

Fairhaven Board of Selectmen Meeting – Monday July 11, 2016

EPA Responses to Comments from the Town of Fairhaven related to EPA's Request for Access to the Veranda and Oxford Street Right-of-Ways:

1. How many times and what are the dates for future soil sampling along the Fairhaven shoreline during the EPA CAD cell dredging project?

EPA performed historic sampling along the Fairhaven shoreline between 1999 and 2001. EPA performed additional sampling in 2015 along the Fairhaven shoreline on all properties where updated access agreements were in place. In April 2016, all historic and updated 2015 intertidal/shoreline sampling results were transmitted to all property owners for which 2015 sampling was performed. EPA is currently performing additional intertidal/shoreline sampling to address data gaps and in order to resample some historic sample locations. Additional sampling along the Fairhaven shoreline may be performed in the future to further refine remedial plans, if needed, and following any intertidal/shoreline remediation to document that cleanup levels have been achieved.

2. If no additional plans to do soil sampling more than once along the Fairhaven shoreline as the CAD cell project continues, isn't it best to sample towards the completion of the project as more PCBs from filling the CAD cell can accumulate in the intertidal area?

EPA will schedule additional intertidal/shoreline sampling as needed as remedial efforts in the Lower Harbor continue. EPA will perform confirmatory sampling following completion of intertidal remediation activities to document that cleanup levels have been met.

The CAD cell is surrounded by turbidity curtains to contain temporarily suspended sediment within the CAD cell as the sediment settles. EPA performs water quality monitoring of all Lower Harbor dredging and CAD cell placement activities and all work continues to demonstrate that there are no water quality exceedances. Further, EPA's Long-Term Monitoring program performed every 5 years since 1993, and most recently completed in 2014 (Round VI), documents that EPA's dredging is not resulting in significant contaminated sediment transport. The 2014 LTM results demonstrated that Lower Harbor CAD cell work and flux from the Upper Harbor have not caused surface sediment PCB values to increase. In fact, the Lower Harbor exhibited a statistically significant decrease in overall average PCB concentration in surface sediment from 5.1 parts per million (ppm) to 2.8 ppm with 21 of 29 stations exhibiting decreasing PCB concentrations.

3. As the CAD cell project continues, isn't it best to sample soil towards the completion of the project as more PCBs from filling the CAD cell can move to the intertidal area?

No, please see the response to question 2 above which also addresses this question.

4. At what depths will samples be taken?

Intertidal/shoreline samples are typically taken as core samples to 3 feet. Typically, the top foot

or the 0-1 foot and 1-2 intervals are analyzed initially with deeper intervals analyzed if necessary to delineate extent of contamination above the applicable cleanup levels.

5. When will we receive the results?

Any new 2016 intertidal/shoreline data will be transmitted to property owners once all validated sampling results are received by EPA. As noted above, in April 2016, all historic and updated 2015 intertidal/shoreline sampling results were transmitted to all property owners for which 2015 sampling was performed. At that time, the Town of Fairhaven received the data for all Town-owned properties along the New Bedford Harbor shoreline.

The intertidal sampling efforts were performed in phases. Phase 1 included all properties along the Acushnet and Fairhaven shoreline of the New Bedford Harbor site in the Upper Harbor and between the Coggeshall and I-195 bridges. Phase 2 was the properties in New Bedford along the Upper Harbor shoreline. Phase 3 was the Fairhaven shoreline between the I-195 and Route 6 bridges. A data summary report, including all of the historical intertidal data and 2015 intertidal data for the Phase 1 properties, will be uploaded to the New Bedford Harbor website later this summer. A comparable data summary report of the historical intertidal data and 2015 intertidal data for Phase 3 properties is being prepared and will be uploaded to the New Bedford Harbor website later this year.

6. What level of PCBs will require action by the EPA?

The PCB cleanup level for intertidal sediments on residential properties is 1 ppm. The PCB cleanup level for intertidal sediments where beachcombing or recreational access may occur is 25 ppm.

7. If significant levels of PCBs are found in the intertidal area, will it force more sampling and possible remediation on private property nearby?

The overall cleanup is planned to first address subtidal contamination before large-scale intertidal/shoreline remediation can occur. Subtidal remediation is ongoing in the Lower Harbor. The planning, contracting, and scheduling of the remaining Lower Harbor subtidal remediation is ongoing. Once that planning is more certain, EPA will be better able to plan and schedule potential intertidal remediation of adjacent Fairhaven shoreline properties. At that time, EPA will be reaching out to affected property owners to discuss those plans. If PCBs are found in the intertidal area of residential properties above the 1 ppm cleanup level, EPA would plan for remediation of the intertidal sediments in order to permanently address the risk to residents from contact with contaminated sediments. Details of intertidal remediation efforts that will be necessary on individual properties are currently not known, so EPA is unable to answer specific questions on those issues at this time.

8. Legally can you do this without the property owner's permission?

EPA needs access to private property to conduct investigations, studies, and cleanups. Pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability

Act of 1980, as amended (“CERCLA”), 42 U.S.C. § 9604(e), EPA is authorized to access private property for the purposes of determining the need for response actions, performing response actions, and/or for enforcing CERCLA. EPA seeks voluntary access from property owners. If access is denied, EPA may enforce its rights to site access by employing other legal means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA’s right to access. At the New Bedford Harbor Superfund Site, EPA is continuing to work with individual property owners to seek voluntary property access for sampling and remedial work.

9. Will an air monitor be placed 24/7 during remediation since the area is right near homes near the shoreline and how often will they be read?

Ambient air will be monitored in accordance with the 2015 Ambient Air Monitoring Plan for Remediation Activities, which calls for once a month ambient air PCB monitoring. Particulate monitoring is required where PCB sediment concentrations in the intertidal area exceed 500 ppm. These levels are only seen in the Upper Harbor in areas across from the former Aerovox facility.

EPA has been monitoring PCBs in ambient air at the New Bedford Harbor Superfund Site for decades. As documented in the 2015 Plan and as presented to the public at the May 2015 Public Meeting, all data continues to support that ambient air PCB levels remain well below any human-health risk-based criteria. Recently, Boston University’s Superfund Research Program representatives also independently collected PCB ambient air data from areas near the Harbor in response to HARC concerns, and their conclusions were consistent with EPA ambient air monitoring results – that PCB ambient air levels are well below EPA’s human-health risk-based levels.

10. Will you cease operation of remediation immediately if the air monitor detects elevated levels that could affect public safety?

The 2015 Ambient Air Monitoring Plan for Remediation Activities sets out risk-based goals, trigger levels and a decision-logic for resampling at stations where trigger levels are exceeded, implementation of best management practices to reduce PCB in ambient air, and suspending work where the second trigger level is repeatedly exceeded or the cumulative exposure budget is greater than $\frac{3}{4}$ of the allowable budget. The first trigger for a residential ambient air station is 110 nanograms per cubic meter (ng/m^3) and the second trigger is $330 \text{ ng}/\text{m}^3$. Only if these trigger concentrations were repeatedly and consistently exceeded over years would there be an unacceptable ambient air risk. Using the Pilgrim Ave station as an example, PCB ambient air levels measured from 2013 to present have ranged from $1 \text{ ng}/\text{m}^3$ to approximately $16 \text{ ng}/\text{m}^3$.

For further information on the New Bedford Harbor Superfund Site, please visit our website at <https://www.epa.gov/new-bedford-harbor>. If you would like to be added to the New Bedford Harbor Superfund Site Community Update email list, please email a request to Kelsey O’Neil, Community Involvement Coordinator, at oneil.kelsey@epa.gov.

