

**From:** [Dierker, Carl](#)  
**To:** [Davis, Gary \(DCR\)](#)  
**Subject:** RE: South Terminal  
**Date:** Wednesday, March 20, 2013 2:50:50 PM  
**Attachments:** [South Terminal Ltr to EPA on Site Control \(cfd\).docx](#)

---

Sorry, here it is...

---

**From:** Davis, Gary (DCR) [mailto:[gary.davis@state.ma.us](mailto:gary.davis@state.ma.us)]  
**Sent:** Wednesday, March 20, 2013 2:47 PM  
**To:** Dierker, Carl  
**Subject:** RE: South Terminal

Hi Carl. Can you send the letter? I will send it to you final ASAP. As for the requests below, we are working on it now and will hopefully get the requested info to you tomorrow. /gd

---

**From:** Dierker, Carl [mailto:[Dierker.Carl@epa.gov](mailto:Dierker.Carl@epa.gov)]  
**Sent:** Wednesday, March 20, 2013 2:39 PM  
**To:** Davis, Gary (ENV)  
**Subject:** RE: South Terminal

Hi Gary – Thanks for your call this afternoon. I have only a couple suggestions on your very helpful letter that I have marked in the attached draft. I'd be happy to discuss once you've had a chance to review, but thought it would be clearer to mark up your draft than try to explain over the phone.

On a related issue, Phil is in the process of drafting our letter to NMFS to re-initiate and conclude the ESA consultation on blasting and expanded dredging for the project. As we discussed at our meeting last week, it would be helpful in drafting our letter if the Commonwealth could provide us with:

- 1) A written request to reconsider including blasting as part of the project due to new information available now (ie, acoustical study and Corps letter); and
- 2) Any modification /expansion to the CAD cell to accommodate the additional dredging above and beyond that approved in our Final Determination.

Phil has discussed our letter with NMFS staff and John Bullard has indicated he is prepared to respond in short order once we provide NMFS with our letter.

Finally, please let me know if you have any questions/concerns about the information we think we need from the Commonwealth (see my follow up notes to our 3/14/13 meeting) to issue the requested modification to the Final Determination.

Thanks,  
Carl

\*\*\*\*\*

Carl F. Dierker  
Regional Counsel  
U.S. EPA -- Region 1, New England  
5 Post Office Square  
Boston, Massachusetts 02109-3912  
tel: 617-918-1091

fax: 617-918-0091  
e-mail: [dierker.carl@epa.gov](mailto:dierker.carl@epa.gov)

---

**From:** Davis, Gary (DCR) [<mailto:gary.davis@state.ma.us>]  
**Sent:** Tuesday, March 19, 2013 2:13 PM  
**To:** Dierker, Carl  
**Subject:** South Terminal

Good Afternoon Carl. In keeping with last week's productive and informative discussion, enclosed for your review and consideration, please find a proposed letter that outlines our proposed approach to close or otherwise complete acquisition of the Hall and Hathaway properties. Please let me know whether the letter adequately addresses the observations raised during our discussion or whether the letter should include any other additional information. Please pass along my thanks to Cynthia and Ann. /gd

Gary Davis, Jr.  
General Counsel  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114  
office - 617-626-4983