



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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Boston, MA 02109-3912**

Memorandum

Date: May 30, 2012

Subject: New Bedford Harbor Superfund Site
State Enhanced Remedy – South Terminal Proposal

To: Gary Davis, General Counsel
Massachusetts Office of Energy and Environmental Affairs

From: Cynthia Catri
Senior Enforcement Counsel

This Memorandum follows our discussions on May 21, 2012 concerning questions/concerns reflected in a Memorandum to you of the same date. EPA appreciates your willingness to meet and the availability of your consultants as we seek to clarify these areas that are included in the Commonwealth's January 18, 2012 submittal regarding the proposed South Terminal project.

As EPA continues its review of the submittal, additional questions/clarifications arise. The items below should be considered in addition to those contained in the May 21, 2012 Memorandum to you. We look forward to further discussions on May 31.

1. The Tetra-Tech report that evaluated alternative sites (appendix 2 of current submission) considered several options in Boston, not just the one that's discussed in the submission (Dry Dock #4). One of them, the Coastal Oil site, was 35 acres with a former berth with water depth of 34 feet. It's not clear why this site was rejected. Can Apex explain?
2. The recent submission states (p. 311) that the acreage of subtidal fill has been reduced from 4.73 acres (in the 2010 submission) to 4.06 acres, a net reduction of 0.67 acres. The reduction is achieved through changes to the bulkhead alignment and design. I would like to better understand the nature of the offset for the fendering system and how, and the extent to which, that contributes to a reduction in fill. In addition, the reduction comes in part from changing the perimeter of the

- bulkhead from solid fill to a pile supported apron at the edge. What is the proposed spacing of the piles and what is the basis for asserting that it will not have the same effect as fill? Were impacts associated with the pile structure included at all in the description of overall impacts?
3. Will a more detailed physical description of the proposed project, including mitigation? Is it possible to provide engineering plans and elevations with cross sections for all project features, as well as detailed planting, invasive species management and monitoring plans.
 4. Could you clarify that after activities to support the wind industry are completed, asphalt or concrete will not be installed to support non-wind industry use. Pages 26 indicates container shipping, roll-on/roll-off and parking need level asphalt or concrete surfaces; p. 68 says there are no future plans for asphalt or concrete surfaces for this use and that areas will be regarded with gravel. Page 248 supports the conclusion on p. 68.
 5. It would be helpful to clarify how the upland portion of the facility is being addressed. Will this be a 21E cleanup or is this area within the scope of the South Terminal Project. For instance, two soil samples from the upland area failed TCLP for lead. (Also failed in two other areas but the State had made a determination that the coal ash exemption applies.) If the soil containing these lead concentrations is not excavated, Superfund may require a hazardous waste cap. (p. 101)
 6. Please clarify whether or not the bulkhead will contain weepholes. Page 238: As mitigation for impacts to wetland principal functions, weepholes within the sheet piling will allow groundwater to flow into the Harbor and will also allow hydrostatic forces built up via tidal intrusion into the upland area to flow back out into the Harbor. Page 253: The area immediately behind the bulkhead will be utilized as a final storage location for stormwater. This area will not yet have weepholes installed, and therefore, detention for the stormwater behind the sheetpile wall will allow suspended sediment to settle out prior to its percolation or discharge (if necessary).