



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

Superfund Records Center
SITE: NEW BEDFORD
BREAK: 3.1
OTHER: 509558

April 8, 2004

Office of Counsel

Ms. Cindy Catri
U.S. Environmental Protection Agency
1 Congress Street
Suite 1100
Boston, MA 02114-2023

Re: New Bedford Harbor Superfund Site
State Enhanced Remedy

Dear Ms. Catri:

The Corps of Engineers is reviewing the issue of whether any permits are required under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 for the proposed navigational dredging in New Bedford Harbor. The proposed navigational dredging in New Bedford Harbor has been described in EPA's Record of Decision for the New Bedford Harbor Superfund Site under the section for the "State Enhanced Remedy."

Please provide me with written confirmation of EPA's position on the applicability of the permit exemption under CERCLA section 121(e) to the State Enhanced Remedy, and specifically the proposed navigational dredging and disposal. If you should have any questions please contact me at (978) 318-8247.

Sincerely,


Joseph P. McNerny
Deputy District Counsel



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