- 3. March 8, 1995, 6:30 p.m.–9 p.m., Acushnet, MA
- 4. March 9, 1995, 6:30 p.m.–9 p.m., Fairhaven, MA

ADDRESSES: The meetings will be held at the following locations:

- 1. New Bedford—New Bedford Whaling Museum, 18 Johnny Cake Hill, New Bedford, MA 02740
- 2. North Dartmouth—University of Massachusetts/Dartmouth, Old Westport Road, North Dartmouth, MA 02714
- 3. Acushnet— Acushnet Elementary School, 80 Middle Road, Acushnet, MA 02743
- 4. Fairhaven—Hastings Middle School, 30 School Street, Fairhaven, MA 02719

Additional meetings will be announced as they are scheduled. Public hearings will be scheduled upon completion of the Draft EIS. Send written comments on the scoping process and scope of the EIS to Jack Terrill, Coordinator, New Bedford Harbor Trustee Council, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930–2298, or fax number 508–281–9301.

FOR FURTHER INFORMATION CONTACT: Jack Terrill, Coordinator, 508–281–9136.

SUPPLEMENTARY INFORMATION:

New Bedford Harbor is an urban tidal estuary on the western shore of Buzzards Bay, MA, situated between the City of New Bedford on the west and the towns of Fairhaven and Acushnet on the east, with the Acushnet River flowing into the harbor from the north. The area contains approximately 6 square miles (15.54 square kilometers) of open water, tidal creeks and salt marshes.

New Bedford Harbor is an active port frequented by both commercial and recreational fishing vessels, as well as merchant vessels delivering produce for distribution throughout the Northeast. For many years, the commercial landings of predominantly scallops and groundfish species resulted in either the highest or second highest value of any port in the country. Historically, approximately 300 to 400 commercial fishing vessels have landed in the port each year. Located along the shores of the harbor are support services for the fishing industry (ice, fuel, provisions, etc.) and manufacturing facilities, as well as residential neighborhoods.

Also situated along the shore were electronic manufacturers which were major users of PCBs from the time their operations commenced in the late 1940's until 1977, when the Environmental Protection Agency (EPA) banned the use and manufacture of PCBs. These industries discharged wastewaters containing PCBs directly

into the Acushnet River estuary and Buzzards Bay and indirectly via the municipal wastewater treatment system.

PCBs are considered to be human carcinogens that can be introduced through the eating of contaminated fish and shellfish. PCBs found at high concentration may be released into the air for further deposit on surfaces affecting vegetation. PCBs are concentrated in fish and shellfish through the process of biomagnification in which fish and shellfish eat smaller organisms such as plankton, and the PCBs within the smaller organisms are retained in the tissue of the larger organism. Subsequent exposure further accumulates the PCBs in these tissues.

PCBs can also have adverse effects on natural resources particularly birds and higher mammals. Birds exposed to PCBs have exhibited reproductive failure and birth defects. Some shellfish species will die after exposure to even small concentrations of PCBs. Some fish species can have relatively high concentrations without serious effect but pose a danger when eaten by other natural resources such as birds.

Between 1974 and 1982, a number of environmental studies were conducted to assess the magnitude and extent of contamination by PCBs and heavy metals in New Bedford Harbor. These studies showed PCB contamination in marine sediment over a 985-acre area to range from a few parts per million (ppm) to over 100,000 ppm. Portions of western Buzzards Bay are also contaminated with sediment PCB concentrations in excess of 50 ppm. Water-column concentrations were found in excess of Federal ambient water quality criteria (0.030 ppm based on chronic impacts to marine organisms). Fish and shellfish PCB concentrations were found in excess of the U.S. Food and Drug Administration tolerance limit (2 ppm for edible tissue).

To reduce the potential for human exposure to PCBs, the Massachusetts Department of Public Health closed much of the New Bedford Harbor area to fishing or fishing for selected species with the establishment of three closure areas on September 25, 1979. New Bedford Harbor was added to EPA's Superfund National Priorities List in July 1982 and was simultaneously identified as the Commonwealth of Massachusetts' priority Superfund site.

Executive Order 12580 and the National Contingency Plan, which is the implementing regulation for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), designates the Secretaries of Agriculture, Commerce, Defense, Energy, and Interior to be Federal Trustees for natural resources. Federal Trustees are designated because of their statutory responsibilities for protection and/or management of natural resources, or management of federally owned land. In addition, the governors of each state are required to designate a state Trustee. The Trustees' responsibilities include assessing damages from the release of hazardous substances, pursuing recoveries of both damages and costs, and using the sums to restore, replace, or acquire the equivalent of the resources that were injured by the release.

In 1983, the Federal and state trustees filed complaints in Federal District Court in Boston alleging causes of action under CERCLA against the electronics manufacturers for injuries to natural resources under their trusteeship that had resulted from releases of hazardous substances, including PCBs. The eventual outcome of the complaints was monetary settlement agreements with defendants to: (1) Fund the cleanup of the harbor by EPA, (2) restore the natural resources by the Trustees, and (3) reimburse the governments for funds expended.

The Council was created as a result of the settlement agreements. There are three natural resource trustees on the Council representing Commerce, DOI, and the Commonwealth of Massachusetts. The Secretary of Commerce has delegated trustee responsibility to NOAA, with NMFS having responsibility for restoration. The Secretary of the Interior has delegated trustee responsibility to the Regional Office of Policy and Compliance. The Governor of Massachusetts has delegated trustee responsibility to the Executive Office of Environmental Affairs. These are the only Trustees having identified trust responsibilities for natural resources present in the New Bedford Harbor environment.

The Trustees are required to develop a restoration plan before settlement money can be spent on restoration projects. Such a plan will include a range of projects including near-term restoration efforts though restoration may continue for 10 to 15 years or more. The Trustees primary task is to determine how best to restore the injured natural resources and the Trustees are seeking the assistance of the public in this process. There are many projects that can be done to restore the injured natural resources but there are also limited funds with which to accomplish this. By incorporating the public in the process and by developing a formal restoration plan, there is greater likelihood of success and acceptance.