



**New Bedford Harbor -- South Terminal** 

**Ann Williams** to: Kimmell, Ken (EEA)

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Ira Leighton, Carl Dierker, Joanna Jerison, Cynthia Catri, Dave  
Cc: Dickerson, Matt Schweisberg, James Owens, Stephen Perkins,  
Elizabeth Higgins

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Dear Ken,

Attached is the list of information needs related to the South Terminal proposal which we discussed on Thursday, September 16, 2010.

We've tried to be as comprehensive as possible in the time available thus far for our review. However, it is possible that we will have additional questions and concerns as our evaluation continues. Please call me if you have any questions about the attached.

Sincerely,

Ann

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NBH -- SOUTH TERMINAL PROPOSAL (8/25/10 SUBMITTAL)

Preliminary Information Needs

1. It is critically important, in order to maintain the appropriate nexus, that the vast majority of material used to fill the CDF be clean sand from a CAD cell and/or dredged material from the federal channel. Our understanding of the project is that this is the State's intention. However, it is unclear whether the timing of CAD cell construction and federal channel navigational dredging will line up with the construction time frame for the CDF. Please clarify the timing issue and provide assurance that these construction schedules will coincide such that clean sand from a CAD and/or dredged material from the federal channel will be available as backfill for the CDF. It would be acceptable to include some smaller amounts of material generated from the dredging associated with the CDF construction or top of CAD sediments as fill. In the event that some "dirty" (contaminated) sediment from dredging or top of CAD will be used, such sediment would need to be fully characterized using standard Corps of Engineers dredged material testing/characterization protocols (<http://www.epa.gov/boston/topics/water/rim/rimweblink.pdf>). The contaminant levels need to be provided as well as a characterization (in coordination with EPA) of whether the material would be hazardous waste, solid waste and/or TSCA waste, so that we can determine its suitability for disposal in the CDF as well as the suitability of the CDF itself for disposal of such waste. The availability of clean sand also is key to several concepts proposed for compensatory mitigation.

In addition, after further considering the information about potential backfill discussed in our meeting on Thursday, September 16, 2010, we believe it will be critical to have hydraulic conductivity data of a) the existing sediments within the proposed footprint and b) those same sediments but mixed with cement or other additives under consideration. We recommend advanced coordination with EPA regarding the sampling and testing program for this effort.

2. Our analysis and approval will address adverse impacts not only from CDF construction, but also from dredging for the ship berths and the navigational approach channel, and possibly from dredged material disposal and CAD cell construction. Therefore, please provide a full characterization of the sediments in these areas (in the same manner as described in paragraph one above). Available sediment testing data from locations adjacent to or near the subtidal and intertidal areas to be dredged and filled can be used so long as an explanation is included to document that these data are representative, both vertically and horizontally, of the areas to be affected. If existing data are unavailable or insufficient, representative sediment samples should be obtained from areas needing characterization.

Please identify the disposal locations for these sediments.

In addition, please provide an evaluation of the potential for impacts to aquatic life associated with re-suspension/bio-availability from proposed dredging due to disturbing contaminated sediments (more specific than the generic information in the current document), and where the dredged material would be disposed, and similar information for impacts associated with the CAD cell construction.

Also, the sediment characterization for the subtidal and intertidal areas needs to document the assertion that the area below MHW at the South Terminal site acts as a source of PCB contamination to other parts of New Bedford Harbor.

3. Please provide details on the potential impacts from pilings and shading associated with construction/operation of the temporary bridge, and an explanation of whether the bridge would have to be rebuilt each time the site serves as wind energy development support (thus resulting in recurring “temporary” impacts). Please note that any future replacement of pilings will require a permit.

4. The analysis of boat traffic (p. 144) states that it is not expected to create “net” secondary cumulative impacts because of the current busy nature of the harbor. This statement fails to consider that in light of the current heavy use, the additional traffic could result in an overall cumulative significant impact to aquatic life. Further evaluation of this issue is needed to better explain and document the overall cumulative impact from bottom prop wash, turbidity, spills, etc. Also, the analysis considers only vessel traffic from wind farm development and doesn’t consider vessel traffic from future marine terminal operations. The evaluation must account for long term use of the facility including post-wind farm construction.

In addition, the analysis of increased boat traffic (short and long term) must specifically address the potential for transit/operational conflicts with the existing commercial fishing fleet.

5. The submittal states (pp. 169-170) that prop wash at the bulkhead can contribute to a long term increase in suspended sediment, but this impact is not quantified or otherwise qualified, or analyzed. Please provide more specific information to enable us to understand potential secondary and cumulative impacts.

6. Please provide information on quantities and constituents of bilge water so that we can assess whether it can be handled by the New Bedford POTW (in terms of capacity and treatment capability). Also, please state whether ballast water would be present in any of the vessels that would use the terminal (wind farm development and future marine terminal use); and if so, address how the ballast water would be managed, e.g., intake and discharge, where that would occur, and what would be the potential impacts associated with its discharge.

7. Please provide information on the potential water quality impacts from construction and operational storm water discharges. Given that there has been an M.G.L. chapter 21E release from the site and that the adjacent waters are impaired, more analysis is needed, focusing particularly on whether storm water discharges (including through the weep holes in the bulkhead) would cause or contribute to a violation of state water quality standards.

8. Community Impacts: Please expand the analysis of air and noise impacts from increased truck traffic to consider cumulative impacts, not just incremental impacts, upon surrounding residential areas. In addition, please provide an explanation of how environmental justice concerns have been considered.

9. The report asserts that there would be no adverse impacts to floodplain areas within the Harbor from the loss of flood water storage volume as a result of constructing the CDF/marine terminal. Please document the basis of this conclusion, especially under the circumstance of a major coastal storm when the barrier would be closed and heavy rain is expected within the watershed for New Bedford Harbor.

10. Compensatory Mitigation: For compensatory mitigation, the primary option (11 acres capping at OU-3) is characterized in a couple of places in the report as already being required. Please clarify what portions of OU-3 require additional capping and where the conceptual mitigation project would extend beyond the area required to be capped. In addition, if the mitigation proposal includes enhancement of those areas of OU-3 still in need of capping (i.e., go above and beyond what would be required of or result from a cap), those features should be explained as well.

11. State Performance Standards: Phil Weinberg has indicated that he and Paul Craffey will work with EPA to compile a complete list of state performance standards and explanations of how the state has determined that the standards will be satisfied.