



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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Final Determination for the South Terminal Project
Modification to Appendix E

On November 19, 2012 EPA issued its Final Determination for the South Terminal Project for the New Bedford Harbor State Enhanced Remedy.

To correct an inconsistency between Section II. 2 of Appendix C (Water Quality Performance Standards) and Section 20.0 H.2 of Appendix E (Final Determination of Compliance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899) with regard to employment of an environmental monitor for the Project, the following modification is made to the Final Determination for the South Terminal Project:

The first sentence of Appendix E, Section 20.0 H. 2 is hereby modified to delete "shall not be subject to the authority of the resident engineer, design consultant, contractor or others associated with the design and construction of the project;". Section 20.0 H. 2 in Appendix E shall now read, in its entirety, as follows:

2. Environmental Monitor: The Commonwealth shall appoint an environmental compliance monitor who shall have unrestricted access to the construction sites and shall be required to report directly to the Commonwealth's State Enhanced Remedy Project Manager ("SER PM") and to EPA. The purpose for appointing and maintaining an environmental monitor is to help ensure compliance with the terms and conditions of this Final Determination, and the monitor shall work with the resident engineer toward that end. The environmental monitor is to observe, report and recommend and shall not have authority over activities or personnel. Before the start of any onsite construction, the name, affiliation and contact information of this monitor shall be provided to the EPA points of contact referenced in paragraph A.5 above. The environmental monitor shall report any non-compliance and the proposed resolution to the EPA within 48 hours of the occurrence. The environmental monitor shall provide monthly reports to the EPA points of contact until project construction is complete. The monthly reports shall summarize the status of erosion, sedimentation or pollution problems and how they were corrected, along with recommendations on how to prevent similar problems in the future. The environmental monitor shall immediately report any problems to the Commonwealth's SER PM, who shall take immediate steps to correct those problems.

Issued by:


James T. Owens III

Director, Office of Site Remediation and Restoration

Date:

