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From: Carl Dierker/R1/USEPA/US

To: "Davis, Gary (DCR)" <gary.davis@state.ma.us>

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Subject: South Terminal, New Bedford

Hi Gary -- During our meeting on August 29, 2012, the Commonwealth discussed its plans to issue a request for proposal in the near future to perform work associated with the proposed State Enhanced Remedy Proposed South Terminal Project that is the subject of EPA's Draft Determination that was issued on July 16, 2012. While we expressed no objection to the Commonwealth's plan to issue the RFP, we want to reiterate EPA's position as we stated it at that meeting. Until EPA issues a Final Determination for the Proposed South Terminal Project, the Commonwealth will be proceeding at its own risk in going forward with the bidding process. At this point, we cannot make any guarantees as to exactly what conditions will be included in EPA's Final Determination for the proposed project -- or even that the agency will issue a final approval. The Final Determination will only be issued after EPA concludes its review of comments received during the public comment period, as well as the additional information that we requested from the Commonwealth at our meeting on August 14, 2012.

We look forward to our meeting tomorrow to discuss how we can resolve the remaining issues related to this project and look forward to making progress toward issuing a Final Determination.

Thanks,

Carl

Carl F. Dierker
Regional Counsel
EPA - New England, Region 1
5 Post Office Square
Boston, Massachusetts 02109-3912
tel: 617-918-1091
fax: 617-918-0091
e-mail: dierker.carl@epa.gov