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NBH – South Terminal

EPA Questions and Comments Following Review of the Commonwealth's
June 18, 2012 Submission

1. Please provide a detailed description of the newly proposed project revisions, including engineering plans and elevations (cross sections) showing the revised project design, including the expanded deep draft quay-side areas, the new 50 foot expansion of the navigational channels, the resultant expansion of CAD cell #3, the reduced northern mooring area, the expanded winter flounder spawning habitat creation area, the expanded OU-3 capping mitigation area, and any other changes or revisions proposed for the project that are not reflected in the current plan sets and figures. Figures 2, 5, 10, 11 and similar figures representing the proposed project should be updated to include all revisions.

2. Please provide information that describes the impacts associated with disposal of dredged material into the CAD cells (referenced on page 14).

3. The last two sentences of the response to Question 4A on page 21are confusing. Please clarify whether the 0.18 acres of salt marsh is or is not included in the 1.94 acre calculation of intertidal area.

4. On page 22, the submission discusses two wetlands on the upland portion of the site. Based on the description and revised Figure 5 (Attachment N) these wetlands appear to be adjacent to (i.e., neighboring) a traditionally navigable water (New Bedford Harbor), rather than isolated, and therefore are likely subject to federal jurisdiction. Please identify the total acreage of these wetlands and provide any other currently available information, including a description of the vegetation, soils and hydrology present and any photographs that depict these areas.

5. According to page 10, the size of the CAD cell is unchanged from the January 18, 2012 submittal. However, page 28 refers to "associated increases in the size of CAD cell #3 to accommodate additional impacted dredge spoils for disposal." Please describe how much larger the CAD cell will be, what additional impacts will result from its expansion, and what additional mitigation is proposed.

6. We have a number of questions related to the turbidity information provided in response to Question 5L, pages 34-36. First, the January 18, 2012 submission referenced the potential use of tackifiers and polymer emulsions to temporarily stabilize construction areas. EPA had asked for more details about their use (see Question 5L on page 34) but the response does not address the question. Please provide a response to this question, as it may have a bearing on potential contamination of stormwater. Second, please explain the basis (i.e., literature-based, water quality standards-based, etc.) for the criteria for permissible turbidity increases mentioned in the response to Question 5L (pages 34-36), and in particular whether these are sufficient to protect existing and designated uses.

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Third, please explain the basis for the proposed locations of turbidity monitoring stations at 200 feet up- and down-current from the dredging activity, mentioned in the response to Question 5L (page 34-36). Fourth, when silt curtains are used, the proposal is to locate the monitoring station outside and within 15 feet of the silt curtain. Please state how far from the activity the silt curtain will be placed.

7. The response to Question 7D on page 40 acknowledges that the tern survey planned for Spring/Summer of 2012 has not been completed. Please state when it will be completed.

8. Regarding the flood storage loss issue, the response on page 42 to Question 7F describes the Marsh Island mitigation project and states that "the final volume of material to be removed from the flood storage band of +2 to +6 NGVD29 is unknown at this time...," but later states that the "project has been designed and is the process of being permitted." Please obtain and provide the information necessary to enable an evaluation to be made of the flood storage capacity between +2 and +6 that will result from this mitigation project, or if it is not yet available, state when it will be available. Also please identify when the mitigation work will occur.

9. Two additional items need further explanation so that we may evaluate the extent of impacts. First, please identify the size of the intertidal salt marsh at the site that would remain after 0.18 acres of it are filled for the project, and provide a description of any secondary impacts likely to occur to the remaining salt marsh due to erosion or sedimentation from altered wave action, tidal currents, prop wash, etc., from the construction and operation of the facility. Second, please provide an estimate of the volume of water that the international vessels will take in from the harbor for ballast for their return trip. This question is relevant to the potential entrainment of eggs and larvae and associated impacts to aquatic species.