

From: [Dierker, Carl](#)
To: [Davis, Gary \(DCR\)](#)
Cc: ["Jay Borkland"](#); ["Chet Myers"](#); [Bill White](#); [Williams, Ann](#); [Catri, Cindy](#); [Lederer, Dave](#)
Subject: RE: Meeting on South Terminal, New Bedford Harbor
Date: Tuesday, March 05, 2013 5:31:01 PM

Hi Gary – Appreciate your sending over the latest submissions on South Terminal. We'll look forward to going over them with you tomorrow at 2pm, but just to set expectations, I don't think we'll be able to provide any detailed review by then.

Thanks,
Carl

From: Davis, Gary (DCR) [mailto:gary.davis@state.ma.us]
Sent: Tuesday, March 05, 2013 7:27 AM
To: Dierker, Carl
Cc: 'Jay Borkland'; 'Chet Myers'; Bill White
Subject: Meeting on South Terminal, New Bedford Harbor

Good Morning Carl. First and foremost, it was a pleasure catching up with you last Friday. In anticipation of tomorrow's discussion, I submit for your consideration the following documents:

1. The List of Parcels that comprise the Site, which List includes a notation of the Site Control Instrument for each such parcel;
2. A Memorandum in Support of the Commonwealth's Request to Expand the Deep-Draft Berth Area, with supporting documentation; and
3. A Memorandum in Support of Commonwealth's Request to Increase Channel Width, with supporting documentation.

In connection with Item No. 2 below, Bill White received an email from the Army Corp of Engineers on Saturday stating that we could expect an approval letter sometime this week. Thank you in advance for your consideration and please feel free to give me a call if you have any questions or concerns regarding the enclosed material. Once again, thank you in advance for your consideration and we look forward to our discussion tomorrow. /gd

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From: Dierker, Carl [mailto:Dierker.Carl@epa.gov]
Sent: Friday, March 01, 2013 3:45 PM
To: Davis, Gary (ENV)
Cc: Chet Myers; Jay Borkland; White, Bill (EEA; Williams, Ann; LeClair, Jacqueline; Lederer, Dave; Catri, Cindy; Burt, Sally; Marsh, Michael
Subject: Meeting on South Terminal, New Bedford Harbor

7. An understanding of the lines of communication and the specific contacts for the project, including the SER Project Manager, the environmental monitor, and the specific contact at CEC.

I believe this list covers all the issues we discussed during this morning's call, but let me know if there are additional issues you wish to address at the meeting.

Thanks,

Carl

Carl F. Dierker

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Hi Gary,

Thanks for your call this morning suggesting that we schedule a meeting to discuss the remaining issues on the South Terminal project. We're pleased to hear that you've made significant progress on securing site control, as well as on some of the other remaining issues. I agree that it makes sense to meet now and have asked Sally Burt, our administrative assistant to work with Erin Flaherty in your office to proceed to set that up next week for one of the days you indicated would work for most of your team: Tuesday morning; Thursday or Friday.

To recap, in December, you requested that EPA and the Commonwealth meet to discuss the Commonwealth's compliance with EPA's Final Determination for the South Terminal project. In my December 4 email to you, I suggested that a better approach would be for the Commonwealth first to update certain work plans and the project specifications that had been submitted prior to issuance of the Final Determination. Those plans have now been submitted and EPA has commented on some and is in the process of completing its comments on the remaining plans. We are also aware that the Commonwealth has taken certain actions, including deployment of the fish deterrent system and issuance of its request for bids, and that the Commonwealth plans to award the contract after it completes its review of the bids received.

In light of the above, EPA believes a meeting with the Commonwealth, its consultants (Apex) and the SER Project Manager (if one has been selected) would be advantageous to both sides at this time. At that meeting, EPA would like to discuss the following topics:

1. The current status of the Commonwealth's efforts to secure site control;
2. The current status of Commonwealth's efforts to pursue blasting and the additional work of expanding the length and width of the channel, both of which the Final Determination provided the Commonwealth the opportunity to secure additional information and justification for this work that could be presented to EPA for a subsequent evaluation and potential future authorization;
3. A discussion of the current and future deployment of the fish deterrent system, including effectiveness, timing and impact on resources;
4. A schedule for anticipated construction and dredging;
5. A schedule for reporting requirements to EPA, including monthly and weekly reporting requirements;
6. The status of deliverables due to EPA, including those associated with the Mitigation Plan (such as a conservation restriction, construction and performance bonds), plans and specifications and work plans for work that was not included in those issued in December (such as River's End Park and the upland work on the Radio Tower parcel) , as well as a schedule for requesting bids and awarding the contract related to Rivers End Park mitigation and the Radio Tower parcel.;