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February 8, 2008

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

PROJECT NAME : Remediation for West Branch Housatonic River  
PROJECT MUNICIPALITY : Pittsfield  
PROJECT WATERSHED : Housatonic River  
EEA NUMBER : 14162  
PROJECT PROPONENT : General Electric Company, Inc.  
DATE NOTICED IN MONITOR : January 9, 2008

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 (EIR).

The proposed project consists of remediation of Polychlorinated Biphenyls (PCB)-contaminated soils on a 4.3-acre site, which includes Dorothy Amos Park and a portion of the West Branch of the Housatonic River. The project site is regulated under the Massachusetts Contingency Plan (MCP).

The project will result in alteration of approximately 420 feet of inland bank, 1,500 square feet (sf) of Bordering Vegetated Wetlands (BVW), 24,000 sf of Land Under Water (LUW). The area affected includes Bordering Land Subject to Flooding (BLSF, 14,000 sf) and Riverfront Area (12,000 sf). Portions of the Dorothy Amos Park will be used for truck access and a staging area. Completion of the project will require closure of the park for approximately three months.

The project is undergoing MEPA review pursuant to Section 11.03(3)(b)f. because it involves alteration of ½ acre or more of other wetlands. The project requires a 401 Water Quality Certification and may require a Chapter 91 License from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an Order of Conditions from the City of Pittsfield (and, on appeal only, a Superseding Order from MassDEP). The project requires a 404 Permit from the US Army Corps of Engineers and may require a National

Pollutant Discharge Elimination System (NPDES) construction permit from the US Environmental Protection Agency (EPA).

The project is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to issues within the subject matter of required or potentially required state permits. In the case of this project, MEPA jurisdiction extends to wetlands, waterways, water quality, land, and stormwater.

According to the Environmental Notification Form (ENF), the proponent will remove PCB-contaminated soils from the site and replace with backfill material. Soil removal will be conducted in accordance with a Remedial Action Work Plan, which will be approved by MassDEP and comply with all relevant state and federal regulations. The excavated soils may be transported to the General Electric facility in Pittsfield for additional dewatering or may be dewatered on-site. The excavated soils will be transferred to a regulated out-of-state disposal facility. The project includes construction of a sheet-pile dam across the West Branch of the Housatonic River and construction of a bypass pumping station to divert the river around the work area until the excavation and restoration work is complete. The proponent has committed to erosion controls measures, park restoration to pre-construction levels, and wetlands restoration in accordance with the requirements of MassDEP and the City of Pittsfield Conservation Commission.

As further detailed in the MassDEP comment letter, a Notice of Intent for the project must be submitted to the Pittsfield Conservation Commission for review to determine compliance with all the provisions of the Wetlands Protection Act. A final Order of Conditions must be issued prior to commencement of project construction. The project should be submitted as a Limited Project pursuant to 310 CMR 10.53(3)(q) and all work should conform to the requirements therein. All delineation of jurisdictional resource areas should be accomplished through flagging in the field, surveying, and presentation on a scaled site plan. I refer the proponent to additional comments from MassDEP regarding boundary determination and delineation.

The proponent should provide sufficient information to MassDEP during permitting to adequately describe cumulative impacts to BVW, Isolated Vegetated Wetlands, and Land Under Water, and how the project will comply with the 401 WQC regulations. MassDEP has recommended that the Pittsfield Conservation Commission keep the hearing open, for any Notice of Intent filed for the project, until the 401 WQC is issued to avoid conflicts in the conditions of the 401 WQC and the Order of Conditions.

The proponent should develop a Spills Contingency Plan, as recommended by MassDEP in its comment letter, to address potential releases of oil and/or hazardous materials during construction activities. The proponent should ensure that an effective stormwater management plan is implemented to avoid and minimize any adverse effects associated with stormwater runoff and potential migration of contaminants.

The project is subject to the Massachusetts Public Waterfront Act, MGL Ch. 91 and associated regulations. The proponent should consult with the MassDEP Boston office regarding

the Chapter 91 License requirements and submit either a Waterways License Application or a Request for Determination of Applicability. The proponent has not determined whether dewatering will occur on or off-site. The proponent should consult with MassDEP regarding any additional permits that may be required for staging, processing and handling of materials for dewatering.

The Board of Underwater Archaeological Resources, as further detailed in its comment letter, does not expect that the proposed project will negatively impact submerged cultural resources. However, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the proponent should take steps to limit adverse effects and notify the Board, as well as other appropriate agencies, in accordance with the Board's Policy Guidance for the Discovery of Unanticipated Archaeological Resources (updated September 28, 2006).

The proponent should consult with MassDEP's Wetlands Program regarding site restoration plans. The proponent should consult with the City of Pittsfield Parks Department prior to site restoration to discuss plans and identify any additional recommendations or requirements of the City. I ask that the proponent consult with the Berkshire Regional Planning Commission (BRPC) regarding its comments and the additional information requested relating to final clean-up levels. The proponent should also consider the comments of BRPC and others in designing the vegetation restoration plan, incorporation of native species, public outreach to address neighborhood concerns, and public access to the riverfront.

I am satisfied that the ENF has adequately described the general nature of the proposed project and measures to avoid and minimize, or mitigate environmental impacts, and that any remaining issues can be adequately addressed during the permit process. The proposed project, as described in the ENF, requires no further review under MEPA.

February 8, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

1/28/08	Board of Underwater Archaeological Resources
1/29/08	Department of Environmental Protection, Western Regional Office
1/29/08	Housatonic Valley Association
1/29/08	Berkshire Environmental Action Team
1/29/08	Berkshire Regional Planning Commission

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