



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02109-3912

Date: See electronic signature

Via email: elizabeth.j.callahan@state.ma.us

Elizabeth Callahan, Acting Assistant Commissioner
MassDEP Bureau of Waste Site Cleanup
1 Winter Street
Boston, Massachusetts 02108

RE: Request letter for the EPA Consistency Determination for Revere Copper Bulkhead Improvements Project

Dear Ms. Elizabeth Callahan:

EPA received the Phase I and Phase II work plans for the New Bedford Port Authority (NBPA) / Shoreline Resources, LLC Revere Copper - Bulkhead Improvements project for review in September and November of 2021, respectively. After review, EPA received a request letter dated January 13, 2022, from the Massachusetts Department of Environmental Protection (MassDEP) for EPA to issue a Consistency Determination for the Revere Copper - Bulkhead Improvements project.

The work described in the Phase I and Phase II Revere Copper - Bulkhead Improvements work plans consists of the installation of sheet and anchor piles and conventional over sheeting of the existing failed timber and steel sheet piling, thus allowing for the removal of approximately 200,000 square feet / 66,000 cubic yards of contaminated sediment to occur as part of the future NBPA Phase V dredging project.

- The proposed 990 linear feet of sheet pile bulkhead would be installed approximately one foot seaward of the existing failed bulkhead system along the majority of proposed bulkhead, with the proposed anchoring systems landward of the sheeting to support the required site loads.
- For approximately 235 linear feet at the south end of the site, the proposed bulkhead will be installed at the top of the existing stone-lined bank, allowing for the removal of the existing stone fill, thus resulting in the restoration of approximately 4,000 square feet of open water.
- Once constructed, the NBPA or facility owner will apply to the MassDEP's Waterways Office for a Chapter 91 license to regulate the long-term operation and maintenance of the bulkhead.

Any additional dredging and disposal conducted as part of the NBPA Phase V dredging project will be the subject of separate work plans to be provided by MassDEP.

In accordance with Section V.C.7 of the Amendment to the Memorandum of Agreement between the Commonwealth, through MassDEP and EPA, dated October 2021, ("the 2021 Amended MOA) the Commonwealth, as the lead agency for the State Enhanced Remedy, is responsible for identifying the Performance Standards in coordination with the Regulatory Agencies and shall ensure that the SER work complies with those Performance Standards.

Under the Terms of Section V.C.2 of the 2021 Amended MOA, with this letter EPA determines that the proposed work described in the Phase I and Phase II Revere Copper - Bulkhead Improvements

workplans, as reviewed by EPA, does not conflict with nor is inconsistent with the remedy for the New Bedford Superfund Site. This determination is based solely on EPA's review of the Phase I and Phase II Revere Copper - Bulkhead Improvements workplans and may be modified should new information modify, amend, or alter the information presented in the Phase I and Phase II Revere Cooper - Bulkhead Improvement plans.

EPA expects MassDEP will provide additional information regarding subsequent stages of the NBPA Phase V dredging project work for future consistency determinations.

Thank you for working with EPA on this important enhancement project within the New Bedford Harbor Superfund Site.

Sincerely,

Robert Cianciarulo, Chief
Remediation Branch I
Superfund and Emergency Management Division

Enclosure

Cc via email:

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Secretary

Martin Suuberg
Commissioner

January 13, 2022

Letter sent electronically via email

Mr. Robert Cianciarulo
Region 1
U.S. EPA
Boston, MA

Re: Request letter for the EPA Consistency Determination for Revere Copper Bulkhead Improvements Project

Dear Mr. Cianciarulo;

MassDEP is requesting that EPA provide a Consistency Determination indicating that proposed work for the Revere Copper Bulkhead Improvements project does not conflict with the New Bedford Harbor Superfund Site 1998 Record of Decision (ROD) remedy and can be incorporated into Phase V of the State Enhanced Remedy (SER).

The Revere Copper Bulkhead Improvements Project has been proposed to be included as part of the Phase V SER dredging in New Bedford Harbor planned for 2023 by the New Bedford Harbor Port Authority (NBPA). The proposed project consists of bulkhead reconstruction/improvements to stabilize the shoreline to allow for the Phase V navigational dredging to be carried out in the area of the Harbor adjacent to the Revere Copper site. The proposed project is outlined in the attached letter from the NBPA's contractor that documents the technical factors that require the bulkhead work to be carried out as part of the SER dredging.

EPA has approved the Phase V navigational dredging associated with the Revere Copper project and MassDEP is now requesting that the proposed bulkhead work needed to implement the dredging also be approved as part of Phase V of the SER. As presented by the project proponent, dredging of approximately 66,000 cubic yards of contaminated sediment cannot occur if the shoreline bulkhead improvement does not proceed under the SER process. If the federal/state regulatory permit process was required for the bulkhead reconstruction/improvement, the delay in improving the bulkhead would prevent the Phase V dredging from being implemented due to funding requirements which necessitate dredging to be started in 2023. Specifically, the dredging is being funded through a time-sensitive grant from the Massachusetts Executive Office of Housing and Economic Development – Massworks Program (providing 80% of funding for Phase V dredging).

January 13, 2022

Revere Copper Consistency Determination Request

If the EPA issues a Consistency Determination for the Revere Copper Bulkhead Improvements Project, MassDEP's Bureau of Waste Site Cleanup will oversee the environmental review of the planning and construction of the project through the SER process. Once constructed, the NBPA or the facility owner will apply to the MassDEP's Waterways Office for a Chapter 91 license which will regulate the long-term operation and maintenance of the bulkhead. As with all SER projects, the MassDEP will work with the NBPA/City of New Bedford under the MassDEP/NBPA Memorandum of Agreement (MOA) to implement the project.

MassDEP has determined, after review of the project Work Plan, that the proposed work meets the requirement of the ROD that the "...enhanced remedy shall not jeopardize or delay the overall implementation or funding of the selected remedy." Also, MassDEP will continue to appropriately oversee the environmental review of the project planning and construction per the requirements of the U.S.EPA/MassDEP MOA.

We appreciate your agency's work on this project and past navigational work completed under the Superfund process.

Sincerely yours,

A handwritten signature in cursive script, reading "Elizabeth Callahan".

Elizabeth Callahan,
Acting Assistant Commissioner
Bureau of Waste Site Cleanup

cc: Paul Craffey, MassDEP
Diane Baxter, MassDEP
Natalie Burgo, U.S. EPA
Dave Dickerson, U.S. EPA