

From: [Chet Myers](#)
To: [Catri, Cindy](#); bwhite@MassCEC.com
Cc: [Jay Borkland](#); gary.davis@state.ma.us; [Dierker, Carl](#); [Williams, Ann](#); [Colarusso, Phil](#); [Marsh, Michael](#); [Lederer, Dave](#); [LeClair, Jacqueline](#); [Christopher Morris](#)
Subject: RE: South Terminal ARARs
Date: Wednesday, May 15, 2013 7:47:37 PM
Attachments: [image001.jpg](#)
[image002.png](#)
[image003.png](#)

Hi Cindy,

We have reviewed the Commonwealth's June 18, 2012 ARARs letter (included within Appendix D to the Final Determination) to determine whether or not the Commonwealth considered the issues that you raised in your e-mail. We have found that the Commonwealth appears to have contemplated these issues when drafting its 6/18/12 letter, and therefore, no revisions to the ARARs determination are necessary.

We have noted the following:

(1) blasting for rock removal; - The Commonwealth's 6/18/12 letter specifically lists "Blasting Impacts" within the list of impacts considered for the project on Page 2 of the document. Thus, the Commonwealth considered these impacts when drafting its 6/18/12 ARARs letter.

(2) expand dredging of the deep-draft berth area an additional 200 feet north – The Commonwealth's 6/18/12 letter specifically lists "Potential Extension of the Deep-Draft Dredging Area to the North" within the list of impacts considered for the project on Page 2 of the document. Thus, the Commonwealth considered these impacts when drafting its 6/18/12 ARARs letter.

(3) expand dredging of the channel an additional 50 feet west - The Commonwealth's 6/18/12 letter specifically lists "Potential Widening of Deep-Draft Channel by 50 Feet" within the list of impacts considered for the project on Page 2 of the document. Thus, the Commonwealth considered these impacts when drafting its 6/18/12 ARARs letter.

With regard to your fourth item:

(4) waive the use of silt curtains in the winter flounder mitigation creation area - Please note that the required use of silt curtains at the Winter Flounder Mitigation Area was an EPA-imposed restriction (imposed during the final re-drafting of the Performance Standards immediately prior to the issuance of the Final Determination) that was not previously contemplated by the Commonwealth as of the preparation of their 6/18/12 ARARs letter. In fact, the 6/18/12 ARARs letter assumed that the Performance Standards that would be implemented was the version located at the rear of Appendix D to the Final Determination (hereafter "the Appendix D Performance Standards"). Section I, Part 7, Subpart b of the Appendix D Performance Standards outlines circumstances that should be followed should the deployment of silt-curtains prove not possible or be unsuccessful (and based on the information presented by MassCEC regarding the public safety issues associated with the use of silt curtains at the Winter Flounder Mitigation Area,

we feel we have met this standard). We believe that the increased turbidity monitoring regimen proposed by MassCEC in association with the waiver of the use of silt curtains would be compliant with this section of the Appendix D Performance Standards, and thus would have been contemplated by the Commonwealth during formulation of the 6/18/12 ARARs letter.

Please let us know if this suitably answers your questions.

Thanks,

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From: Catri, Cindy [mailto:Catri.Cynthia@epa.gov]
Sent: Wednesday, May 15, 2013 3:50 PM
To: bwhite@MassCEC.com
Cc: Chet Myers; Jay Borkland; gary.davis@state.ma.us; Dierker, Carl; Williams, Ann; Colarusso, Phil; Marsh, Michael; Lederer, Dave; LeClair, Jacqueline
Subject: South Terminal ARARs

Bill,

Would you please advise EPA as to whether or not the Commonwealth will be revising it's determination that the South Terminal Project meets the substantive requirements of the state ARARs identified by the Commonwealth for this Project (see Appendix D of EPA's Final Determination dated November 19, 2013) in light of the Commonwealth's request to modify the South Terminal Project to include the following: (1) blasting for rock removal; (2) expand dredging of the deep-draft berth area an additional 200 feet north; (3) expand dredging of the channel an additional 50 feet west; and (4) waive the use of silt curtains in the winter flounder mitigation creation area.

If the Commonwealth is revising its determination, please identify any new or revised ARARs and provide an analysis of how the requested modifications meet the substantive requirements of those ARARs.

If the Commonwealth is not revising its determination, please confirm that the requested modifications meet the substantive requirements of the state ARARs as demonstrated by the ARARs submittals contained in Appendix D of the Final Determination.

***** ATTACHMENT NOT DELIVERED *****

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which may be a computer program. This attached computer program could
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***** ATTACHMENT NOT DELIVERED *****