



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD MA 01742-2751

September 5, 2013

Engineering/Planning Division
Geotechnical/Water Resources Branch

Ms. Elaine Stanley
EPA Cleanup Project Manager
Office of Site Remediation and Restoration
EPA Region 1
Post Office Square
Boston, Massachusetts 02109-3912

Dear Ms. Stanley:

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 of Elevation of -20 ft (MLLW) in and area (Area 1) directly adjacent to the New Bedford HPS System and Elevation -32 ft (MLLW) in areas (Area 2 & 3) closer to the marine terminal. 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 HSP System and therefore was the sole focus of USACE's review.

USACE issued an acceptance letter dated March 1, 2013, for the proposed work. After the initial acceptance letter was issued, additional test borings were performed and a Contractor was selected. The test borings indicated additional rock excavation would be required and the Contractor's work plan required modifications to the original blasting evaluation. Apex Companies, LLC performed additional evaluations that showed larger allowable charge weights could be used while still meeting or exceeding the minimum required safety factors.

The USACE New England District, in accordance with guidance and Title 33 United States Code Section 408 (33 USC 408) requirements, reviewed the information supplied in the following documents:

- a. Vibration Monitoring Plan titled "*Vibration Monitoring Plan for the Hurricane Shore Protection (HSP) System New Bedford Marine Commerce Terminal*"

prepared by Apex Companies LLC and GEI Consultants dated, June 19, 2013, Revised August 29, 2013.

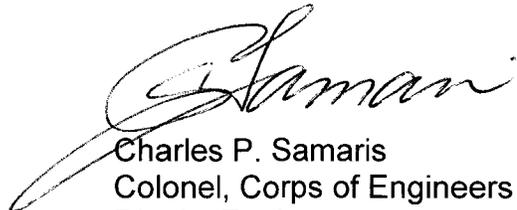
- b. For Construction Project Specifications titled "*New Bedford Marine Commerce Terminal, Contract No. MACEC-FY13-001NB*" prepared by Apex Companies LLC, dated December 5, 2012, received via Fedex on February 6, 2013.
- c. For Construction Design Drawings titled "*New Bedford Marine Commerce Terminal, Contract No. MACEC-FY13-001NB*" prepared by Apex Companies LLC, dated December 2012, received via Fedex on February 6, 2013.

USACE has no objections to the proposed revised blasting evaluation and blasting program 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 letter 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 USACE for acceptance *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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