



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1
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April 17, 2012

OFFICE OF THE
REGIONAL ADMINISTRATOR

Richard Sullivan, Secretary
Executive Office of Energy and Environmental Affairs
Commonwealth of Massachusetts
100 Cambridge St., Suite 900
Boston, MA 02114

Kenneth Kimmel, Commissioner
Department of Environmental Protection
Commonwealth of Massachusetts
One Winter St.
Boston, MA 02138

Re: South Terminal Enhanced Remedy, New Bedford Harbor, MA

Gentlemen:

This letter responds to inquiries made as to the status of EPA's review of the Department of Environmental Protection's (Mass DEP) request to include construction of a confined disposal facility (CDF) in the South Terminal area of New Bedford Harbor as part of the original state enhanced remedy which was incorporated in the 1998 Record of Decision for the New Bedford Harbor cleanup. As you know, pursuant to section 121(e) of CERCLA, 42 U.S.C. §9621 (e), Superfund projects are exempt from permit requirements when activities are conducted entirely onsite. My staff has been coordinating with staff of Massachusetts Executive Office of Environmental Affairs (EOEEA) and Mass DEP to ensure that the Commonwealth provides sufficient documentation to enable EPA to make a determination as to whether or not the proposed project meets the substantive requirements that such a project must meet were it to be a permitted project.

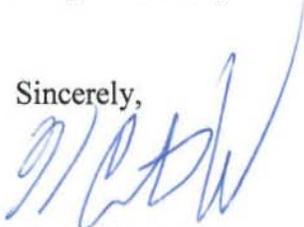
Since our initial discussions about the project, the Commonwealth has amended the proposal several times to address our requests for additional information, to include a mitigation proposal and, most recently, to present further modified plans for an updated configuration and design for the marine terminal to contained navigationally dredged sediment and to accommodate your understanding of the current and future needs of the international wind industry. We last met with Mass EOEEA and DEP's project team and consultants in August 2011 to discuss those project changes, and we received the final amended and consolidated application from your consultants in January, 2012.

I write today to assure you that EPA understands that the Commonwealth and the City of New Bedford consider this project critical to fulfilling your goals of bringing

employment and economic development to the region and helping to make Massachusetts a national leader in the offshore wind industry. In responding to your expressed interest, my staff has spent significant time and resources reviewing and providing feedback to the Commonwealth's project team to ensure that the project is in the best form for our review and, equally importantly, for public review. We will continue to give this project our highest level of attention. As you know, we have recently had a change in personnel assigned to this project, but we have now reconstituted our review team and they are currently focusing their efforts on reviewing the state's most recent submittal for this large, complex project. Our current schedule is to issue a draft determination for public review no later than the end of July. A 30 day public comment period will then begin, including a joint public meeting in New Bedford, sponsored by both governments. Depending on the issues raised during the comment period to which both governments may respond, EPA anticipates issuing a final determination three months from the close of the public comment period.

We appreciate your staff's responsiveness to our questions and concerns raised during this process. If you have any questions, please do not hesitate to contact me.

Sincerely,



H. Curtis Spalding
Regional Administrator

cc: Senator Kerry
Senator Brown
Congressman Frank
Mayor Mitchell