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October 6, 2014

David Lederer
Office of Site Remediation and Restoration
U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109

Re: LHCC Air Quality Monitoring

Dear Mr. Lederer,

The Buzzards Bay Coalition (Coalition) writes to you today regarding the status of air quality monitoring for the New Bedford Lower Harbor CAD Cell (LHCC). The Coalition's review of the field monitoring reports for Phase 1 indicates that air quality monitoring was not performed in accordance with EPA's sampling plan. This is unacceptable. The Coalition has also repeatedly called for additional air quality sampling and has not received an adequate response from EPA addressing this suggestion. Airborne PCBs are harmful and the public deserves sufficient air quality monitoring to understand their level of exposure.

As you know, the Coalition is a membership-supported nonprofit organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed. We represent more than 8,000 individuals, families, organizations and businesses in Southeastern Massachusetts. We also own land and hold conservation interests on substantial parcels of waterfront property along the Acushnet River estuary including the Acushnet Sawmill and Marsh Island, and our office is located in New Bedford's waterfront historic district.

Plan for Sampling of Ambient Air PCB Concentrations

According to the Draft Plan for Sampling of Ambient Air PCB Concentrations During Lower Harbor CAD Cell Construction (Sampling Plan), sampling rounds were to be conducted (1) prior to the initiation of mobilization activities, (2) bi-weekly sampling while dredging was on-going, at the same sample sites as the pre-mobilization sampling as well as on the dredge, and (3) a post-demobilization round of sampling at the same locations as the pre-mobilization sampling.¹ Once the results of the sampling were made available, we compared the Sampling Plan to what

¹ March 2013 Draft Plan for Sampling of Ambient Air PCB Concentrations During Lower Harbor CAD Cell (LHCC) Construction.

was actually conducted and found that the number of samples taken did not match the requirements of the Sampling Plan.

(1) Pre-Mobilization Sampling

Air quality samples were taken prior to the mobilization of dredging activities and this round of sampling was conducted on March 26, 2013. However, dredging activities did not actually commence until November 3, 2013, seven months later. The purpose of sampling air quality prior to the start of dredging is to have a baseline figure to compare airborne PCB concentrations to once dredging commences. Utilizing a sample collected seven months prior to the start of dredging as the pre-mobilization sample is not in keeping with the spirit of the Sampling Plan or discussions had at CAD Cell Technical Working Group (TAG) meetings. Climatic conditions that influence PCB volatilization vary over the year, which confounds the comparison of pre-mobilization PCB concentrations with PCB concentrations during dredging. This is in direct conflict with the whole purpose of collecting the pre-mobilization sample.

(2) Bi-Weekly Sampling

According to the weekly field reports, there were nine weeks of dredging material from the top of the LHCC and only three air quality samples were taken during those nine weeks. During the first two weeks of dredging and the last two weeks of dredging, no air quality samples were taken. This schedule of sampling does not fit within the mandated bi-weekly sampling schedule as discussed in the Sampling Plan. No fewer than four samples should have been taken during the nine weeks of dredging in order to satisfy the bi-weekly requirement.

(3) Post-Demobilization Sampling

Finally, the Sampling Plan indicated that a round of sampling would occur at the same sites as the pre-mobilization round. This post-demobilization round was never completed. The purpose of this final round of sampling was to determine if airborne PCB concentrations returned to levels similar to those recorded during the pre-mobilization round of sampling or if concentration levels were higher at the conclusion of the dredging, presumably as a result of the dredging. Without these post-demobilization numbers it is difficult to determine what overall effect the dredging had on airborne PCB concentration levels and the omission of this sampling round is in direct conflict with the requirements of the Sampling Plan.

EPA's failure to strictly adhere to the requirements of the Sampling Plan serves only to further erode public confidence in EPA with regard to the LHCC.

Analysis of Air Quality Monitoring Results

Despite the failure to truly represent pre-dredge conditions as intended, a comparison of the pre-mobilization data with the data collected during active dredging suggests an increase in the airborne PCB concentrations during dredging. The average concentration at the three permanent sampling sites during pre-mobilization was 1.1 ng m^{-3} , while the average concentration at these same three sites during dredging was 2.5 ng m^{-3} . These concentrations remain well below the EPA's thresholds for concern for residential areas for both non-cancer effects (110 ng m^{-3}) and cancer risk (409 ng m^{-3}). The measured PCB levels are also below the more conservative cancer

risk factor of 40.9 ng m^{-3} that has been suggested. However, this more than doubling of air concentrations during active dredging must be monitored carefully.

Increased Air Monitoring is Required

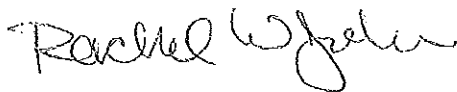
On several occasions the Coalition has advised the EPA to increase the frequency of air monitoring during construction of the LHCC. Specifically, On April 16, 2013 and again on December 6, 2013 the Coalition urged EPA to increase sampling frequency due to the use of a mechanical dredge, proximity to residential neighborhoods and the potential health effects to pregnant women and young children associated with short-term exposures. Additionally, we devoted two entire TAG meetings to the subject of air quality monitoring on April 25, 2012 and November 5, 2012. The Coalition understands that measurement of airborne PCBs requires time and resources and we believe that this project warrants a commitment of such time and resources. However, the Coalition has suggested the use of low-cost, real-time alternatives that could be used to trigger additional sampling for airborne PCBs only when the concentrations are likely to be elevated. In April 2014, the EPA agreed to provide further explanation about their rejection of this suggestion. While such further explanation was never received, the Coalition advises that this suggestion be reconsidered and increased air monitoring advanced.

Fortunately, EPA has a history of developing robust air quality sampling plans in this Harbor to address community concern. Specifically, during the Hot Spot dredging and "[d]ue to the very high degree of public concern about the dredging operations, airborne PCB data was made available to the public on a quick turn-around basis. This data was reviewed with the public regularly throughout the duration the project."² It is clear that significant public concern remains regarding the long and short term air impacts from the LHCC dredging and the Coalition urges the EPA to improve the air monitoring sampling in order to inform the public about the level of their exposure.

Conclusion

The Coalition is disheartened that the air quality monitoring, as specified in the Sampling Plan, has fallen short. This is particularly frustrating given that the air quality monitoring has been the subject of so much consideration. The Coalition remains unconvinced that the Sampling Plan, even if carried out as intended, adequately characterizes airborne PCB concentrations, but the Sampling Plan is clearly insufficient as it is currently being implemented. Failure to adhere to the Sampling Plan and refusal to increase air quality monitoring succeeds only to further erode public confidence in an already controversial project.

Sincerely,



Rachel Jakuba, PhD
Science Director

² Report on the Effects of the Hot Spot Dredging Operations New Bedford Harbor Superfund Site, October 1997 at 3-1.

Cc: Mayor Jon Mitchell, City of New Bedford
New Bedford City Council
Town of Fairhaven Board of Selectmen
Town of Acushnet Board of Selectmen
US Senator Elizabeth Warren
US Senator Edward Markey
Congressman William Keating
State Senator Mark Montigny
State Representative William Straus
State Representative Antonio F.D. Cabral
State Representative Robert Koczera
Massachusetts Department of Environmental Protection
New Bedford Harbor Development Commission
Edward Rivera, Hands Across the River Coalition
Buddy Andrade, Old Bedford Village Development Corp.