



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Memorandum**

**Date:** February 3, 2012  
**Subject:** South Terminal Project – New Bedford Harbor-State Enhanced Remedy  
**To:** John Warner, U.S. Fish and Wildlife Service, New England Field Office  
**From:** Matt Schweisberg, Office of Ecosystem Protection *MSA*

Hi John. Enclosed with this note is a CD containing a revised submission from the Commonwealth of Massachusetts for its proposed South Terminal Project as part of the New Bedford Harbor-State Enhanced Remedy clean up. As an EPA approved State Enhanced Remedy, the project does not need to obtain actual permits under several applicable federal statutes. Rather, the project must comply with the substantive requirements of those applicable statutes. As this all comes under the auspices of CERCLA, EPA is the agency that must perform the necessary evaluations and determine compliance with the applicable statutes. The ESA and FWCA are two applicable statutes.

Prior to his retirement, I had been working with Mike Amaral on the ESA issues (principally roseate tern). I do not know if Mike mentioned this project to you or others prior to his retirement, so I am unclear if you are aware of it. Mike provided much helpful guidance and information, and was generally satisfied that we were consulting properly under section 7. I send along this revised submission to continue that consultation and to be certain that the Service has the most current information. In addition, I enclose a Summary of Updates Document that lists an accounting of substantive changes since the original submission in August 2010.

As EPA performs its evaluations over the next several months and develops a draft decision document, we will coordinate closely with the Service regarding both the ESA and FWCA, seeking reviews and comments on key portions of the decision package.

If you or others have any questions or wish to discuss this project, please call me at 617-918-1628.

Thank you.

cc: Ann Williams, ORC  
Cindy Catri, OES