

From: Sneeringer, Paul J NAE
To: [Keegan, Michael F NAE](#); [Bachand, Michael L NAE](#)
Cc: [Michalak, Scott C NAE](#); ["Ann Williams"](#)
Subject: FW: South Marine Terminal Project in New Bedford, MA - Flood Storage Mitigation Plan - (UNCLASSIFIED)
Date: Friday, May 25, 2012 4:55:00 PM
Attachments: [Superfund Project Related Regulatory Guidance Letters \(#85-07 #89-02 #94-02 and #05-06\).msg](#)

Classification: UNCLASSIFIED
Caveats: NONE

Mikes:

On Tuesday, February 22, 2012, the EPA New Bedford team and I met with Chet Myers and other personnel from the Apex Companies to discuss additional information needs for the South Marine Terminal Project documentation. The South Marine Terminal Project is currently being considered for inclusion as a State Enhanced Remedy ("SER") under EPA's New Bedford Harbor Superfund Project.

When I asked Apex how they planned to mitigate for the loss of 27.33 acre-feet of flood storage within the New Bedford Hurricane Barrier associated with the construction of the South Marine Terminal Project, they indicated that they had not identified any good potential flood storage creation areas. In addition they suggested that the attached Superfund Regulatory Guidance Letter ("RGL") #85-07 gave the EPA discretion to require or not to require this flood storage mitigation. The EPA lawyers indicated that they would look further into this issue.

Please let me know if you feel that this RGL has any bearing in your request for flood storage mitigation for the South Marine Terminal Project. Let me know if you need any additional information in order to complete your review of this issue. Thanks.

Paul Sneeringer
(978) 505-9216

-----Original Message-----

From: Keegan, Michael F NAE
Sent: Tuesday, May 15, 2012 10:16 AM
To: Sneeringer, Paul J NAE
Subject: FW: Flood Storage Mitigation Plan (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

FYI

Mike

-----Original Message-----

From: Keegan, Michael F NAE
Sent: Thursday, December 16, 2010 6:55 AM
To: 'Chet Myers'
Cc: 'Jay Borkland'; 'Kristin Decas - NB HDC'
Subject: RE: Flood Storage Mitigation Plan (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Chet,

I forwarded the plan to the reservoir control folks in the office who oversee the flood risk management projects (of which the NB Hurricane barrier is one) so that they could review the information you provided. They indicate to me for the most part, the analysis presented is accurate as to the volume of fill (27 ac-ft) that would be placed within the Harbor storage area and would be the amount of existing flood storage lost.

The problem that we have is that the proposed mitigation to provide compensatory flood storage is not that clear. You propose to improve the storm water drainage channel that is connected to the Harbor with an existing twin barrel un-gated open box culvert. It is not clear whether the mitigation being proposed actually compensates for the entire 27 ac-ft of lost storage due to the construction of the South terminal. If it does, then there should be no issues; however, if it does not, regardless of how minor you feel it would be, additional compensation would be required for all of the lost storage.

Mike

-----Original Message-----

From: Chet Myers [<mailto:cmyers@apexc.com>]

Sent: Tuesday, November 23, 2010 6:29 PM

To: Keegan, Michael F NAE

Cc: Jay Borkland

Subject: Flood Storage Mitigation Plan

Mike,

Just wanted to also follow-up on the flood storage mitigation plan we submitted.

Has there been any review and/or progress on evaluation of the information submitted for that plan?

Thanks so much Mike,

Chet Myers, PE, LSP

Apex Companies, LLC

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From: Chet Myers

Sent: Tuesday, November 23, 2010 11:56 AM

To: 'Keegan, Michael F NAE'

Cc: Jay Borkland
Subject: FW: Potential Flounder Mitigation Areas

Mike,

In discussions with USEPA regarding mitigation for impacts to Winter Flounder (due to the filling at the South Terminal location), USEPA and NOAA Fisheries suggested "creating" Winter Flounder habitat by shoaling areas that are deeper than -20 MLLW to a depth of approximately -16.4 MLLW either inside or outside of the New Bedford Hurricane Barrier. We were unable to find a suitable location inside the Hurricane Barrier, and are therefore looking outside of the Hurricane Barrier.

Based upon our discussions with USEPA, the attached figure shows three locations under consideration. We have not yet determined whether any of the three areas shown are suitable for this mitigation; however, I wanted to get USACE's input on this as soon as possible, as the locations are adjacent to (but set back from) the Federal Navigational project.

Please note that, on the attached figure, the areas to be filled are 90 feet from the edge of the Federal Navigational project (this is in keeping with the 404 requirement that encroachment is kept at least 3 times the authorized depth of the channel). Once we have better data in this area, we will be able to provide maps with more precision than that shown on the attached figure.

It is unlikely that we would want to come as close as 90 feet, but we wanted to show the areas under consideration to get your feedback.

Thanks,

Chet Myers, PE, LSP

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