



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL
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IAN A. BOWLES
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LAURIE BURT
Commissioner

August 27, 2010

Matt Schweisberg
U.S. EPA Region 1
5 Post Office Square
Suite 100
Boston, Ma. 02109

Re: State Enhanced Remedy, New Bedford-South Terminal-MassDEP ARARs review

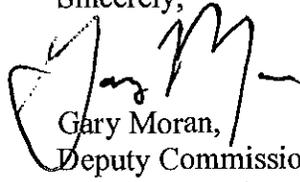
Dear Mr. Schweisberg:

On August 25, 2010, the Massachusetts Department of Environmental Protection submitted the State Enhanced Remedy in New Bedford, South Terminal report. The report was prepared in response to EPA's request that it be provided with information sufficient to evaluate the South Terminal project proposal for substantive compliance with federal environmental statutes, in particular the Least Environmentally Damaging and Practicable Alternatives ("LEDPA") analysis of section 404(b)(1) of the Clean Water Act.

The purpose of the attached memorandum is to supplement the SER report's analysis with an overview of MassDEP's applicable or relevant and appropriate requirements for the South Terminal project. The conclusion of the memo is that the South Terminal can be constructed and operated in conformance with the Department's regulations. This conclusion is based on the information provided in the report as well regulatory compliance protocols developed during the course of the three prior navigational dredging projects completed under the SER.

If you have any questions or requests regarding the memo, please contact me or Phil Weinberg.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Moran", written over a faint, illegible background.

Gary Moran,
Deputy Commissioner for
Operations and Environmental Compliance

Cc: James T. Owens, III, EPA, Director, Office of Site Remediation and Restoration
David Dickerson, EPA Remedial Project Manager
Kenneth Kimmell, General Counsel, EOEEA
Deerin Babb-Brott-Assistant Secretary and Director, CZM
Phil Weinberg, Associate Commissioner for OEC, MassDEP