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June 19, 2009

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

PROJECT NAME : Former Hat Factory/East Brookfield River Remediation
PROJECT MUNICIPALITY : 126 Mechanic Street – East Brookfield
PROJECT WATERSHED : Chicopee River
EOEA NUMBER : 14420
PROJECT PROPONENT : Saucony, Inc. and the Town of East Brookfield
DATE NOTICED IN MONITOR : May 20, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

According to the Environmental Notification Form (ENF), the project consists of remediation and excavation of impacted riverbank soils and river sediments in the East Brookfield River. The project is currently in Phase IV of the Massachusetts Contingency Plan (MCP) process (Remedy Implementation Plan). It involves the following elements: (1) temporary Lake Lashaway drawdown and/or discharge controls coupled with temporary surface water diversion around the project area; (2) removal of contaminated sediments and eastern riverbank soils along the river; (3) replacement of impacted river sediments and riverbank soils with “clean” materials of similar kind; and (4) restoration of the project area. The purpose of the project is to achieve a permanent solution, as defined under the MCP. This permanent solution for the contaminated river sediment and riverbank soils would achieve a condition of No

Significant Risk to human health, safety, public welfare, and the environment.

The project site is approximately 5.96 acres and contains an 80,000 square foot (sf) former hat factory. The factory property is currently owned by Saucony, and the Town of East Brookfield owns the floodwall property. Saucony is proposing to sell or lease its proposed site.

The proponent is proposing to excavate approximately 400 cubic yards (cy) of impacted riverbank soils (up to six-feet of excavation depth) and approximately 2,100 cy of river sediments (up to approximately one-foot of excavation depth). Both riverbank soils and river sediments are contaminated with heavy metals, Polycyclic Aromatics Hydrocarbons (PAHs), and petroleum. Before the excavation stage, the proponent would dewater the remediation area and bypass river flows around the remediation area. Temporary cofferdams will be installed and the river diverted by pumps. The contaminated soils and sediments will be dewatered onsite and removed offsite to appropriate facilities (approximately 2,500 cy). The water from the dewatering of the contaminated soils, the stormwater, and any groundwater that infiltrates the excavation site would be collected and processed in an on-site treatment facility. Upon completion of the soil removal, the area would be backfilled and restored to existing conditions.

Jurisdiction

The project is subject to review pursuant to Sections 11.03(3)(b)(1)(b), 11.03(3)(b)(1)(d), and 11.03(3)(b)(1)(f) of the MEPA regulations because the project alters: 500 or more linear feet of bank; 5,000 or more sf of Bordering Vegetated Wetlands (BVW); and 0.5 or more acres of any other wetlands. A Chapter 91 Permit for dredging the East Brookfield River and a 401 Water Quality Certificate will be required from the Department of Environmental Protection (MassDEP). The project requires review by the Natural Heritage and Endangered Species Program (NHESP) under the Massachusetts Endangered Species Act (MESA). The project may have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site and dewatering activities. It will require a Section 404 Category 2 Programmatic General Permit from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the East Brookfield Conservation Commission and, on appeal only, a Superseding Order of Conditions from MassDEP. The project may be permitted as a limited project under the Wetlands Protection Act.

Because the proponent is not seeking financial assistance for the project, MEPA jurisdiction is limited to those aspects of the project within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment, as defined in the MEPA regulations (in this case: wetlands, waterways, stormwater, and remediation).

Review of the ENF

Due to the location of remediation activities within wetland areas, the disturbance of wetland resource areas is necessary. The project will affect approximately 1,536 linear feet (lf) of Bank, 39,099 sf of BVW, 36,029 sf of Land under Water (LUW), 53,587 sf of Bordering Land Subject to Flooding, and 82,835 sf of Riverfront Area. The proponent is proposing in-place restoration of wetland areas and buffer zones to mitigate for the project's impacts.

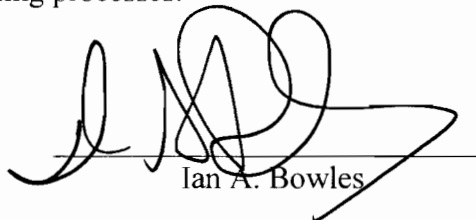
This project has the ability to dry dredge because it is immediately downstream of Lake Lashaway which presently has an annual "Drawdown" permit (Order of Conditions) for up to eight-feet. The existing Order of Conditions for the drawdown should be amended to allow an earlier drawdown than November 1st. The proponent should comply with the Massachusetts Stormwater Management Policy's Redevelopment Standard for the project site. It should consider upgrading catch basins on the project site to include deep sumps and hoods to collect pollutants from stormwater and some sort of pre-treatment system prior to discharge to the East Brookfield River. If unknown submerged cultural resources are encountered during the course of the proposed project, the proponent should take steps to limit adverse affects and notify the Massachusetts Board of Underwater Archaeological Resources.

In its comment letter, the NHESP anticipates that the proposed project can be conditioned to avoid a prohibited "take" of state-listed species. However, the proponent should submit a complete filing to NHESP to facilitate its review of the project. According to the comments it submitted, the NHESP will work with the proponent to develop a plan to protect Wood Turtles during project site remediation.

Conclusion

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR. Any remaining issues can be addressed during the state permitting processes.

June 19, 2009
Date



Ian A. Bowles

Comments received:

AECOM, 5/21/09
AECOM, 5/26/09

EEA #14420

ENF Certificate

June 19, 2009

AECOM, 5/28/09

AECOM, 5/28/09

MassWildlife/Natural Heritage & Endangered Species Program, 6/2/09

AECOM, 6/8/09

Massachusetts Board of Underwater Archaeological Resources, 6/10/09

Massachusetts Department of Environmental Protection/Central Regional Office, 6/11/09

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