

Superfund Records Center  
SITE: New Bedford  
BREAK: 3-1  
OTHER: 529028



FW: South Terminal - Site Control provision  
Davis, Gary (DCR)

to:

Carl Dierker

10/19/2012 05:29 PM

Cc:

"Eric Macaux", "Neil Mello", "John Markey"

Hide Details

From: "Davis, Gary (DCR)" <gary.davis@state.ma.us>

To: Carl Dierker/RI/USEPA/US@EPA

Cc: "Eric Macaux" <EMacaux@MassCEC.com>, "Neil Mello" <neil.mello@newbedford-ma.gov>, "John Markey" <john@mosessmithmarkey.com>

History: This message has been forwarded.

Dear Carl:

In keeping with prior conversations concerning site control, the Commonwealth remains committed to developing the South Terminal Site based on the parcels identified in the Site Configuration A2 that has been previously sent to you. The Commonwealth is continuing its efforts with all property owners to finalize agreements that govern the transfer of the site parties to MassCEC. To the extent that transfer agreements cannot be reached with all property owners, the City of New Bedford has represented that, consistent with its municipal objectives, it will consider the exercise of its eminent domain authority to acquire such properties and transfer said properties so that all identified parcels can be used in connection with the Project.

The Commonwealth commits to securing its legal interest in all parcels that comprise the South Terminal site prior to commencement of any activities covered under the final EPA determination for the South Terminal. In the unlikely event that it does not secure the voluntary transfer of all site parcels on a timely basis, the Commonwealth, hereby confirms that it has the requisite taking authority to acquire any such parcels for the benefit of the South Terminal Project. Based upon the foregoing, The Commonwealth respectfully requests EPA to issue the final permit with a condition to the effect that the Commonwealth is not authorized to undertake the site construction work authorized in the final determination on any parcel that the Commonwealth has not provided EPA with the requisite documentation that it has secured legal interest in said parcel.



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