



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

July 11, 2013

Via electronic and first-class mail

Bill White  
Director, Offshore Wind Sector Development  
Massachusetts Clean Energy Center  
55 Summer Street, 9<sup>th</sup> Floor  
Boston, MA 02110

RE: New Bedford Harbor State Enhanced Remedy – South Terminal Project  
Design of CAD Cell #3

Dear Mr. White:

This letter responds to the Commonwealth's March 20, 2013 request<sup>1</sup>, through the Massachusetts Clean Energy Center, to allow it to implement its re-design of CAD Cell #3 to 8.29 acres with a maximum depth of -60 MLLW instead of the original design of 8.54 acres with a maximum depth of -45 MLLW, which was authorized in EPA's November 19, 2012 Final Determination ("FD") for the South Terminal Project. The Commonwealth explained that this change would reduce the footprint impacts associated with construction of the CAD cell, would reduce the quantity of contaminated sediment that would need to be disposed within CAD Cell #2, and would maximize the use of space within the DMMP area where CAD cells are built, thereby increasing the future flexibility of the CAD cell program. The extra excess clean material generated during construction of CAD Cell #3 will be disposed of offshore under the existing permits with MassDEP and USACE for offshore disposal of clean sediment at the Rhode Island Sound and/or Cape Cod Bay Disposal Sites.

EPA agrees with the Commonwealth that the change in design of CAD Cell #3 would not create any additional impacts compared to what EPA approved in the FD, and in fact it would reduce the footprint impacts associated with construction of the CAD cell and the quantity of contaminated sediment that would need to be disposed within CAD Cell #2. Therefore, by this letter, EPA is approving Commonwealth's implementation of the CAD Cell #3 re-design to approximately 8.3 acres with a maximum depth of -60 MLLW. No additional mitigation is necessary as a result of these changes. All conditions of the FD

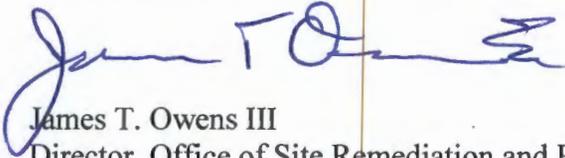
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<sup>1</sup> As clarified by emails from the Commonwealth's consultant dated May 14 and 15, 2013 and July 10, 2013.

related to the dredging and filling of CAD Cell #3, apart from this design change, remain in effect.

EPA believes the approval of this design change does not impact its determination that the Project is protective and meets the substantive requirements of all federal applicable and relevant and appropriate requirements (ARARs); the Commonwealth must make its own determination as to compliance with the substantive requirements of state ARARs. EPA plans to incorporate this approval into the South Terminal Determination in the near future.

Very truly yours,



James T. Owens III  
Director, Office of Site Remediation and Restoration

cc: via email

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