



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD.
CONCORD, MASSACHUSETTS 01742-2751

Records Center
SITE: New Bedford
#K: 3.1
OTHER: 540345

March 1, 2013

Engineering/Planning Division
Geotechnical/Water Resources Branch

Mr. Dave Lederer
Remedial Project Manager
Office of Site Remediation and Restoration
EPA Region 1, Suite 100, OSRR 7-04
5 Post Office Square
Boston, Massachusetts 02176

Dear Mr. Lederer:

This letter is in regards to the proposed New Bedford Marine Commerce Terminal adjacent to the U.S. Army Corps of Engineers (USACE) federally constructed New Bedford Hurricane Shore Protection (HSP) System in the city of New Bedford, Massachusetts.

The proposed project will construct a multiuse marine facility within the limits of New Bedford harbor and directly adjacent to the federally constructed New Bedford HSP System. Construction of the facility may require the use of blasting techniques to remove bedrock required to achieve a maximum proposed draft depth Elevation of -20 ft (MLLW). The proposed blasting is in close proximity to the New Bedford HSP, and thus USACE requested design analysis to address concerns to liquefaction and general blasting impacts to the HSP System and therefore was the sole focus of USACE's review.

The USACE New England District reviewed the information supplied in the following documents:

- a. Letter report titled "*Request for District Engineer Review of Engineering Assessment Which Outlines the Procedures that Will Result in No Modification or Alternation to a Corps of Engineers Project: Blasting Associated With Construction of New Bedford Marine Commerce Terminal, New Bedford, MA*" prepared by Apex Companies LLC and GEI Consultants dated, January 11, 2013.
- b. For Construction Project Specifications titled "*New Bedford Marine Commerce Terminal, Contract No. MACEC-FY13-001NB*" prepared by Apex Companies LLC, dated December 5, 2012, received via Fedex on February 6, 2013.
- c. For Construction Design Drawings titled "*New Bedford Marine Commerce Terminal, Contract No. MACEC-FY13-001NB*" prepared by Apex Companies LLC, dated December 2012, received via Fedex on February 6, 2013.



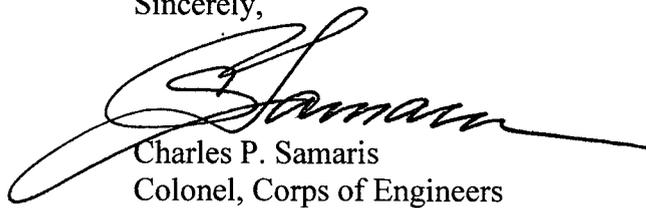
- d. Email correspondence providing Apex Companies, LLC responses to USACE review comments on documents a, b, and c above, from Mr. Chet Meyers, Apex Companies LLC, to Mr. Michael Bachand, USACE, dated February 22, 2013.

USACE has no objections to the proposed blasting evaluation and blasting program based on the commitments and responses provided in the email correspondence (item d above) and provides the following comments:

- No blasting shall occur a minimum of 3 days before a hurricane or significant coastal storm that potentially would require gate closures is forecasted to potentially impact the northeast coastline.
- Any damages to the HSP System or appurtenant components by the activities described above must be immediately repaired to the satisfaction of USACE.
- The issuance of this acceptance does not relieve Apex Companies LLC, the Commonwealth of Massachusetts, or the United States Environmental Protection Agency from its obligation to obtain any other federal, state, or local approvals or permits as may be required for this project, including but not limited to Section 10 and Section 404 permits.
- Any changes or amendments to the above referenced contract documents or drawings shall be submitted to and approved by USACE *prior* to implementation. Additionally, USACE reserves the right to require any and all project submittals for review and acceptance.
- Within 45 days of completion of the blasting program, Apex Companies LLC, shall furnish the District Engineer with two complete hard copy sets and one electronic copy (PDF format) of all blasting reports and evaluations and any other pertinent information requested by the USACE, signed and sealed by a professional engineer/land surveyor. All vertical data shall be in North American Vertical Datum of 1988 (NAVD 88). All post dredged elevations and areas should also be provided on "As-Built" drawings in relation to the HSP.

Be assured that USACE holds life and public safety paramount with regards to protecting the communities behind the New Bedford HPS System. Should you have any further questions or concerns, please feel free to contact me, at (978) 318-8220 or Michael Bachand at (978) 318-8075.

Sincerely,



Charles P. Samaris
Colonel, Corps of Engineers
District Engineer

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