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March 27, 2009

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

PROJECT NAME : Former Northborough Fish & Game Remediation
PROJECT MUNICIPALITY : Northborough
PROJECT WATERSHED : Concord
EOEA NUMBER : 14373
PROJECT PROPONENT : Town of Northborough
DATE NOTICED IN MONITOR : February 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62I) 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).

Project Description

As described in the Environmental Notification Form (ENF), the proposed project involves the phased (Phase 1 and 2) remediation of arsenic and lead contamination from expended gunshot and bullets located in wetland soils and sediment on two parcels of municipally-owned property (119 Bearfoot Road, 167 Bearfoot Road), and a section of Conrail's CSX rail line right-of-way which bisects the remediation project area in Northborough. The expended gunshot and bullet discharges were associated with the former Northborough Fish & Game Club's outdoor skeet shooting facility that was located on the 119 Bearfoot Road parcel. The proposed remediation activities are being regulated under the Massachusetts Contingency Plan (MCP) as a Tier IB site remediation activity (RTN# 2-14760).

119 Bearfoot Road

Phase 1 of the proposed remediation project will involve the excavation of approximately 2,721 cubic yards (cy) of lead and arsenic contaminated soil from wetland resource areas identified as 'Excavation Area 1' and located within the 17.9-acre 119 Bearfoot Road property. Construction access to Excavation Area 1 will be provided via a temporary access road to be located at the southwest corner of the parking area for the Northborough Senior Center. Phase 1 activities include the on-site dewatering and treatment of the excavated contaminated soils and sediment in an area located upland of the excavation area and within the proposed Phase 1 temporary access road. The contaminated soils will be transported off-site for disposal at a suitable location.

167 Bearfoot Road

In Phase 2, the Town proposes to temporarily relocate a section of Barefoot Brook, a tributary to the Assabet River using a stream diversion swale, and to relocate a section of an intermittent stream, a tributary to Barefoot Brook, using a 42 inch culvert, to allow for the excavation of approximately 1,800 cy of contaminated soil and 90 cy of similarly contaminated sediment from wetland resource areas identified as 'Excavation Area 2' and located within the 2.48-acre 167 Bearfoot Road property. Construction access to Excavation Area 2 will be provided by a temporary access road to be located on privately-owned property located adjacent to Bearfoot Road. The Town's Phase 2 remediation activities also include the on-site dewatering and treatment of the contaminated soils and sediment in an area located upland of the excavation area and within the proposed Phase 2 temporary access road. The excavated soils will be transported off-site for disposal at a suitable location.

The ENF includes a description of the Town's proposed erosion and sediment control plan and proposed wetlands mitigation/restoration commitments for the proposed remediation project. The Town has committed to the complete on-site restoration (at a ratio of 1:1) for the project's impacts to wetlands resource areas, stream beds, banks, and wetland buffer areas located within the 119 Bearfoot Road and 167 Bearfoot Road properties. To that end, the Town has proposed to restore the existing grades within wetland resource areas with an appropriate high quality loamy topsoil mix. Project site surface areas will be graded and planted and/or seeded with appropriate wetland plant and shrub species and seed mix. The restoration areas will also be mulched to provide erosion control and moisture retention.

Permits and MEPA Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(1)(d) of the MEPA regulations because the project requires state permit(s) and results in the alteration of 5,000 or more square feet (sf) (approximately 39,580 sf total) of bordering vegetated wetlands (BVW). The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); and an Order of Conditions from the Northborough Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project will also require a General Program Category II Permit from the U.S. Army Corps of Engineers. Because the Proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is limited to those aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues related to land alteration, water quality and wetlands.

Additional Development

Although not described in the ENF submittal, the Town of Northborough is also currently constructing a new 14,060 sf Northborough Senior Center facility located in the eastern portion of the 119 Bearfoot Road property. According to the additional information provided by the Town subsequent to the MEPA consultation session held for this project on March 3, 2009, the Town purchased the 119 Bearfoot Road property in 2002 and rezoned to include three municipally-owned land use parcels; 1) Parks & Recreation parcel – 3.5 acres, 2) General Municipal Purposes - 4.8 acres and 3) Conservation and Passive Recreation - 9.6 acres. The proposed remediation work for this property is located within the 9.6-acre Conservation and Passive Recreation parcel. The Northborough Senior Center project is located within the 4.8-acre General Municipal Purposes parcel.

The Senior Center facility will include multifunction rooms, kitchen facilities, administrative offices, lavatories, approximately 120 surface parking spaces and related stormwater management infrastructure and utilities. The facility's potable water needs and wastewater flows will be served by the Town of Northborough. The Town's Senior Center project will result in the alteration of approximately 4.0 acres of upland land area and the creation of approximately 2.0 acres of impervious surface area. The project's proposed stormwater management plan includes two drywells to manage the building's roof runoff and deep sump hooded catch basins that will collect and discharge stormwater flows to an on-site detention/infiltration pond.

MEPA imposes a requirement on project proponents and state agencies to understand and fully disclose the potential impacts of a project (including cumulative impacts); to study feasible alternatives to a project; and to avoid, reduce, or mitigate environmental impacts (including cumulative impacts) to the maximum extent feasible. After considering the factors cited in Section 11.01 of the MEPA regulations, I must consider the environmental impacts associated with the development of the Northborough Senior Center as a “common plan or undertaking” related to the Former Northborough Fish & Game Remediation project. When considering the cumulative impacts associated with the Town’s proposed wetlands remediation project and the Northborough Senior Center project, it appears unlikely that the project meets any mandatory EIR thresholds. However, the Town should contact the MEPA Office concerning any future additional development proposals that may be proposed for the Town’s 119 Bearfoot Road and 167 Bearfoot Road properties to determine if a Notice of Project Change (NPC) may be required in accordance with the MEPA Regulations (301 CMR 11.10).

Wetlands

According to the information provided in the ENF, nearly all of the proposed remediation work is located within bordering vegetated wetlands (BVW) and buffer to wetlands resource areas. As described elsewhere in this Certificate, the Town is proposing to temporarily divert sections of Barefoot Brook and an un-named intermittent tributary stream prior to initiating any remediation activities within the stream bed and stream bank areas. The temporary diversion of Barefoot Brook will involve the construction of a 250 linear foot lined swale to divert Barefoot Brook around and downstream of the excavation work area. The Town is also proposing to install a 42 inch diameter culvert pipe to temporarily divert the un-named intermittent stream to join with the proposed swale located downstream of the project site. The project will result in impacts to 347,206 sf of BVW, 2,375 sf of land under water wetlands (LUWW) and 340 linear feet of stream bank associated with Barefoot Brook and a second un-named intermittent tributary stream, and approximately 32,100 sf of wetland buffer area. The Town has committed to complete all remediation and restoration activities located within intermittent stream areas during the seasonal low-flow period of July 1 – October 1.

The proposed on-site wetland mitigation/replication 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 Town should consult with MassDEP 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.

According to the Town, 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.

Hazardous Waste Remediation

According to the Town, the proposed remediation project has been designed to address existing contamination of arsenic and lead in soils and sediment located in on-site 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 soil and sediment. As noted elsewhere in this Certificate the Town's proposed remediation activities are being regulated under the Massachusetts Contingency Plan (MCP) as a Tier IB site remediation activity (RTN# 2-14760).

The Town of Northborough should continue to consult with MassDEP'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 Town 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

The Town's soils remediation and wetlands replication activities will be the major source of impacts from the proposed remediation 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 Town proposes to use truck transportation to service the project site.

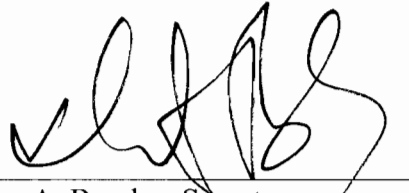
I ask that the Town work closely with private property owners located within and adjacent to the project site and/or along the proposed truck haul routes to identify the locations of all public and private water supply wells, and other sensitive receptors, and to ensure that they will not be impacted by the proposed project's activities. 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 Town should require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel.

Conclusion

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 Town can resolve any remaining issues during the permitting process

March 27, 2009

DATE



Ian A. Bowles, Secretary

Comments received:

03/03/09 Massachusetts Department of Environmental Protection (MassDEP) – CERO

ENF #14373
IAB/NCZ/ncz