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March 10, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Rockland Industries Remediation Project
PROJECT MUNICIPALITY : Middleborough
PROJECT WATERSHED : Taunton
EOEA NUMBER : 13727
PROJECT PROPONENT : Rockland Industries, Inc.
DATE NOTICED IN MONITOR : February 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form (ENF), the proposed project involves the remediation of non aqueous phase liquid (NAPL) contamination within a 59 acre parcel of industrial-zoned property located off Plymouth Street in Middleborough. The proposed remediation project consists of 2 main elements: 1) the extraction of NAPL from two existing wells, and the flushing and in-place closure of approximately 2,600 linear feet (lf) of in-ground pipe ('pipe abandonment'), and 2) the on-site containment/restoration of a former lagoon area and existing drainage swales with clean fill and re-grading ('wetland fill') located in the northern portion of the project site. Contaminated wastewater will be transported off-site for disposal. The proposed remediation activities are regulated under the Massachusetts Contingency Plan (MCP) as a Tier IA site remediation activity (RTN# 4-0111, 4-15303, and 4-16549).

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(d) and 11.03(2)(b)(1) of the MEPA regulations, because the project requires state permitting and results in the alteration of 5,000 or more square feet (40,077 sf total) of bordering vegetated wetlands (BVW), and will result in the alteration of designated significant habitat for the Spotted Turtle (*Clemmys guttata*).

The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (DEP); and an Order of Conditions from the Middleboro Conservation Commission (and hence a Superseding Order of Conditions from DEP if the local Order were appealed). The project will also require a General Program Category II Permit from the U.S. Army Corps of Engineers.

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues related to land alteration, water quality, wetlands, and rare species.

Wetlands:

According to the information provided in the ENF, nearly all of the proponent's proposed remediation work is located within bordering vegetated wetlands (BVW). The project will result in the temporary alteration of approximately 40,077 square feet (sf) of BVW, and approximately 300 linear feet of inland bank. The proposed wetland fill activities include the filling and re-grading of approximately 900 linear feet of an existing drainage swale with 1100 cubic yards (cy) of clean fill, and 300 cy of a topsoil/compost mix. This re-graded area will be re-seeded, and will incorporate an erosion control matting material. The proponent should consult with DEP to prepare a proposed planting schedule for the use of any bare-root wetlands plant material, the use of wetland replacement soils, and a wetland restoration monitoring program plan.

Rare Species:

According to the information provided in the ENF, the remediation site is located within priority and estimated habitat for the Spotted Turtle (*Clemmys guttata*). In their comments, the Natural Heritage and Endangered Species Program (NHESP) has indicated that the project, as currently designed, could result in a "take" of state listed species under the Massachusetts Endangered Species Act (MESA) (321 CMR 10.02). According to NHESP, the proposed remediation project should be revised to avoid direct impacts to the Spotted Turtle and Spotted Turtle habitat. Specifically, the proponent should commit to installing entrenched erosion control fencing along the limit of pipe abandonment work to serve a barrier to turtle migration during project construction.

The proponent will also need to conduct thorough searches of turtles within the fenced limit of the work prior to the start of project construction. I ask that the proponent work closely with NHESP during final project design to identify opportunities to avoid or significantly minimize impacts to the Spotted Turtle. The proponent should notify the MEPA Office of any changes to the proposed project design.

Hazardous Waste Remediation:

According to the proponent, the proposed remediation project has been designed to address existing contamination of oil and/or hazardous materials located on site within wetland resource areas, and will result in the least amount of environmental impacts necessary to eliminate the risk to the environment posed by the contaminated sediment. The proponent will need to obtain the necessary permits under MGL c. 21E, 21C and OSHA for working in contaminated media. I strongly recommend that the proponent continue to consult with DEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to evaluate the proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction, and to coordinate the project's construction activities with the other ongoing groundwater treatment projects in the area. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

Construction Period Impacts/Coordination:

The construction/remediation period will be the major source of impacts from the project, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, impacts to private property and adjacent land uses, and traffic impacts on adjacent roadways. According to the ENF, the use of truck transportation will service the proposed project site. I ask the proponent to work closely with the Town of Middleboro, the Massachusetts Highway Department (MHD) and private property owners located within and adjacent to the project site and/or along the proposed truck haul routes to identify the locations of all public and private water supply wells, and other sensitive receptors, and to ensure that they will not be impacted by the proposed project's activities. According to the proponent, all temporary alterations resulting from the proposed remediation activities including; alterations to wetland resource areas, temporary gravel accessways, and project staging areas, will be removed and replanted.

All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetland resource areas, endangered species habitat areas, and wellhead protection areas. The proponent should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel.

NHESP's project review process should contain conditions relative to the coordination of all work and improvements to be permitted for this site. I conclude that no further MEPA review is required at this time. The review of the ENF has served to demonstrate that the impacts of the project do not warrant the preparation of an EIR. The proponent can resolve any remaining issues during the permitting process

March 10, 2006
DATE


Stephen R. Pritchard, Secretary

Comments received:

02/24/06 The Natural Heritage and Endangered Species Program (NHESP)
02/28/06 Massachusetts Department of Environmental Protection – SERO

ENF #13727
SRP/NCZ/ncz