *Land* section fails to note that the wetlands remediation involves dewatering, and draining of wetlands during construction. The potential for that activity to affect downstream wetlands, particularly since the wetlands are hydrologically connected to the endangered species zones in the Appongansett Cedar Swamp.

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The applicant under the *Soild and Hazardous Waste* section fails to note correctly that the wetlands is part of a locus lot that does contain a hazardous waste disposal process. There is temporary storage of PCB excavated soils from the school construction site processing of excavated materials, and final disposal of those materials after classification. The MEPA filing should describe all activities within the locus lot as defined by the property lines.

Insufficient methods and plans to restore the wetland after disturbance

As well, standard practice for wetlands replication is to complete the mitigation prior to construction. The construction of the Keith Middle School is ongoing without an approved EPA capping plan for the uplands of the site, without an EPA approval under TOSCA for PCBs in the wetlands, and without MEPA approval. Application guidelines clearly state that all needed permitting should be completed before construction begins. To approve wetlands remediation and wetlands replication after the construction is not standard practice.

As well, the narratives clearly indicate that leaf litter, humus, organic muck and other soil materials typical to wetland environments is to be removed from the areas proposed for excavation of PCB laden soils. Yet the fill to be replaced into the wetland is specified as clean sandy soil with an organic content of between 8-10% There is no mention of replacement of leaf litter, of humus mulch, or normal organic soil types. The specification for the construction of Route 44 requiring the creation of over 10 acres of wetlands of which Environmental Research Corps is the subcontractor responsible for planting the replicated wetlands call for an organic soil amendment of no less than 50% organic content. The proposed soil materials are not common in wetlands replication work, and in fact cannot be classified as a hydric soil alone without hydrology infiltration.

As well, there is no plan for the removal of phragmites from the work zones. Documentation only indicates that a seeding of the New England Wetlands Seed Mix will be used to attempt to increase diversity of species. It is well documented that dense stands of phragmites will not allow seed establishment without removal or treatment. As the rhizomes of phragmites can reach depths as far as 7', and as some prior soil probes indicate that organic wetland soils exist in this region as deep as 12', it is entirely possible that the hydraulic gradient of the plant tissues can transport PCB molecules from the surface to lower regions, which is another reason for requiring complete testing, and removal of phragmites.

In conclusion, MEPA strongly discourages the fracturing of projects within a subject locus. The application is for a locus lot that includes the described wetlands, but also hazardous waste remedial work in adjacent uplands on the same lot. The applicant is applying for permits in a piecemeal fashion, often not in the proper sequencing normal for site development, and is proceeding with construction without securing the necessary permits. To allow a wetlands remediation project to go forward without complete testing and documentation as to the extent of the contamination, without documenting sufficiently the MEPA application for all pertinent information regarding all activities

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within the property boundaries, and without requiring that remediation work be completed before construction continues is contrary to normal MEPA procedures and policies. Environmental Research Corps is of the opinion that given these facts, MEPA should return the application without approval for lack of sufficient information and require a re-file of a corrected application.

Mark A. Howland
CEO & Chief Biologist

Environmental Research Corps
15 Mohawk Ave., E. Freetown, 02717
email: markahowland@comcast.net
web sites: www.biofence.com or www.wetlandsandwildlife.com
Phone: 508-763-5253 FAX: 508-763-8781

enclosure: CV of Mark Howland

Environmental Research Corps
Saving our Wetlands to Protect our Future.....

Mark A. Howland
CEO & Chief Biologist
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Curriculum Vitae

Current Professional Position – Chief Biologist and Chief Executive Officer
Environmental Research Corps 1970- present

Manager of subsidiaries of ERC – BioMass Farms 1993 - present
Farm Ventures 1980 – present
Co-Owner of EcoCultural Advisors, LTD, Ireland 2001-present

Services

wetland delineations, wildlife habitat studies, erosion control designs and products, environmental impact studies, coastal studies, wetland replication and restoration services, stormwater mitigation designs and products, wetland species nursery, wetland and wildlife protection products, slope and bank stabilization designs and products.

Personal Achievements

State Representative – 12th Bristol District for New Bedford, Freetown, Lakeville, Middleboro, and East Taunton 2003 - 2005
Chairman – Board of Selectman, Town of Freetown 2002-2003
Member – Board of Health – past chairman; Member - Soil Conservation Board; Member – Personnel Board; Police Commissioner; Member – Open Space Committee; Member – Long Pond Action Group
Editorial Board Member – *Land and Water Magazine*
1998 EPA Environmental Technology Innovator Award winner for stormwater mitigation design – the *Howland Swale*TM
1999 EPA Environmental Technology Innovator Award winner for erosion control product – *BioFence*TM
1999 Business Delegate – Massachusetts European Trade Mission to France, Northern Ireland, and Ireland with Gov. Cellucci & Speaker of the House Thomas Finneran
2000 Business Delegate – Massachusetts German Trade Mission to Munich and Berlin with Governor Swift, then Lt. Gov.
2000 Business Delegate – Massachusetts Japan/Australia Trade Mission with Governor Cellucci & Speaker of the House Thomas Finneran
2001 EPA Environmental Merit Award for outstanding efforts in preserving New England's Environment
2001 Environmental Award of the Decade – Hands across the River
2001 Community Merit Award – Concerned Citizens of Freetown
Past Member of New England Fisheries Steering Committee and associate member of Fisheries Development Council.
Past President of N.E. Chapter of IECA – International Erosion Control Assoc.
Past Member of Conservation Commissions, Historical Commission

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continued...

Education

B.S. Biology – Southeastern Massachusetts University 1977
Equivalency advance level work – Soil Science, Natural Resource
Management, Business Management 1980-83
Currently enrolled in UMASS Boston – Master of Science Program
in Public Affairs 2004 – expected graduation 2006

**Certifications &
Acknowledgments**

Botanist on federal and state level, Soil Scientist, Hydrologist,
Biologist, Published Author, Erosion Control Professional, Pollution
Investigator, Manufacturer, Endangered Species Review,
Vernal Pool Reviews, Runoff Calculations, Real Estate Evaluation, etc...
Course Instructor in aquaculture at Cape Cod Community College and
Southeastern Massachusetts University (now UMASS Dartmouth) 1989-91
Honorarium Lecturer on EcoPolitics, Emerson College 2004

Highlights &

Recent Accomplishments

Completed largest wetland delineation project in USA in 1999 -
flagged 447 miles of New Jersey Turnpike, Garden State Parkway,
and Atlantic Cross Expressway for fiber optic project.

Providing Massachusetts largest wetland replication projects in
2001-04 for Mass Highway Route 44 project (10 acres), and
Hingham Reservoir (3.5 acres) from ERC nurseries

BioFence is rapidly becoming the erosion control product of choice
replacing weed invasive hay bales and pollutant generating black
plastic silt fences. 5 of 6 New England states prefer BioFence, and the
product in 1995 and 1996 saved the MBTA tens of thousands of dollars in
product cost on the Old Colony line from Braintree to Plymouth,
Framingham to Worcester, and Boston Mainline. As a Massachusetts trade
mission member for the past and present Governors, ERC was a finalist for
a prestigious Exporter of the Year award, recognized for accomplishments
gained in introducing erosion control, stormwater mitigation, and
wastewater treatment products and techniques to Ireland and Australia.

Political Achievements were highlighted in 2000 by election to the
Freetown Board of Selectmen starting a contribution to public service by
defeating a decade-long incumbent on a platform of common sense,
courtesy, and compassion. In 2002, the September Democratic Primary
resulted in Mark Howland's election to the 12th Bristol District State
Representative seat of the General Court, and Mark Howland assumed
office in January 2003 as a Massachusetts Legislator.

Additional information on ERC may be found on
www.wetlandsandwildlife.com

Additional information on BioFence and ERC's products and services may
be found on www.biofence.com



MEMORANDUM

TO: Laura Casey
FROM: Ann Cyrus
DATE: August 2, 2005
SUBJECT: Comments on the Method 3 Risk Characterization – Wetland Areas,
Former McCoy Field, New Bedford, MA (June, 2005)

cc: Jim Buchert
Diane Sinkowski
11.1126.2000.001

General Comments:

Review of Methodology and Calculations

Overall, the methodology for the risk assessment was reasonable and appeared to be consistent with the appropriate EPA and Massachusetts Department of Environmental Protection (MADEP) guidance. Specific comments regarding exposure pathways and receptors evaluated are detailed in the specific comments section.

The PCB data provided in Table 2 of the report were analyzed to estimate the upper confidence limits using ProUCL. The results obtained were consistent with the ProUCL summary results provided in Appendix C of the report, with a recommended UCL of 2089 ug/kg (97.5% Chebyshev (Mean, Sd) UCL).

The risk characterization tables for robins and hawks in Appendix D and the tables for the shrew and raccoon in Appendix E were reviewed to determine if the formulas and calculations were correct. Using the exposure assumptions provided in the report (which seemed reasonable), the PCB total intake levels and hazard quotients (HQs) estimated for these receptors were consistent with the PCB exposure levels and HQs given in the Appendix tables. Any discrepancies noted in the calculations in the Appendix tables were minor, and are noted in the specific comments section.

Congener Analysis vs. Total PCBs (as Aroclor 1254)

A PCB congener analysis was conducted to estimate potential risks to ecological receptors from exposure to dioxin-like PCB congeners at the site. Using the congener-specific PCB composition data for Aroclor 1254 (provided on EPA's website http://www.epa.gov/toxteam/pcb/aroclor_comp_frame.htm) and the 1997 WHO Toxic

Equivalency Factors (TEFs) for dioxin-like PCBs, the 2,3,7,8-TCDD equivalent soil concentrations were estimated. Based on an Aroclor 1254 exposure point concentration (EPC) of 2.09 mg/kg, the estimated 2,3,7,8-TCDD equivalent concentrations in soil were 1.07E-04 mg/kg for mammals and 2.37E-04 mg/kg for birds, respectively.

These 2,3,7,8-TCDD equivalent concentrations were then used to evaluate potential risks for the four receptor species (robin, shrew, hawk and raccoon) using the same exposure assumptions from the risk assessment report. Toxicity data for 2,3,7,8-TCDD were obtained from Sample et al (1996). Estimated hazard quotients (HQs) for both PCBs (as Aroclor 1254) and 2,3,7,8-TCDD are provided in the Table below:

	Robin	Shrew	Hawk	Raccoon
Compound	HQ High (Low)	HQ High (Low)	HQ High (Low)	HQ High (Low)
Aroclor 1254	4.7 (0.24)	2.8 (0.8)	5.2E-04 (2.6E-05)	3.8E-03 (1.1E-03)
2,3,7,8-TCDD	5.5 (0.55)	72 (7.2)	5.4E-04 (5.4E-05)	9.5E-02 (9.5E-03)

As shown in the table, the risk levels for birds exposed to Aroclor 1254 and dioxin-like PCB congeners (as 2,3,7,8-TCDD) were very similar. However, the risk levels for mammalian species exposed to 2,3,7,8-TCDD were about an order of magnitude higher than the risk level for exposure to Aroclor 1254. In the case of the shrew, the estimated HQ for 2,3,7,8-TCDD was 72 (high), and even the low HQ of 7.2 still exceeded the target risk level of 1. These results indicate the potential for risks to small mammals at the site from exposure to dioxin-like PCB congeners.

It should be noted that the PCB composition data used to estimate the 2,3,7,8-TCDD equivalent concentrations were based on the congener profile for Aroclor 1254. Due to weathering processes that may occur on site, the actual composition of PCB congeners in the soil may differ somewhat from the Aroclor 1254 congener profile. If the actual percentages of dioxin-like PCB congeners in site soil are greater than the values used based on the Aroclor 1254 congener profile, the risk levels for site receptors would be relatively higher than the values provided in the above table. Congener-specific sampling at the site would help to determine the occurrence and actual concentrations of these compounds at the site, and therefore may provide a more accurate risk estimate for ecological receptors from exposure to dioxin-like PCB congeners.

Specific Comments:

1. Executive Summary (page i, 4th paragraph).

The text indicates that soil/sediment samples were collected from the wetland area in December 2004, January 2005 and April 2005, for a depth interval of 0-6 inches. Is the rationale for the selected depth interval of 0-6 inches included in the report? Ecological receptors may be exposed to depths greater than 6 inches depending on the receptor type. Rationale such as evidence that the PCB contamination is limited to surficial soil or that specific guidance recommends the evaluation of the 0-6" depth interval for ecological receptors should be provided.

2. Section 5.1.3.1 Potential Receptors (page 15).

The potential receptors in the evaluation do not include a mammalian carnivore that primarily feeds on vertebrate prey species. The raccoon is included, which does prey on small mammals for a portion of its diet (25%), but, based on exposure assumptions used in the report, the majority of the raccoon's diet consists of vegetation and invertebrates (75%). Including a mammalian carnivore species such as the red fox that has a higher proportion of small mammals and other vertebrate prey species in its diet will represent the potential exposure that occurs from consumption of these prey organisms. This is particularly relevant for the evaluation of PCBs which tend to bioaccumulate in higher trophic-level organisms.

3. Section 5.1.3.1 Potential Receptors (page 15).

It was noted that wetland/terrestrial plants were not included as potential receptors in the evaluation. These receptors do occur in the wetland area and should therefore be considered in the assessment. In cases where toxicity data are not readily available, potential effects may be discussed qualitatively.

4. Section 5.2.1.2 Sediment Interstitial Water and Surface Water (page 17).

Is there a reference available for the equation $C_{sw} = C_{swi}/10$ (the conversion of interstitial water concentration to overlying surface water concentration)? If available, please include in the report.

5. Section 5.2.1.4 Prey Species (page 18).

This section details the methodology to estimate the Contaminant of Concern (COC) concentration in the shrew as a prey species. The shrew's total COC ingestion is multiplied by the mammal biotransfer factor (day/kg tissue) to estimate the COC concentration in shrew tissue. The mammal biotransfer factor is based on a regression using the COC's n-octanol/water partition coefficient.

Two comments regarding the methodology used: 1) There are several methods available to estimate concentrations in prey including the approach described above and the use of uptake factors or regression models based on the relationship between soil contaminant concentrations and contaminant concentrations in small mammals. It may be preferable to use the empirically derived uptake factors (if available) rather than the mammal biotransfer factor based on the contaminants octanol/water partition coefficient. 2) According to the EPA 1999 document that was referenced on page 18, the equation used to estimate BA_{mammal} ($\log BA_{mammal} = -7.6 + \log K_{ow}$) may not be appropriate to estimate the mammal biotransfer factor for dioxin-like compounds. Therefore, if dioxin-like compounds were evaluated, the BA_{mammal} would need to be estimated using alternative methods.

6. Section 5.2.2.1 Terrestrial Invertebrates (page 19).

The text states that the TRVs for terrestrial invertebrates are based on acute toxicity since the assessment endpoint for this receptor group is survival. The TRV for PCBs (as Aroclor 1254) given in Table 15 of 251 mg/kg is an acute median LC₅₀ value. However, terrestrial invertebrates present at the site are likely to be exposed to PCBs in soil for longer periods than the duration of an acute toxicity test (typically 24-96 hrs.), even if the wetland area is intermittently submerged. Therefore, the TRV used for PCBs in the risk assessment may not be sufficiently conservative for site receptors. It is recommended that a chronic TRV (= LC₅₀ TRV/100) be used for these receptors. The chronic TRV will also be more protective of sub-lethal endpoints (e.g., growth, reproduction) that are important in maintaining an invertebrate population that can support higher trophic-level receptors.

7. Section 5.2.2.2 Aquatic Invertebrates (page 19).

The text states that the TRVs for aquatic invertebrates are based on acute toxicity since the assessment endpoint for this receptor group is survival. The use of acute toxicity TRVs may not be appropriate for these receptors since they may be exposed to contaminants in surface water for longer durations than the exposure periods for acute toxicity tests (typically 24 – 96 hours). Please see previous comment on terrestrial invertebrate TRVs.

8. Section 5.2.2.2 Aquatic Invertebrates (page 19).

The evaluation for aquatic invertebrates is limited to exposure to interstitial surface water. Exposure to sediment also needs to be considered, particularly for compounds like PCBs that partition to sediment rather than surface water. The text states that water TRVs were selected rather than the bulk sediment concentrations because sediment values do not account for organic carbon content of the sediment and bioavailability. The sediment pathway still needs to be evaluated, and the effects of site-specific conditions such as organic carbon content can be included in the discussion.

9. Section 5.2.2.3 Amphibians (pages 19-20).

Only surface water exposure was considered in the evaluation for amphibians. Exposure to sediment should also be considered, particularly since PCBs are likely to partition to sediment. (If amphibian toxicological data for sediment exposure are not readily available for PCBs, this pathway can be addressed qualitatively).

10. Section 5.2.3 Exposure and Risk Characterization Equations (page 22).

The units for IR_{soil}, IR_{food}, and IR_{sw} should be changed to kgDW/kgBW-dy, kgWW/kg BW-dy, and L/kg BW-dy, respectively.

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**CITY OF NEW BEDFORD
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 REQUEST FOR QUOTES
 #708**
 The City of New Bedford, through its Department of Public Facilities, is soliciting quotations for a **Used Tractor**
Specifications: 1999 or newer, 460 horsepower engine, 13-speed standard transmission, camel back suspension engine break, air conditioning, 14,300 pound axel, 44,000 rear axels, 2-line wet system, 24.5 tires, under 230,000 miles.
 Sealed Quotations will be received by the Purchasing Department, in conjunction with the Department of Public Facilities, in the office of the Purchasing Agent, Room 208, City Hall, 133 William Street, New Bedford, Massachusetts 02740, during business hours, until the date and time of the bid opening.
QUOTATIONS RECEIVED AND OPENED:
 Tuesday, July 5, 2005 at 3:00 p.m. Prevailing Time
 The Request for Quotation Form and other Contract Documents, may be obtained and examined at:
 Purchasing Department
 City Hall, Room 208
 133 William Street
 New Bedford, MA 02740
 on or after June 21, 2005
 Attention is called to the fact that supplies furnished as part of this Contract are exempt from the Sales and Use Tax. All bids submitted should take this factor into consideration, and be calculated accordingly. This project is funded through the Department of Public Facilities.
 A contract will be awarded within thirty (30) days after the bid opening. The time for award may be extended by mutual agreement between the City and the apparent lowest responsive and responsible bidder. Interested Vendors must furnish a Non-Collusion Form and Statement of Taxes, with their Quotation.
**AWARDING AUTHORITY
 CITY OF NEW BEDFORD
 PURCHASING
 DEPARTMENT
 JACQUELINE COUCCI,
 PURCHASING AGENT
 133 William Street
 New Bedford, MA 02740
 June 21**

LEGAL NOTICE

Notice of sale under Chapter 255-38A, to be sold at public auction on June 23, 2005, at Johnny's Auto Body, 783 State Rd., No. Dartmouth at 9:00 a.m. to satisfy tow & storage charges.
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**PUBLIC NOTICE
 OF ENVIRONMENTAL
 REVIEW
 PROJECT: McCoy Field -
 New Kelt Middle
 Schools Wetlands
 Remediation
 LOCATION:
 225 Hathaway Boulevard,
 New Bedford, MA 02740
 PROPONENT:
 City of New Bedford
 133 William Street
 New Bedford, MA 02740**
 The undersigned is submitting a Water Quality Certification ("WQC") to the Department of Environmental Protection (DEP) Southeast Regional Office on or before June 20, 2005.
 This project is a wetlands restoration project. It consists of a cleanup of sediments in the wetland area with residual contamination of polychlorinated biphenyls (PCBs) greater than one part per million (ppm). The proposed scope of work includes the removal of up to six inches of PCB-impacted sediments at designated locations within the wetland area, followed with restoration of the impacted wetlands. Submittal will initiate review of the above project pursuant to 314 CMR 9.00. Copies of the WQC may be obtained from:
 City of New Bedford
 133 William Street
 New Bedford, MA 02740
 Scott Alfonso, Director
 Department of Environmental Stewardship
 508-979-1487
 Copies of the WQC are also being sent to the Conservation Commission and Planning Board of New Bedford, where they may be inspected. Upon publication of this notice, the Department will receive public comments on the project for 21 days. All persons wishing to comment on the project, or to be notified of a site visit or consultation session, should contact the DEP, Southeast Regional Office, 20 Riverside Drive, Lakerville, MA 02347, 508-946-2700, referencing the above project. Any ten persons of the Commonwealth, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment that has submitted written comments may also appeal the Department's Certification. Failure to submit comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.
 June 21

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 up with the times?**

Legals

**UNITED STATES
 DISTRICT COURT
 DISTRICT
 OF MASSACHUSETTS
 CIVIL ACTION NO. 05-10667-AGD
 IN THE MATTER OF
 THE PETITION OF
 KAVANAUGH FISHERIES,
 INC., OWNER OF THE
 F/V ATLANTIC, FOR EX-
 ONERATION FROM OR
 LIMITATION OF LIABILITY
 NOTICE OF PETITION
 FOR EXONERATION
 FROM OR LIMITATION
 OF LIABILITY**
 Notice is hereby given that Kavanaugh Fisheries, Inc., owner of the F/V Atlantic, has filed a complaint, pursuant to Sections 4283 through 4289 inclusive of the Revised Statutes of the United States, 46 U.S.C. app. §183 et seq., claiming the right to exoneration from and/or limitation of liability for all claims and for any loss, damage, injury or destruction caused by or resulting from the collision involving the F/V Atlantic during its voyage which commenced on March 13, 2005, at Cape May, New Jersey and which terminated upon the collision which occurred on March 17, 2005, as described in the complaint.
 All persons having such claims must file them, under oath, as provided by Rules F(4) and (5) of the Supplemental Rules for Certain Admiralty and Maritime Claims, with the Clerk of this Court at the United States District Court, One Courthouse Way, Suite 2300, Boston, Massachusetts 02210, and serve a copy thereof on the plaintiff's attorneys, Regan & Kiely, LLP, 85 Devonshire Street, Boston, Massachusetts 02109, on or before August 31, 2005, or be defaulted. Personal attendance is not required.
 If any claimant desires to contest either the right to exoneration from or the right to limitation of liability, the claimant shall file and serve on the attorneys for the plaintiff an answer to the complaint on or before the aforesaid date unless the claim has included an answer, so designated, or be defaulted.
**SARAH A. THORNTON
 CLERK OF COURT
 DATE May 27, 2005
 by Eugenia Edge
 DEPUTY CLERK
 June 7, 14, 21, 28**

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email: BETA@BETA-inc.com

MEMORANDUM

Job No. 2685

Date: August 3, 2005

Subject: McCoy Field – Wetlands Area Remediation
DEP Site Walk - WQC Review Issues

To: Dorothy Blickens, DEP- SERO From: Al Hanscom

Cc: Evan Warner
Scott Alfonse
Jackie Coucci
Attendees

This Memorandum has been prepared to summarize our understanding of the issues you raised at today's site walk and your requests for clarifications, supplemental materials, etc. The following people were in attendance:

- Dorothy Blickens, DEP-SERO
- Dave DeLorenzo, DEP-SERO
- Gerard Martin, DEP-SERO
- Sarah Porter, New Bedford Con Comm
- Lenore White, Nover-Armstrong
- Al Hanscom, BETA

The following represents our understandings of the requests for clarifications, consistency and/or supplemental information:

- Copy of the WQC Notification.....copy sent to you earlier today via email. It was published in the Standard times on June 21, 2005.
- Details of the biobarrier must be provided.....their web site is <http://www.biobarrier.com/biobinfo.html>. Actual details of the materials and installation will be included in the technical specifications and included on the contract drawings.
- A comprehensive plan for the project must be compiled that includes "cumulative impacts" of recent construction activity, particularly the wetland area disturbed during the Phase I (embankment) construction project. In addition, the following information should be included;
 - Any construction staging areas;
 - All access and egress locations;
 - Locations for frac tank(s) and temporary storage of contaminated soil;
 - Details of temporary soil storage area(s), if needed; and
 - Both "temporary" and "permanent" wetland impact areas.
- The organic content of the soil to be used to replace the contaminated sediments should have an organic content of at least 12%. Furthermore, there must be acceptable requirements in the specs for testing its organic content and certifying that it is weed and contaminant free.
- The diameter of the trees to remain should be consistent in all documents (6-inch DBH, not 4-inch).



August 8, 2005

Mr. Al Hanscom
BETA Group, Inc.
315 Norwood Park South
Norwood, MA 02062

This quotation represents final pricing for the project listed below. Should the bid due date change, please contact Customer Service (603-929-5425) for any updated information.

Re: McCoy Field - Wetlands - New Bedford, MA

Dear Mr. Hanscom:

Waste Management, Inc. is pleased to provide you with pricing for disposal per your request. Based upon the information you provided, the following summarizes our quotation.

DISPOSAL FACILITY:

WM of NH - T.R.E.E. (Turnkey)
P.O. Box 7065
90 Rochester Neck Road
Rochester, NH 03867

WASTE STREAMS

1.) Waste Description	PCB remediation waste < 50 ppm
Disposal Method	Direct Landfill
Estimated Volume	1500 ton(s)
Disposal Cost	\$54.50/ton
Transportation using Dumps - Trailer	\$27.00/ton
Transportation Minimum	25-Ton Minimum per Load
Demurrage	\$85.00/Hour (After 1st Hour)
Other Fees	No-Load Fee: \$825.00/Load
Disposal Fuel Surcharge	Bundled

SPECIAL CONDITIONS:

Waste must meet acceptability criteria at the site and comply with local, state and federal regulations, as well as the sites permit requirements. Pricing is contingent upon site and/or sample evaluation and approval.



**TURNKEY RECYCLING &
ENVIRONMENTAL ENTERPRISE**

30 Rochester Neck Road
P.O. Box 7065
Rochester, NH 03839
(603) 330-2197
(603) 330-2130 Fax

August 9, 2005

Ms. Jacqueline Huggins
BETA Group, Inc.
315 Norwood Park South
Norwood, MA 02062

RE: City of New Bedford- McCoy Field Site Wetlands
Conditional Acceptance of PCB Remediation Waste <50 ppm
at Waste Management of NH-TLR-III RDF

Dear Ms. Huggins:

Please accept this correspondence as our conditional letter of acceptance to receive, and dispose of PCB Remediation Waste <50 ppm generated by the City of New Bedford-McCoy Field Site Wetlands project at Waste Management of New Hampshire's TLR-III Refuse Disposal Facility in Rochester, New Hampshire. The acceptance of this PCB-impacted sediment is conditioned upon Waste Management's receipt and acceptance of a Waste Profile Sheet certified with the signature of an authorized representative of the generator of the waste.

Our facility has received an unsigned waste profile sheet, waste stream questionnaire, sample location map and certified laboratory reports for representative samples of the subject material from the BETA Group, Inc. on behalf of the City of New Bedford. This data has been reviewed and is acceptable for disposal in accordance with the following current permit: State of New Hampshire Department of Environmental Services Permit #DES-SW-SP-95-001. Upon receipt and approval of an executed Waste Profile Sheet, an approval number will be assigned for purposes of identifying this material during shipment and receipt at the facility. A copy of the approval and its conditions will be forwarded as soon as available.

We are not limited on a weekly or yearly basis for the estimated disposal quantity of 1,500 tons estimated for this project.

Should you have any questions or comments regarding the above acceptance, please do not hesitate to contact me at 603/330-2170.

Sincerely,
WASTE MANAGEMENT OF NEW HAMPSHIRE

A handwritten signature in cursive script that reads "Ellen Bellio".

Ellen Bellio
Technical Manager

BETA Group, Inc.

Engineers • Scientists • Planners

315 Norwood Park South
Norwood, MA 02062
(781) 255-1982 • fax (781) 255-1974
www.BETA-Inc.com

August 9, 2005

Ms. Ellen Bellio
Waste Management of New Hampshire
Turnkey Recycling & Environmental Enterprises
30 Rochester Neck Road
Rochester, NH 03839

Re: McCoy Field Site
225 Hathaway Boulevard
New Bedford, MA 02740

Dear Ms. Bellio:

The purpose of this letter is to provide Turnkey Recycling and Environmental Enterprises (TREE) with BETA's opinion regarding the necessity to analyze soil samples collected from the referenced Site for certain disposal parameters.

For the purposes of conducting cleanup, the Site has been divided into two sections, the "Middle School Site" and the "Site Wetlands". PCB-contaminated debris from a former City burn dump was placed at the Middle School Site in the late 1960s/early 1970s during construction of the New Bedford High School. In or around 1994, PCB-contaminated debris was spread across the School Site and graded for the purposes of athletic field construction.

Embankments mark the edge of the fill placement along the northern and western boundaries of the filled area. These embankments lead down to deciduous wood swamp wetland areas, the "Site Wetlands", where fill material was not historically placed. Over time, constituents from the fill material on the School Site migrated to the Site Wetlands from wind erosion and storm water runoff.

Over the past two years, TREE has approved and accepted tens of thousands of tons of PCB remediation waste < 50 ppm from the School Site. In a letter dated June 2, 2004, based upon historic sampling data, BETA rendered an opinion that the fill material at McCoy Field is not characteristically hazardous for VOCs, SVOCs, pesticides, herbicides, ignitability, corrosivity, or reactivity. Accordingly, TREE waived the requirement to analyze soil for the following parameters:

- Total VOCs (8260);
- TCLP Semi-Volatiles (SVOCs) (1311);
- TCLP Pesticides (1311);

Ms. Ellen Bellio
August 9, 2005
Page 2

- TCLP Herbicides (1311);
- TCLP Herbicides (1311);
- Ignitability/Flashpoint (1010, 1020A);
- Corrosivity/pH (9045C);
- Reactive Sulfide (7.3.4.1); and,
- Reactive Cyanide (7.3.4.2).

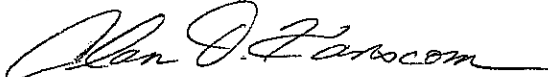
In addition to the aforementioned parameters, in a letter dated January 26, 2005, BETA requested that TREE waive the requirement for SVOC analysis of fill material generated from McCoy Field, the New Bedford High School site and the adjacent residential properties. BETA's opinion that SVOC analysis is no longer warranted is evidenced by the fact that over 280 samples have been analyzed for SVOCs and none have had concentrations of any SVOC constituent in excess of 20 times the TCLP limit. Those samples include 18 collected from the High School property and 7 samples collected from adjacent residential streets.

Since the contaminants found in the Site Wetlands originated from the School Site, it is BETA's opinion that it is not necessary to analyze the Site Wetlands sediment for the parameters identified above.

Please call me at (781) 255-1982 with any questions.

Very truly yours,

BETA GROUP, INC.



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

Cc: Scott Alfonse, City of New Bedford
Jacqueline Coucci, City of New Bedford
William DoCarmo, Project Manager
Larry Oliveira, New Bedford School Department
Evan Warner, Mount Vernon Group Architects

August 11, 2005

Mr. Richard Bourre
Acting Assistant Director, MEPA Office
Executive Office of Environmental Affairs
100 Cambridge Street
Boston, MA 02114

*Re: Response to Comment Letter submitted by
Environmental Research Corps
Re: McCoy Field – Wetlands Remediation Project*

Dear Mr. Bourre:

This letter addresses comments presented in a letter dated July 29th from Environmental Research Corps that you provided to BETA on Friday August 5, 2005. We have reviewed the comments carefully and prepared the following responses, as close as possible to the order in which the comments are presented.

Comment #1: Incomplete testing of sediments documented in TSCA Risk Based Cleanup Application

Testing of the sediments has been extensive and commensurate with the testing necessary for in-situ characterization of contaminated sediment for both ecological risk characterization and off-site management. Furthermore, the sampling was performed in strict compliance with provisions of the Work Plan approved by the US EPA and the Risk Based Cleanup Request submitted to EPA on June 20, 2005.

A total of 128 surface soil sediment samples were collected and analyzed as follows:

- All samples were analyzed for PCBs by Method 8082, RCRA Metals by 6010B / 7471A and Polynuclear Aromatic Hydrocarbons (PAHs) by EPA Method 8270C, consistent with the contaminants of concern identified on the adjacent school site;
- Seventeen (17) samples were analyzed for Pesticides by EPA Method 8081A and Herbicides by EPA Method 8051A;
- Sixty-two (62) samples were analyzed for Total Organic Carbon by EPA Method 9060; and
- A total of twenty five (25) sample duplicates, matrix spikes and matrix spike duplicates were also analyzed for quality control.

It is significant to note that the ecological risk characterization (an attachment to the Risk Based Cleanup request submitted with the original MEPA filing) concluded that remediation of the PCB-impacted sediments was not required to be protective of human health and the environment. However, in consultation with MA DEP and US EPA representatives, the City has established a more conservative and protective cleanup goal of 1 mg/kg (part per million) for the Wetland Restoration Project. All PCB concentrations in samples collected outside the designated

Wetlands Remediation Areas are below 1 mg/kg, and many are below the method detection limit of 10 parts per billion (0.01 ppm).

As discussed in the Risk Based Cleanup Request for the Wetlands Restoration Project, we plan to collect samples at the limits of the remediation areas for confirmatory PCB analyses.

Comment #2: Perennial Stream & Off-Site Migration of PCB-Impacted Sediment

Despite the designation on the USGS Map, both DEP and the New Bedford Conservation Commission agree that a perennial stream does not exist through the work area. In fact, most of the bordering vegetative wetlands (BVW) are substantially dry this time of year, as observed at recent site walks with MEPA, DEP and Local Conservation Commission representatives. Any reference to "banks" and other site features regulated under the Rivers Protection Act are inappropriate and irrelevant, since neither ponds nor a perennial stream exist.

With respect to the extent of PCB-impacted sediment, our sampling results do not support migration beyond the limits of the designated Wetlands Restoration Areas. Extensive sediment sampling has been performed throughout the wetland area, including just upstream and immediately downstream of the Durfee Street culvert, and the results do not support significant migration of PCB-impacted sediment beyond the limits of the designated areas. Given the historic use of PCBs in the greater New Bedford area, it is quite possible that any PCB-impacted sediment detected in downstream areas originated from one or more other source(s).

Comment #3: Hydrologic Setting & Mobility of PCB-Impacted Sediment

The wetland does not exist within the vadose zone. Groundwater in the vicinity of the wetlands, as measured at several monitoring wells over the past several years, is typically on the order of three to five feet below surface water elevation in the wetland. That observation is substantiated by the fact that the wetland is substantially dry during the late summer months of the year, as it currently is. Flooding of the wetland occurs during wet weather periods of the year as a result of runoff from the upstream drainage area, limited permeability of the wetlands soil, and the elevation of the channel downstream of Durfee Street. The downstream channel effectively causes the wetland to act as a storm water detention area, until such time as the surface water elevation rises to the point that outflow to downstream areas can occur.

The above hydrologic condition is the reason that significant migration of PCB-impacted sediment has not occurred. There is little opportunity for any scouring velocity to mobilize the sediment at any point in the wetland, except along the (formerly unprotected) shoulder of the (former) soccer field, the original source of the contamination currently present in the wetland.

Comment #4: Additional Sediment Sampling & Current Results

As noted in the response to Comment #1, extensive (and adequate) sampling has been performed in the wetland area to define the extent of PCB-impacted sediment. The only additional sampling to be performed is "confirmatory sampling"; that is, surface soil sampling and analyses required to document that the cleanup goal of 1 ppm PCB in the sediment to remain has been achieved.

All of the PCB analytical results are summarized in the risk based cleanup request for the wetlands submitted to EPA on June 20th and placed in the Repository at the New Bedford Public Library on the same date. The maximum PCB concentration detected in the wetland was 18 ppm, and only 22 others (out of 123 samples) were over 2 ppm. None of the other contaminants

detected at the adjacent school site, primarily heavy metals (lead and barium) and PAHs, were detected at levels that pose an environmental or human health concern.

Comment #5: Historic Use of the Adjacent (School) Property

The historic use of the former soccer fields is irrelevant to the MEPA filing and it is clearly documented under the Risk Based Cleanup Request for the School site submitted to EPA on March 21, 2005.

Comment #6: Dewatering & Potential for Downstream Impacts

Details of temporary dewatering of the wetlands (if necessary) are provided in the Notice of Intent filed with the Conservation Commission, the Water Quality Certification filed with the DEP and the Risk Based Cleanup Request for the Wetlands Restoration project submitted to the EPA. Given current site conditions, it is possible that temporary dewatering will not even be required.

As discussed previously, due to site hydrology, there is little to no potential for impact to downstream wetland areas.

Comment #7: Storage of PCB-Impacted Soil

All soil to be removed from the adjacent school property has already left the site. Only minor excavation and off-site management of surface soils remains to be performed at the periphery of the site; therefore, it is not relevant to the subject Wetlands Restoration Project.

Comment #8: "Replication" versus "Restoration" Project

The proposed project is not a replication project required as a result of the school construction project. Instead, it is a wetlands remediation and restoration project that includes disturbance of over 5,000 sf of wetlands. There was no threshold for filing of an ENF for construction of the school.

Due to the presence of subsurface contamination and most importantly PCBs over 50 ppm, development of the site is regulated under pertinent EPA (TSCA) and DEP (Massachusetts Contingency Plan) regulations, including the Wetlands Protection Act, since construction is occurring within the 100-foot buffer zone.

Comment #9: Wetlands Restoration Materials

The soil to be used to restore the wetlands will be consistent with the US ACOE guidelines. We are requiring soils to be used in the Wetlands Restoration Project to have a minimum 12% organic content, as requested by DEP, the Conservation Commission and the ACOE.

Comment #10: Phragmites

There are no requirements to remove the phragmites that have existed in the wetlands for several years, unrelated to the project. Despite the lack of any regulatory obligation to remove existing invasive wetlands species, the City has agreed to install a "biobarrier" to substantially eliminate migration of the phragmites into the restoration areas.

The root systems of phragmites generally exist within the top two feet, particularly in wet environments. The proposed biobarrier will be installed to that depth. With regard to PCB migration, it is obvious that PCBs do not migrate downward in root systems; rather, certain nutrients and heavy metals will migrate upward through the root system. According to available information in the literature, PCB uptake in plants is insignificant.

All applicable regulations have been carefully adhered to and we continue to be responsive to all inquiries from regulatory agencies and the public. To date, we have not identified any comments that change the conclusions and recommendations of the corrective actions we have described in the original MEPA submittal and associated permitting requirements.

If you have any questions or concerns regarding these responses, please call me.

Sincerely,
BETA GROUP, INC.



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

Cc: Sarah Porter, City of New Bedford Conservation Commission
Army Corps of Engineers
Gerard Martin, MADEP
Scott Alfonse, City of New Bedford
Jacqueline Coucci, City of New Bedford
William DoCarmo, City Project Manager
Larry Oliveira, School Department
Lenore White, Nover-Armstrong
Evan Warner, Mount Vernon Group Architects
Barbara Laughlin, BETA

August 15, 2005

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

Re: McCoy Field – Wetlands Restoration Project
Risk Based Cleanup Request
Response to Versar Review Comments

Dear Ms. Tisa:

This letter responds to the Eco-Risk comments prepared by Versar that you forwarded to us via email on August 4th. The review comments were compiled by Versar, based upon their review of the ecological risk characterization attached to the risk based cleanup plan request submitted to you on June 20, 2005. The comments and our responses are as follows:

General Comment – Congener Analysis versus Total PCBs (as Aroclor 1254)

Response It is recognized that a dozen PCB congeners (77, 81, 105, 114, 123, 126, 156, 157, 167, 169, and 189) are believed to possess dioxin-like effects and can be assessed using World Health Organization (WHO) 2,3,7,8-TCDD toxic equivalency factors (TEFs) (although these TEFs are not yet endorsed by U.S. EPA, per <http://www.epa.gov/toxteam/pcb/tefs.htm>). However, it is not considered appropriate to use composition data from commercial Aroclor mixtures (which vary in composition at any rate) to estimate environmental media concentrations of specific PCB congeners. Dioxin-like PCB congeners differ by up to one to two orders of magnitude in their water solubilities, vapor pressures, K_{OW} values, and Henry's Law constants. Therefore, the composition of PCB mixtures changes over time after release to the environment, through partitioning, chemical transformation, and preferential bioaccumulation. As stated in the National Academy of Sciences review draft of *Exposure and Human Health Reassessment of 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) and Related Compounds, Part I: Estimating Exposure to Dioxin-Like Compounds, Volume 1: Sources of Dioxin-Like Compounds in the United States* (U.S. EPA 1993):

“ [I]t can be both imprecise and inappropriate to infer concentrations of dioxin-like PCB congeners in an environmental sample based on characterization of the sample's Aroclor content and knowledge of the dioxin-like congener content in the commercial Aroclor. Safe (1994) wrote, “Regulatory agencies and environmental scientists have recognized that the composition of PCBs in most environmental extracts does not resemble the compositions of the commercial product.” Similarly, ATSDR (1993) stated, “It is important to recognize that the PCBs to

which people may be exposed are likely to be different from the original PCB source because of changes in congener and impurity composition resulting from differential partitioning and transformation in the environment and differential metabolism and retention.””

In addition to concentration differences within environmental media, differences in the chemical properties of dioxin-like PCB congeners will affect the extent to which the congener will bind to Site sediments and accumulate in other Site media. Using total PCB soil exposure point concentrations and intakes to estimate a “dioxin-like” risk, results in highly uncertain risk estimates.

Assuming the validity of this extrapolation approach, it is noted that the commenter applied the Aroclor 1254 lot (Lot A-4) with the highest percentage of dioxin-like congeners provided on EPA’s website. The table on EPA’s website is footnoted as follows: “*Lot A4 Aroclor 1254 from abnormal late production (1974-1977) made by chlorinating A1016 distillate residue and contains elevated percentages of non- and mono-ortho chlorinated congeners relative to “normal” G4 Lot.*” Use of this lot data may overestimate the concentration of dioxin-like congeners on the Site. If the average of the two lots (Lots A4 and G4) is applied, the resultant hazard quotients are reduced, as shown below and in Appendix A):

Based on Total PCB EPC of 2.089 mg/kg				
Basis of Dioxin-Like PCB Concentrations	Robin	Shrew	Hawk	Raccoon
	HQ High (Low)	HQ High (Low)	HQ High (Low)	HQ High (Low)
Extrapolated from Lot A4	5.5 (0.6)	72 (7.2)	0.0005 (0.00005)	0.09 (0.009)
Extrapolated from Average of Lots A4 and G4	2 (0.2)	15 (1.5)	0.0003 (0.00003)	0.02 (0.002)

This reduces the risks to robin, hawk and raccoon to below the maximum acceptable HQ of 1, and the HQs for shrew to 15 (high) and 1.5 (low). As it is, a decision has been made to remove PCBs in wetland soil above 1 mg/kg (TSCA requirement), even though the risk characterization concluded that no significant risks are posed to human or environmental receptors. Assuming that all locations with PCBs at concentrations above 1 mg/kg are remediated to 1 mg/kg and all locations below 1 mg/kg remain the same, the overall exposure point PCB concentration [97.5% Chebyshev (mean, Sd) UCL; Appendix B] declines from 2.089 mg/kg to 0.572 mg/kg, or a nearly four-fold decrease. This will also reduce the dioxin-like PCB concentrations, if present, by a factor of about 4, reducing ecological risks potentially posed by dioxin-like PCBs to levels below the maximum acceptable HQ of 1 for all ecological receptor groups.

Comment #1 Executive Summary (Page i, 4th paragraph).

Response The rationale for selecting the depth of the soil sample is not discussed in the Method 3 Risk Characterization, but is presented in other site documents. Since fill material was not placed directly in the wetland area, the migration pathway was determined to be from erosion of upland portions of the Disposal Site. This resulted in the presence of constituents predominantly in near surface soil. Supplemental sampling to a depth of three feet has been performed recently to verify that assumption.

Comment #2 Section 5.1.3.1 Potential Receptors (page 15)

Response Given the urban environment of the Site, the presence of red fox is not expected to be frequent. However, to demonstrate that this receptor is not at risk, exposure of a red fox was assessed assuming a 100% diet of on-Site shrew and using exposure factors from U.S. EPA (1999) and U.S. EPA (1993) (Appendix C). The High and Low Hazard Indices (HIs) for this receptor group are 0.0006 and 0.0002, respectively, below levels of concern. Based on this screening, the site does not pose a significant risk to red fox.

Comment #3 Section 5.1.3.1 Potential Receptors (page 15)

Response Terrestrial and aquatic plants were not assessed because the area is densely vegetated, directly demonstrating the lack of significant impact to plants. However, a screening assessment is presented in Appendix D in which soil/sediment exposure point concentrations (EPCs) are compared with plant toxicity reference values (TRVs). Note that only PCBs and metals have established plant TRVs; values for PAHs were obtained from the literature. Of the constituents of concern, two exceed their TRV: chromium and lead. The TRV for chromium, however, is based on hexavalent chromium, a more toxic form of chromium not anticipated to be present in Site soil (soil was analyzed for total chromium). In addition, the chromium EPC of 13 mg/kg is below its background level in natural soil [30 mg/kg; MADEP (2002)]. Similarly, the TRV for lead is based on lead chloride, a soluble form of lead. From the same reference (Efromyson et al., 1997), an analogous benchmark for the less soluble lead oxide is 300 mg/kg, which the lead EPC is below. Based on this screening, the site does not pose a significant risk to terrestrial and wetland plants.

Comment #4 Section 5.2.1.2 Sediment Interstitial Water and Surface Water (page 17)

Response The relationship of $C_{SW} = C_{SWI}/10$ was an assumption made to approximate surface water concentrations in the absence of actual surface water data. It is not based on any particular model.

Comment #5 Section 5.2.1.4 Prey Species (page 18)

Response Sample et al. (1998) presents bioaccumulation models for small mammals; however, only for metals and dioxin compounds. U.S. EPA (1999) lists various media-to-receptor bioconcentration factors, but none for soil-to-mammals. An on-line resource review identified no empirically derived uptake factors or bioaccumulation models for organic constituents from

soil to shrew, necessitating the approach [use of a mammalian biotransfer factor per U.S. EPA (1999)] applied in the risk characterization.

Comment #6 Section 5.2.2.1 Terrestrial Invertebrates (page 19)

Response As stated in Section 5.1.4 of the report, survival of aquatic and terrestrial invertebrates, rather than growth and reproduction, was selected as an assessment endpoint because of the *potentially limited habitat* as a result of the intermittent submergence and drying up of the wetland area, not because the intermittent submergence and drying up of the wetland area limits exposure time. However, soil EPCs are compared with chronic TRVs for terrestrial invertebrates in Appendix E. No constituent exceeded its chronic TRV; the EPC for PCBs (2.09 mg/kg) was below its chronic TRV of 2.5 mg/kg. A total HI of 1.9 was derived, indicating a minimal chronic impact to terrestrial invertebrates.

Comment #7 Section 5.2.2.2 Aquatic Invertebrates (page 19)

Response Bulk sediment constituent concentrations were compared with sediment benchmarks in Section 3.3.2 as a screening tool for selecting COCs. As stated in this section, these benchmarks do not consider site-specific factors, such as the organic carbon content of the sediment (that strongly influences the bioavailability of the constituent). Therefore, exceedance of a screening benchmark does not necessarily indicate that the constituent is causing harm at the Site. Since the organic carbon content of soil/sediments is high (average total organic carbon content of 31.4%), these benchmarks were considered an inadequate basis for identifying site-specific risks. For this reason, calculated interstitial water constituent concentrations were used to assess site-specific risks to aquatic invertebrates.

Comment #9 Section 5.2.2.3 Amphibians (pages 19-20).

Response As stated in Section 5.1.3.2, amphibian species are directly exposed to impacted media, which includes surface water and sediments. However, benchmark values were not available in sediment form. Since all of the TRVs applied were based on tests performed on the egg or tadpole stage (Table 17) and since frogs typically lay their eggs on the water surface or attached to floating or submerged vegetation and tadpoles stay within the water column (Section 5.5.3), use of an estimated surface water concentration was judged a reasonable approach to assess site-specific risks.

Comment #10 Section 5.2.3 Exposure and Risk Characterization Equations.

Response Agreed; these units have been expanded, as recommended. This does not change the results of the risk characterization.

Comment #11 Table 2 – Summary of Wetland Soil/Sediment Analytical Results

Response This discrepancy is a result of averaging results from locations WD-25, WD-25A, WD-25B, WD-25C, and WD-25D on Table 2, which was done to avoid over-presenting this location. This averaging was not done when using Pro-UCL. Table 2 has been changed to remove this averaging, making the number of samples, mean, and median the same on Table 2 and the

Ms. Kimberly Tisa, USEPA
August 15, 2005
Page 5

ProUCL output. The PCB UCL on Table 2 was changed from 2.09 mg/kg to 2,089 µg/kg for unit consistency. This does not change the results of the risk characterization.

Comment #12 Appendix D and Appendix E, Risk Calculations for the Red-Tailed Hawk, Short Tailed Shrew and Raccoon.

Response Agreed; the units have been changed. This does not change the results of the risk characterization.

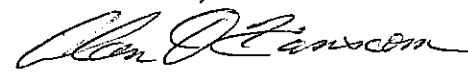
Comment #13 Appendix E, Table E-1. Risk Calculations for the Short-tailed Shrew

Response Agreed; this calculation inadvertently applied IR_{soil} rather than C_{soil} , and has been corrected. As noted in the comment, this does not change the total exposure and risk levels.

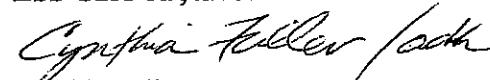
Despite some of the uncertainties associated with the ecological risk characterization, we believe that removal of PCB-impacted sediment to a target cleanup level of 1 ppm will reduce the risk to the environment by a factor of at least 4. Even under the most conservative assumptions regarding the individual congener composition of the 1254 Aroclor, the resulting HI for all ecological receptor groups is below 1 after the proposed remediation.

We trust the above responses address the concerns raised in Versar's review. Please call either Cyndee Fuller (401/330-1220) or Al Hanscom (781/255-1982) with any questions related to the above responses, or any further comments that may arise.

Very truly yours,
BETA GROUP, INC.


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

ESS GROUP, INC.


Cynthia Fuller
Risk Assessor

Attachments

Cc: Scott Alfonse, City of New Bedford
Sarah Porter, City of New Bedford
Jacqueline Coucci, City of New Bedford
William DoCarmo, City Project Manager
Larry Oliveira, School Department
Gerard Martin, MADEP
Dorothy Blickens, MADEP
Evan Warner, MVG
Jackie Huggins, BETA
Barbara Laughlin, BETA

BETA

APPENDIX A
EXTRAPOLATION OF DIOXIN-LIKE PCB CONCENTRATIONS FROM AROCLOR 1254 COMPOSITION DATA
AND ASSOCIATED RISK TO ECOLOGICAL RECEPTORS
Former McCoy Field
New Bedford, Massachusetts

Congener No.	Aroclor 1254 Composition Data ¹			1997 WHO TEF ₂	2,3,7,8-TEQ (Weight Fraction)	1997 WHO TEF ₂	2,3,7,8-TEQ (Weight Fraction)
	(weight percent)			(mammals)		(birds)	
	Lot A4	Lot G4	Average				
77	0.2	0.03	0.11	0.0001	1.15E-07	0.05	5.75E-05
81	0.003	-	0.003	0.0001	2.85E-09	0.1	2.85E-06
105	7.37	3.0	5.2	0.0001	5.18E-06	0.0001	5.18E-06
114	0.50	0.18	0.34	0.0005	1.72E-06	0.0001	3.43E-07
118	13.6	7.35	10.5	0.0001	1.05E-05	0.00001	1.05E-06
123	0.32	0.15	0.24	0.0001	2.35E-07	0.00001	2.35E-08
126	0.016	0.0017	0.009	0.1	8.77E-06	0.1	8.77E-06
156	1.13	0.82	0.97	0.0005	4.86E-06	0.0001	9.71E-07
157	0.30	0.19	0.25	0.0005	1.24E-06	0.0001	2.48E-07
167	0.35	0.27	0.31	0.00001	3.09E-08	0.00001	3.09E-08
169	-	-	-	0.01	-	0.001	-
189	0.009	0.011	0.010	0.0001	9.83E-09	0.00001	9.83E-10
Sum =	24	12	17.9	--	3.26E-05	--	7.70E-05

PCB Exposure Point Concentration (EPC) (mg/kg) ³ =	2.089
2,3,7,8-TCDD TEQ EPC (mammals) (mg/kg) = PCB EPC x Sum TCDD TEQ Wt Fraction =	6.82E-05
2,3,7,8-TCDD TEQ EPC (birds) (mg/kg) = PCB EPC x Sum TCDD TEQ Wt Fraction =	1.61E-04

Receptor Group	Total PCB Intake ³ (mg/kg-BW-day)	PCB Exposure Point Concentration (EPC) ³ (mg/kg)	Intake Factor (kg-kgBW-dy)	2,3,7,8-TEQ Exposure Point Concentration (EPC) (mg/kg)	2,3,7,8-TCDD TEQ Intake (mg/kg-BW-day)	2,3,7,8-TCDD TRV-Low ⁴ (mg/kg-BW-dy)	HQ-High (unitless)	2,3,7,8-TCDD TRV-High ⁴ (mg/kg-BW-dy)	HQ-Low (unitless)
Robin	4.26E-01	2.089	2.04E-01	1.61E-04	3.28E-05	0.000014	2	0.00014	0.2
Hawk	4.91E-05	2.089	2.35E-05	1.61E-04	3.78E-09	0.000014	0.0003	0.00014	0.00003
Shrew	1.01E+00	2.089	4.84E-01	6.82E-05	3.30E-05	0.0000022	15	0.000022	1.5
Raccoon	1.33E-03	2.089	6.37E-04	6.82E-05	4.34E-08	0.0000022	0.02	0.000022	0.002

Intake Factor = Total PCB Intake / PCB EPC
2,3,7,8-TCDD TEQ Intake = Intake Factor x 2,3,7,8-TCDD EPC
HQ-High = 2,3,7,8-TCDD TEQ Intake/TRV-Low
HQ-Low = 2,3,7,8-TCDD TEQ Intake/TRV-High

1. Aroclor composition data from http://www.epa.gov/toxteam/pcbld/aroclor_comp_frame.htm.
2. From: <http://www.epa.gov/toxteam/pcbld/tefs.htm>.
3. From Method 3 Risk Characterization.
4. 2,3,7,8-TCDD TRVs from Sample et al. (1996). Toxicological Benchmarks for Wildlife: 1996 Revision.

**APPENDIX B
PROUCL PRINTOUT
REMOVAL TO 1 MG/KG OR LOWER
Former McCoy Field
New Bedford, Massachusetts**

Data File	J:\B345-000 Beta McCoy\Risk Stuff\Wetlands\Variable: Post		
Raw Statistics		Normal Distribution Test	
Number of Valid Samples	128	Lilliefors Test Statistic	0.249051
Number of Unique Samples	83	Lilliefors 5% Critical Value	0.078312
Minimum	3.5	Data not normal at 5% significance level	
Maximum	1000		
Mean	357.5898	95% UCL (Assuming Normal Distribution)	
Median	120.5	Student's-t UCL	414.5253
Standard Deviation	388.7592		
Variance	151133.7	Gamma Distribution Test	
Coefficient of Variation	1.087165	A-D Test Statistic	3.579251
Skewness	0.809334	A-D 5% Critical Value	0.803805
		K-S Test Statistic	0.133779
Gamma Statistics		K-S 5% Critical Value	0.085993
k hat	0.661141	Data do not follow gamma distribution	
k star (bias corrected)	0.650854	at 5% significance level	
Theta hat	540.8674		
Theta star	549.4162	95% UCLs (Assuming Gamma Distribution)	
nu hat	169.2522	Approximate Gamma UCL	432.4817
nu star	166.6187	Adjusted Gamma UCL	433.4145
Approx. Chi Square Value (.05)	137.7657		
Adjusted Level of Significance	0.048125	Lognormal Distribution Test	
Adjusted Chi Square Value	137.4692	Lilliefors Test Statistic	0.113202
		Lilliefors 5% Critical Value	0.078312
Log-transformed Statistics		Data not lognormal at 5% significance level	
Minimum of log data	1.252763		
Maximum of log data	6.907755	95% UCLs (Assuming Lognormal Distribution)	
Mean of log data	4.957897	95% H-UCL	777.9718
Standard Deviation of log data	1.611887	95% Chebyshev (MVUE) UCL	968.2043
Variance of log data	2.598181	97.5% Chebyshev (MVUE) UCL	1166.497
		99% Chebyshev (MVUE) UCL	1556.005
		95% Non-parametric UCLs	
		CLT UCL	414.1099
		Adj-CLT UCL (Adjusted for skewness)	416.7365
		Mod-t UCL (Adjusted for skewness)	414.9349
		Jackknife UCL	414.5253
		Standard Bootstrap UCL	413.9577
		Bootstrap-t UCL	415.6973
RECOMMENDATION		Hall's Bootstrap UCL	416.7264
Data are Non-parametric (0.05)		Percentile Bootstrap UCL	412.0938
		BCA Bootstrap UCL	413.7656
Use 97.5% Chebyshev (Mean, Sd) UCL		95% Chebyshev (Mean, Sd) UCL	507.3694
		97.5% Chebyshev (Mean, Sd) UCL	572.1791
		99% Chebyshev (Mean, Sd) UCL	699.4853

APPENDIX D
RISK CHARACTERIZATION
TERRESTRIAL AND WETLAND VEGETATION
Former McCoy Field Wetland Area
New Bedford, Massachusetts

Constituent	Environmental Soil/Sediment Exposure Point Concentration (C _{soil-sed}) (mg/kg)	Screening Benchmark Concentrations for Plants (TRV) (mg/kg)	Is TRV Exceeded?	Hazard Quotient ¹ (HQ) (unitless)	Background Level in Natural Soil ² (mg/kg)	Is Background Level Exceeded?
PCBs (as Aroclor 1254)	2.09	40 [3]	No	0.05	NE	--
Acenaphthene	0.191	20 [3]	No	0.01	0.5	No
Anthracene	0.221	37 [5]	No	0.006	1	No
Benzo(a)anthracene	0.401	116 [5]	No	0.003	2	No
Benzo(b)fluoranthene	0.274	1.2 [4]	No	0.2	2	No
Benzo(k)fluoranthene	0.218	93 [5]	No	0.002	1	No
Benzo(g,h,i)perylene	0.213	84 [5]	No	0.003	1	No
Benzo(a)pyrene	0.395	1.2 [4]	No	0.3	2	No
Chrysene	0.377	85 [5]	No	0.004	2	No
Fluoranthene	0.329	206 [5]	No	0.002	4	No
Fluorene	0.203	10.7 [5]	No	0.02	1	No
Indeno(1,2,3-cd)pyrene	0.208	76 [5]	No	0.003	1	No
Phenanthrene	0.446	84 [5]	No	0.005	3	No
Pyrene	0.623	146 [5]	No	0.004	4	No
Barium	83	500 [3]	No	0.2	50	Yes
Cadmium	1.17	4 [3]	No	0.3	2	No
Chromium (total) ⁶	13	1 [3]	Yes	13	30	No
Lead ⁷	138	50 [3]	Yes	3	100	Yes
Mercury	0.18	0.3 [3]	No	0.6	0.3	No
Selenium	0.92	1 [3]	No	0.9	0.5	Yes
Total Hazard Index (HI)				18		

mg/kg = milligrams per kilogram.

NE = Not established.

1. HQ = C_{soil-sed}/TRV; HI = sum of all HQs.

2. MADEP (2002). Background Levels of Polycyclic Aromatic Hydrocarbons and Metals in Soil. May.

3. Efromyson et al. (1997). Toxicological Benchmarks for Screening Contaminants of Potential Concern for Effects on Terrestrial Plants.

4. U.S. EPA (1999). Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities, Volume 3, Appendix E, Table E-6.

EPA-530-DD-99-001A, August.

5. Fismes et al. (2001). Soil-to-Root Transfer and Translocation of Polycyclic Aromatic Hydrocarbons by Vegetables Grown on Industrial Contaminated Soils. Journal of Environmental Quality 31: 1649-1656 (2002). Soil contained the stated PAH concentrations in a 22.4% clay; 35.7% silt, and 38.1% sand soil.

No phytotoxicity symptoms were observed.

6. The TRV is based on hexavalent chromium; total chromium was quantified in soil.

7. The TRV is based on lead chloride, a soluble form, which is not the form of lead expected at the Site. Tests on less soluble lead oxide showed no effect at 300 mg/kg.

APPENDIX E
RISK CHARACTERIZATION
TERRESTRIAL INVERTEBRATES - CHRONIC EFFECTS
Former McCoy Field Wetland Area
New Bedford, Massachusetts

Constituent	Environmental Soil/Sediment Exposure Point Concentration ($C_{\text{soil-sed}}$) (mg/kg)	Chronic Terrestrial Invertebrate Toxicity Reference Value (TRV) (mg/kg)	Is TRV Exceeded?	Hazard Quotient ⁵ (HQ) (unitless)
PCBs (as Aroclor 1254)	2.09	2.51 [1]	No	0.8
Acenaphthene	0.191	50 [2]	No	0.004
Anthracene	0.221	50 [2]	No	0.004
Benzo(a)anthracene	0.401	25 [1]	No	0.02
Benzo(b)fluoranthene	0.274	25 [1]	No	0.01
Benzo(k)fluoranthene	0.218	25 [1]	No	0.009
Benzo(g,h,i)perylene	0.213	50 [2]	No	0.004
Benzo(a)pyrene	0.395	25 [1]	No	0.02
Chrysene	0.377	25 [1]	No	0.02
Fluoranthene	0.329	50 [2]	No	0.007
Fluorene	0.203	50 [2]	No	0.004
Indeno(1,2,3-cd)pyrene	0.208	25 [1]	No	0.008
Phenanthrene	0.446	50 [2]	No	0.009
Pyrene	0.623	50 [2]	No	0.01
Barium	83	330 [3]	No	0.3
Cadmium	1.17	20 [2]	No	0.06
Chromium (total)	13	57 [4]	No	0.2
Lead	138	500 [2]	No	0.3
Mercury	0.18	2.5 [1]	No	0.07
Selenium	0.92	70 [2]	No	0.01
Total Hazard Index (HI)				1.9

mg/kg = milligrams per kilogram.

- U.S. EPA (1999). Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities, Volume 3, Appendix E, Table E-6. EPA-530-DD-99-001A, August.
- Efroymsen RA et al. (1997). Toxicological Benchmarks for Contaminants of Potential Concern for Effects on Soil and Litter Invertebrates and Heterotrophic Process. Value for earthworms applied for cadmium, lead, selenium. Value for fluorene was a no observed effect level for *Eisenia fetida* for cocoon production; applied to all on-carcinogenic PAHs. An uncertainty factor of 10 was applied because medium was horse manure.
- U.S. EPA (2005b). Ecological Soil Screening Levels (<http://www.epa.gov/ecotox/ecossl/>).
- Not EcoSSL, but study cited in source document [maximum acceptable toxicant concentration (MATC)] (U.S. EPA 2005b).
- HQ = $C_{\text{soil-sed}}/\text{TRV}$; HI = sum of all HQs.

**APPENDIX C
RISK CHARACTERIZATION
RED FOX
Former McCoy Field Wetland Area
New Bedford, Massachusetts**

$Intake_{soil} = C_{soil} \times IR_{soil} \times BA_{soil/food} \times A/FA$
 $Intake_{food} = (C_{food1} \times F_1) \times IR_{food} \times BA_{soil/food} \times A/FA$
 $Intake_{water} = C_{water} \times IR_{water} \times A/FA$
 $Intake_{total} = Intake_{soil} + Intake_{food} + Intake_{water}$
 $HI-High = Intake_{total}/TRV-Low$
 $HI-Low = Intake_{total}/TRV-High$

HI-High =	High estimate of hazard index (unitless)	Value	Calculated	Source	--
HI-Low =	Low estimate of hazard index (unitless)	Value	Calculated	Source	--
TRV-Low =	Toxicity Reference Value - low (mg/kgBW-dy)	Value	Constituent-specific	Source	See associated table
TRV-High =	Toxicity Reference Value - High (mg/kgBW-dy)	Value	Constituent-specific	Source	See associated table
Intake _{total} =	Total intake of constituent from all pathways (mg/kgBW-dy)	Value	Calculated	Source	--
Intake _{food} =	Intake of constituent from food ingestion (mg/kgBW-dy)	Value	Calculated	Source	--
Intake _{water} =	Intake of constituent from water ingestion (mg/kgBW-dy)	Value	Calculated	Source	--
C _{soil} =	Soil constituent concentration (mg/kgDW)	Value	Constituent-specific	Source	--
IR _{soil} =	Soil ingestion rate (kgDW/kgBW-day)	Value	0.00151	Source	U.S. EPA (1999)
BA _{soil/food} =	Bioavailability from soil and food (unitless)	Value	Constituent-specific	Source	See associated table
C _{food/} =	Constituent concentration in <i>ith</i> food (mg/kg WW)	Value	Calculated	Source	--
F _{food/} =	Fraction of diet for <i>ith</i> food (unitless) F _{food1} =	Value	1	Source	mammals U.S. EPA (1993)
IR _{food/} =	Total food ingestion rate (kgWW/kgBW-day)	Value	0.168	Source	U.S. EPA (1999)
C _{water} =	Water constituent concentration (mg/L)	Value	Constituent-specific	Source	--
IR _{water} =	Water ingestion rate (L/kgBW-day)	Value	0.0863	Source	U.S. EPA (1999)
A =	On-site foraging area (acres)	Value	4	Source	Site estimate
FA =	Total foraging area for organism (acres)	Value	237	Source	U.S. EPA (1993)

$C_{food(mammal)} = BA_{mammal} [(C_{soil} \times BCF_{ssi} \times BA_{soil/food} \times IR_{food-shrew}) + (C_{soil} \times BA_{soil/food} \times IR_{soil-shrew}) + (C_{sw} \times IR_{sw-shrew})]$
 where:
 BA_{mammal} = Mammal biotransfer factor (dy/kg)
 BCF_{ssi} = Soil to soil invertebrate bioaccumulation factor [(mg/kg WW)/(mg/kg soil)]
 $IR_{food-shrew}$ = Shrew consumption rate of food (kg/dy) (assumed all invertebrates)
 $IR_{soil-shrew}$ = Shrew consumption rate of soil (kg/dy)
 $IR_{sw-shrew}$ = Shrew consumption rate of surface water (L/dy)

[A/FA]= 1 or less

Constituent	C _{soil} (mg/kg)	BA _{soil/food} (unitless)	IR _{soil} (kg/kgBW-dy)	BCF _{SSI} (mg/kgWW)/ (mg/kgDW soil)	BA _{mammal} (day/kgWW tissue)	IR _{food-shrew} (kg/dy)	IR _{soil-shrew} (kg/dy)	IR _{sw-shrew} (L/dy)	C _{food(mammal)} (mg/kgWW)	F _{food(mammal)} (unitless)	IR _{food} (kg/kgBW-dy)	C _{sw} (mg/L)	IR _{water} (L/kgBW-day)	A/FA (unitless)	Intake _{soil} (mg/kgBW-dy)	Intake _{food} (mg/kgBW-dy)	Intake _{water} (mg/kgBW-dy)	Intake _{total} (mg/kgBW-dy)	TRV-Low (mg/kgBW-dy)	HI-High (unitless)	TRV-High (mg/kgBW-dy)	HI-Low (unitless)
PCBs (as Aroclor 1254)	2.09	1	0.0015	1.13	2.69E-02	0.0075	0.0002	0.0023	4.89E-04	1	0.168	6.67E-07	0.0863	0.017	5.33E-05	1.39E-06	9.71E-10	5.47E-05	0.36	0.0002	1.28	0.00004
Acenaphthene	0.191	1	0.0015	0.05	2.09E-04	0.0075	0.0002	0.0023	2.37E-08	1	0.168	2.56E-05	0.0863	0.017	4.87E-06	6.71E-11	3.72E-08	4.90E-06	17.5	0.0000003	17.5	0.0000003
Anthracene	0.221	1	0.0015	0.05	8.71E-04	0.0075	0.0002	0.0023	1.14E-07	1	0.168	9.15E-06	0.0863	0.017	5.63E-06	3.23E-10	1.33E-08	5.65E-06	100	0.00000006	100	0.00000006
Benzo(a)anthracene	0.401	1	0.0015	0.03	2.19E-02	0.0075	0.0002	0.0023	3.88E-06	1	0.168	1.25E-06	0.0863	0.017	1.02E-05	1.10E-08	1.82E-09	1.02E-05	0.167	0.00006	0.167	0.00006
Benzo(b)fluoranthene	0.274	1	0.0015	0.07	1.58E-02	0.0075	0.0002	0.0023	3.22E-06	1	0.168	1.20E-06	0.0863	0.017	6.98E-06	9.14E-09	1.74E-09	6.99E-06	4	0.000002	4	0.000002
Benzo(k)fluoranthene	0.218	1	0.0015	0.08	2.51E-02	0.0075	0.0002	0.0023	4.48E-06	1	0.168	5.74E-07	0.0863	0.017	5.56E-06	1.27E-08	8.36E-10	5.57E-06	7.2	0.000008	7.2	0.000008
Benzo(g,h,i)perylene	0.213	1	0.0015	0.05	7.94E-02	0.0075	0.0002	0.0023	1.00E-05	1	0.168	2.18E-07	0.0863	0.017	5.43E-06	2.84E-08	3.18E-10	5.46E-06	7.2	0.000008	7.2	0.000008
Benzo(a)pyrene	0.395	1	0.0015	0.07	2.75E-02	0.0075	0.0002	0.0023	8.08E-06	1	0.168	9.60E-07	0.0863	0.017	1.01E-05	2.29E-08	1.40E-09	1.01E-05	1.31	0.000008	32.8	0.0000003
Chrysene	0.377	1	0.0015	0.04	7.76E-03	0.0075	0.0002	0.0023	1.51E-06	1	0.168	1.47E-06	0.0863	0.017	9.61E-06	4.29E-09	2.15E-09	9.61E-06	0.17	0.00006	0.17	0.00006
Fluoranthene	0.329	1	0.0015	0.05	4.17E-03	0.0075	0.0002	0.0023	8.13E-07	1	0.168	3.77E-06	0.0863	0.017	8.38E-06	2.30E-09	5.49E-09	8.39E-06	12.5	0.000007	12.5	0.000007
Fluorene	0.203	1	0.0015	0.05	3.80E-04	0.0075	0.0002	0.0023	4.57E-08	1	0.168	1.66E-05	0.0863	0.017	5.17E-06	1.30E-10	2.41E-08	5.20E-06	12.5	0.000004	12.5	0.000004
Indeno(1,2,3-cd)pyrene	0.208	1	0.0015	0.08	2.51E-01	0.0075	0.0002	0.0023	4.27E-05	1	0.168	8.28E-08	0.0863	0.017	5.30E-06	1.21E-07	1.21E-10	5.42E-06	7.2	0.000008	7.2	0.000008
Phenanthrene	0.446	1	0.0015	0.05	9.33E-04	0.0075	0.0002	0.0023	2.47E-07	1	0.168	1.74E-05	0.0863	0.017	1.14E-05	6.99E-10	2.54E-08	1.14E-05	100	0.000001	100	0.000001
Pyrene	0.623	1	0.0015	0.05	3.80E-03	0.0075	0.0002	0.0023	1.40E-06	1	0.168	7.72E-06	0.0863	0.017	1.59E-05	3.98E-09	1.12E-08	1.59E-05	7.5	0.000002	7.5	0.000002
Barium	83	0.07	0.0015	0.01	9.43E-03	0.0075	0.0002	0.0023	1.66E-05	1	0.168	2.63E-02	0.0863	0.017	1.48E-04	3.29E-09	3.83E-05	1.86E-04	2.8	0.00007	10.5	0.00002
Cadmium	1.17	0.01	0.0015	0.96	7.54E-03	0.0075	0.0002	0.0023	6.55E-07	1	0.168	5.86E-05	0.0863	0.017	2.98E-07	1.86E-11	8.54E-08	3.84E-07	0.19	0.000002	5.1	0.0000008
Chromium (total)	13	0.005	0.0015	0.01	3.45E-01	0.0075	0.0002	0.0023	6.57E-06	1	0.168	1.72E-05	0.0863	0.017	1.66E-06	9.31E-11	2.51E-08	1.68E-06	2.4	0.000007	2.4	0.000007
Lead	138	0.12	0.0015	0.03	1.88E-02	0.0075	0.0002	0.0023	1.38E-04	1	0.168	3.47E-04	0.0863	0.017	4.22E-04	4.69E-08	5.05E-07	4.23E-04	4.22	0.0001	241	0.000002
Mercury	0.18	0.07	0.0015	0.04	3.26E-01	0.0075	0.0002	0.0023	2.13E-06	1	0.168	2.27E-06	0.0863	0.017	3.21E-07	4.23E-10	3.30E-09	3.25E-07	0.69	0.000005	4	0.0000008
Selenium	0.92	0.44	0.0015	0.01	1.43E-01	0.0075	0.0002	0.0023	1.69E-05	1	0.168	2.31E-05	0.0863	0.017	1.03E-05	2.11E-08	3.37E-08	1.04E-05	0.076	0.0001	1.21	0.00009
																			HI =	0.0006	HI =	0.0002

U.S. EPA (1999). Screening Level Ecological Risk Assessment Protocol for Hazardous Waste Combustion Facilities. EPA 530-D-99-001A, August.
 U.S. EPA (1993). Wildlife Exposure Factors Handbook, Volume I. EPA/600/R-93/187a, December.

August 15, 2005

Ms. Dorothy Blickens
MADEP – Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

**Re: DEP Site Walk - WQC Review Issues
McCoy Field – Wetlands Restoration Project
BETA Project No.: 2685**

Dear Ms. Blickens:

This letter addresses review comments presented during the August 3, 2005 Site walk related to the *Water Quality Certification dated June 20, 2005*, for the remediation of the wetlands at the above-referenced location, submitted by BETA Group, Inc. on behalf of the City of New Bedford. The purpose of this letter is to respond to your comments.

Comment #1 – Copy of the WQC Notification

The notice was published in the Standard Times on June 21, 2005. A copy was emailed to you on August 3, 2005.

Comment #2 – Biobarrier Details

A copy of the manufacturer's Application Manual is included in this submittal. Also, we have enclosed a copy of the Technical Specification Section 02265 that is to be included in the bidding documents for the Wetlands Restoration Project.

Comment #3 – Comprehensive Site Plan

The following items have been indicated on two plans labeled "Wetland Remediation Area A (South)" & "Wetland Remediation Areas B & C (North)". Originally, one plan was submitted. Due to the large amount of information provided, this plan was split into a north and south plan so as to more clearly convey all pertinent information. Supplemental information added to the plans includes:

- Depiction of wetland areas filled and replicated during Phase I (embankment) construction activities;
- Locations of construction staging area for the Wetlands Remediation project;
- Locations of all access points to wetland areas to be remediated;
- Locations for the frac tank, infiltration basin, and temporary soil storage areas;
- Details of the temporary soil storage area; and
- Locations of "temporary" and "permanent" wetland impact areas under the upcoming wetlands remediation project.

Comment #4 – Organic Content of Soil to Restore Disturbed Wetlands

The organic content will be at least 12% and testing procedures for certification of organic content and that the material is weed and contaminant free has been included in Wetlands Restoration Technical Specification 02265. A copy is enclosed herewith for reference.

Comment #5 – Tree Diameter Consistency

All references to the minimum diameter (DBH) of trees to remain (6-inch) have been updated for consistency.

Comment #6 – Timing of Plantings

Depending upon the weather, wetlands plantings may need to be delayed until sometime next year when conditions are more favorable. The decision will be made by the Local Conservation Agent for the City of New Bedford, Sarah Porter.

Comment #7 – Work Completion Provisions

BETA has included a plan of existing grades on the Wetlands Restoration Plan that will be included in the Contract Drawings. The Remediation Contractor will be required to provide a record drawing of all post-remediation grades.

BETA will be responsible for providing photographs of pre-remediation, daily progress and final site conditions for the project.

Comment #8 – Plantings (most upgradient wetland area)

If warranted by site conditions (i.e. canopy, flooding, etc.) adjustments to plantings proposed on the Plantings Plan may be determined in field, subject to approval by the Conservation Agent.

If you have any questions or concerns regarding this supplemental submission, please call me.

Sincerely,
BETA GROUP, INC.



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

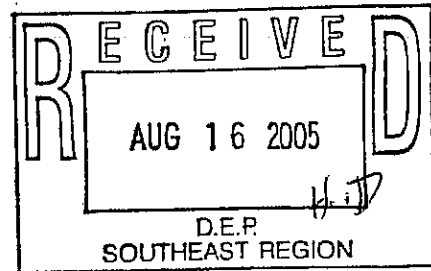
Cc (without attachments):

Sarah Porter, City of New Bedford Conservation Commission
US Army Corps of Engineer
Gerard Martin, MADEP
Scott Alfonse, City of New Bedford
Jacqueline Coucci, City of New Bedford
William DoCarmo, City Project Manager
Larry Oliveira, School Department
Evan Warner, Mount Vernon Group Architects
Lenore White, Nover-Armstrong
Barbara Laughlin, BETA

August 15, 2005

Ms. Dorothy Blickens
MADEP – Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Re: DEP Site Walk - WQC Review Issues
McCoy Field – Wetlands Restoration Project
BETA Project No.: 2685



Dear Ms. Blickens:

This letter addresses review comments presented during the August 3, 2005 Site walk related to the *Water Quality Certification dated June 20, 2005*, for the remediation of the wetlands at the above-referenced location, submitted by BETA Group, Inc. on behalf of the City of New Bedford. The purpose of this letter is to respond to your comments.

Comment #1 – Copy of the WQC Notification

The notice was published in the Standard Times on June 21, 2005. A copy was emailed to you on August 3, 2005.

Comment #2 – Biobarrier Details

A copy of the manufacturer's Application Manual is included in this submittal. Also, we have enclosed a copy of the Technical Specification Section 02265 that is to be included in the bidding documents for the Wetlands Restoration Project.

Comment #3 – Comprehensive Site Plan

The following items have been indicated on two plans labeled "Wetland Remediation Area A (South)" & "Wetland Remediation Areas B & C (North)". Originally, one plan was submitted. Due to the large amount of information provided, this plan was split into a north and south plan so as to more clearly convey all pertinent information. Supplemental information added to the plans includes:

- Depiction of wetland areas filled and replicated during Phase I (embankment) construction activities;
- Locations of construction staging area for the Wetlands Remediation project;
- Locations of all access points to wetland areas to be remediated;
- Locations for the frac tank, infiltration basin, and temporary soil storage areas;
- Details of the temporary soil storage area; and
- Locations of "temporary" and "permanent" wetland impact areas under the upcoming wetlands remediation project.

August 17, 2005

Ms. Sarah Porter, Conservation Agent
New Bedford Conservation Commission
133 William Street
New Bedford, MA 02740

Re: **PLOT 69 LOT 125 and PLOT 75 LOT 16 (DEP File No. SE 049-0543)
NOI Supplemental Submission No. 2**

Dear Sarah:

Forwarded herewith are updated copies of proposed Contract Drawings 1 through 3 and all technical specifications that address review comments discussed during the July 26, 2005 ConComm public hearing. The following changes were made:

Figure 2 – Wetlands Sediment Restoration Plan (now Contract Drawings 1 and 2)

- Former Figure 2 has been converted to two plans (Contract Drawings 1 and 2) to show the additional details requested by the Commission, DEP and others.
- Notations have been added to clearly identify Site access locations at the utility easement off Summit Street and at Durfee Street, near the existing culvert crossing.

Technical Specification 02200 – Earthwork

- This section has been consolidated into Section 02215.

Technical Specification 02215 - Excavation & Off-Site Management of Wetlands Sediment

- This Technical Specification has incorporated portions of the former Earthwork Specification and certain clarifications regarding site access and Conservation Commission approvals have been added.

Technical Specification 02265 - Wetlands Restoration

- This new technical specification has been prepared to incorporate contents of prior NOI submissions for bidding purposes.

The following Technical Specifications have also been included:

- Technical Specification 02001 – Mobilization & Demobilization
- Technical Specification 02100 – Site Preparation
- Technical Specification 02270 – Sedimentation & Erosion Control
- Technical Specification 02600 – Dewatering
- Technical Specification 02800 – Site Restoration

8-17-05 NOI Supplemental No. 2 Cover Letter.doc

If you have any questions or concerns regarding these revised documents, please call me.

Sincerely,
BETA GROUP, INC.



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

Cc: Scott Alfonse, City of New Bedford
Jacqueline Coucci, City of New Bedford
William DoCarmo, City Project Manager
Larry Oliveira, School Department
Kim Tisa, EPA
Gerard Martin, MADEP
Evan Warner, Mount Vernon Group Architects
Lenore White, Nover-Armstrong
Barbara Laughlin, BETA
PIP Document Repository
EPA & City of New Bedford Websites

(all without attachments)

Attachments (9 copies each)

- Contract Drawings 1 through 3
- Technical Specification 02001 – Mobilization & Demobilization
- Technical Specification 02100 – Site Preparation
- Technical Specification 02215 – Excavation & Off-Site Management of Wetlands
Sediment
- Technical Specification 02265 – Wetlands Restoration
- Technical Specification 02270 – Sedimentation & Erosion Control
- Technical Specification 02600 – Dewatering
- Technical Specification 02800 – Site Restoration