



The Commonwealth of Massachusetts

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June 9, 2006

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

PROJECT NAME	: MCP Response Action for Debris Area off Knox Trail
PROJECT MUNICIPALITY	: Concord
PROJECT WATERSHED	: SuAsCo
EOEA NUMBER	: 13791
PROJECT PROPONENT	: Remedium Group/W.R. Grace & Co.
DATE NOTICED IN MONITOR	: May 10, 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 hereby determine that this project does not require the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the project involves the remediation of the site listed as the Debris Area off Knox Trail. The waste site cleanup activities are regulated under the Massachusetts Contingency Plan (MCP). The site is approximately a 16-acre area within the 73-acre parcel owned by W.R. Grace & Co –Conn. The Debris Area off Knox Trail Disposal Site is identified by the Department of Environmental Protection (DEP) as Release Tracking Number (RTN) 3-21297 and is currently Tier Classified as tier 1C Disposal Site under Permit Number W032504. Response actions have been conducted at this site since it was initially listed by DEP in December 2001. Results of field investigations activities have concluded that the site soil is impacted by metals, polychlorinated biphenyls (PCBs), extractable petroleum hydrocarbons (EPH), polynuclear aromatic hydrocarbons (PAHs), volatile organic compounds (VOCs), nitrocellulose (NC), and low concentrations of nitroaromatics/nitroamines.

The project is being reviewed pursuant to Section 11.03 (2)(b (2) of the MEPA regulations, because the project potentially involves the “taking” of a state-listed rare species,

and the project site is greater than two acres and contains an area mapped as rare species habitat, and requires state permits. The project will require a MCP Tier 1C Site regulated by the DEP. The project will also require an Order of Conditions from the Concord Conservation Commission (and hence a Superseding Order from DEP if the local Order is appealed).

The proponent is not seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits with the potential to cause Damage to the Environment. MEPA jurisdiction extends to the broad subject matter of the state permit(s) that the proponent is or may be seeking.

This Certificate assumes that the proponent will be able to lay out and design the project so as to avoid a "take." The Natural Heritage and Endangered Species Program (NHESP) has expressed concerns in their comment letter with the potential physical harm to state-listed rare mussel species documented in Priority Habitat 466 and Estimated Habitat 143 within the project area. Therefore, if the NHESP should subsequently find that the project will require a Conservation Permit pursuant to the Massachusetts Endangered Species Act (MESA), I will require that the proponent consult with MEPA to discuss submitting a Notice of Project Change that explains impacts and evaluates avoidance/mitigation strategies.

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponent may resolve any remaining issues during the state and local permitting processes.

June 9, 2006

Date


Stephen R. Pritchard

Comments received:

05/30/06 MA Division of Fisheries & Wildlife, NHESP

SRP/ACC/acc