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May 8, 2009

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

PROJECT NAME : American Optical Corporation  
PROJECT MUNICIPALITY : Southbridge  
PROJECT WATERSHED : Quinebaug  
EEA NUMBER : 14402  
PROJECT PROPONENT : American Optical Corporation  
DATE NOTICED IN MONITOR : April 8, 2009

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

Project Description

As described in the Environmental Notification Form (ENF), the project includes remediation activities conducted in accordance with the Massachusetts Contingency Plan (MCP) through the removal of metals-impacted sediment containing jeweler's rouge on the American Optical Corporation site in Southbridge. Contaminated soils will be excavated from within the banks of Rouge Brook and impacted sediments will be capped in-place within a ditch (Northern Reach Area) draining into the Rouge Brook, to achieve a Temporary Solution, as defined in the MCP. Remedial actions will also involve the implementation of an Activity and Use Limitation to prevent unacceptable exposures to confirmed or potentially contaminated soils, and to achieve regulatory closure under the MCP.

Estimated project impacts to wetland resource areas include 6,000 square feet (sf) of Bordering Vegetated Wetlands (BVW), 580 linear feet (lf) of Bank, 18,412 sf of Land Under Water associated with Rouge Brook and 3,817 sf of Riverfront Area. The ENF estimates a conservative dredge volume of 1,022 cubic yards (cy) which will be taken off-site to an approved disposal facility for contaminated material.

### Jurisdiction and Permitting

The project is undergoing review pursuant to Sections 11.03(3)(b)(1)(b) and 11.03(3)(b)(1)(d) of the MEPA regulations because it requires a State agency action and will result in the alteration of 500 or more lf of Bank and 5,000 or more sf of BVW. The project will require a Section 401 Water Quality Certificate (401 WQC) from Massachusetts Department of Environmental Protection (MassDEP) and a Section 404 Permit from the United States Army Corps of Engineers (U.S. ACOE). The project requires review under the Massachusetts Endangered Species Act (MESA) and may require a Conservation and Management Permit for the Natural Heritage and Endangered Species Program (NHESP). The project must obtain a Remedial General Permit and file a Remediation Notice of Intent with the United States Environmental Protection Agency (U.S. EPA). The project will require an Order of Conditions from the Southbridge Conservation Commission.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to: wetlands and rare species.

### Rare Species

According to NHESP, portions of the proposed project are located within *Priority Habitat* and *Estimated Habitat* of Rare Species as indicated in the 13<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas. NHESP identified in its comment letter that the proposed project is within mapped habitat of the following state-listed mussel species: the Triangle Floater (*Alasmidonta undulate*) and the Creeper (*Strophitus undulates*). NHESP has indicated that it requires additional information to perform its review of the proposed project relative to 310 CMR 10.59 of the Wetlands Protection Act (WPA) and 321 CMR 10.18 of MESA and to determine whether the project will result in a “take” of the Triangle Floater or Creeper mussels. If the project will result in a “take”, NHESP anticipates that the project could qualify for the issuance of a MESA Conservation and Management Permit provided that the project complies with applicable performance standards. I encourage the Proponent to work closely with NHESP to ensure that impacts to rare species are avoided and minimized to the maximum extent feasible, or that appropriate mitigation is provided.

I refer the Proponent to NHESP’s comments with regard to fisheries resources within the vicinity of the proposed project and encourage the Proponent to use BMPs to minimize erosion and sedimentation impacts to these resources.

### Wetlands

The project is being filed under the Limited Project provision of the WPA regulations, as the proposed work is a response to a release of oil and hazardous material. A 401 WQC will be required for alteration of 6,000 sf of BVW associated with Rouge Brook, which will be mitigated in place. The 3,817 sf of alteration to the Riverfront Area is required for access to portions of contaminated sediments to be removed within Rouge Brook. Only area in the outer riparian zone will be disturbed for a temporary access road to move equipment to the remediation area. Jeweler’s rouge-impacted sediments will be removed from within Land Under Water using a

low-pressure excavator and stockpiled in an upland staging area. Portions of stream bank altered will be reestablished using coir logs to reconstruct and form the banks. Cells will be created in 50- to 75-foot segments with the placement of an upstream sand bag and downstream check dams for removal of contaminated sediments, and stream flow will be diverted through a fractionation tank to the streambed below the check dam. All work will continue in succession, and new cells will only be created once the upstream work (excavation, replication and planting activities) has been completed. Work will be limited to no closer than 100-feet upstream of the confluence of the Quinebaug River.

The 7,600 sf manmade Northern Reach Area ditch serves a hydrological connection between an intermittent channel from above an onsite capped landfill just north of the Northern Reach Area and Rouge Brook. Contaminated sediments will be capped in place with clean sediment material on top of which a stream channel will be constructed with adjacent BVW on either side. The Bank will only be “disturbed” to the extent that it will have clean material against the side slopes and a created wetland on top with the goal of creating a positive flow and improving wildlife habitat functions while meeting the regulatory requirements of the MCP.

The Department of Conservation and Recreation’s (DCR) comment letter states the project involves activities within a 100-year floodplain and floodway. I refer the Proponent to DCR’s comments for an overview of the pertinent regulations and requirements. I encourage the Proponent to work with MassDEP and DCR to ensure that wetlands impacts are avoided and minimized to the maximum extent feasible, or that appropriate mitigation is provided.

#### Hazardous Material


The proposed remediation activities are being conducted as part of a Phase IV – Remedy Implementation Plan submitted to the MassDEP for Release Tracking Number (RTN) 2-14967. The Proponent should continue to work with the MassDEP Bureau of Waste Site Cleanup as the project progresses. Additionally, the Proponent should create a comprehensive erosion and sediment control program to reduce the likelihood of hazardous materials migrating from the project site during remediation activities.

#### Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

May 8, 2009

Date



Ian A. Bowles

#### Comments received:

04/15/2009 Massachusetts Department of Environmental Protection – CERO  
 04/16/2009 Natural Heritage and Endangered Species Program  
 04/28/2009 Massachusetts Department of Conservation and Recreation

IAB/PPP/ppp