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July 11, 2008

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

PROJECT NAME: Remediation for East Street & Commercial Street
PROJECT MUNICIPALITY: Pittsfield
PROJECT WATERSHED: Housatonic
EEA NUMBER: 14259
PROJECT PROPONENT: General Electric Company, Inc.
DATE NOTICED IN MONITOR: June 11, 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).

Project Description

As described in the Environmental Notification Form (ENF), the project involves environmental remediation of PCB (polychlorinated biphenyl)-contaminated soil in the Virgilio Commercial Park in Pittsfield. The project site consists of 11 separate contiguous parcels comprising approximately 13.6 acres off of East Street and Commercial Street. Remedial activities are proposed to occur in approximately 45,000 square feet (sf) of the subject parcels. Of this area, approximately 36,600 sf are classified as wetland resource areas pursuant to the Wetlands Protection Act regulations at 301 CMR 11.02. The project site is located within Priority and Estimated Habitat for the American Bittern and the Wood Turtle, which are state-listed rare species. The remediation work is being conducted as required by the Department of Environmental Protection (MassDEP) under the Massachusetts Contingency Plan (MCP) (Release Tracking Number GEACO 230, November 2000). To achieve applicable cleanup standards, PCB-containing soils will be physically removed from the site via excavation, and will

be replaced with an equal volume of backfill material and subsequent surface restoration. Approximately 2,800 cubic yards (cy) of material will be removed as part of the project.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(f) of the MEPA regulations because it will result in the alteration of more than ½ an acre of “any other wetlands”. The project requires review from the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP) and an Order of Conditions from the Pittsfield Conservation Commission. 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 or potentially required state permits and/or review. In this case, MEPA jurisdiction is limited to issues related to wetlands and rare species.

Review of the ENF

Removal limits for the project have been approved by MassDEP as part of the MCP Phase 4 Approval dated April 1, 2008. The ENF presented a summary of remediation technologies that were considered during project planning and design. The preferred alternative of excavation was selected as it allows the Proponent to physically remove the affected materials from the site; is a proven and reliable remediation technique as compared to in-situ treatment; and because it affords the Proponent the ability to control the remediation in terms of removal accuracy, response to adverse or inclement conditions, and limits disruptions to the remaining site. As requested by the Berkshire Regional Planning Commission (BRPC), the Proponent should forward a map illustrating the extent and density of soil borings that were dug on site and the results of the borings to BRPC. The Proponent should ensure that all areas of PCB contamination at the site have been completely identified, so as to preclude possible project segmentation if additional remedial actions or permits are required in the future.

The project will result in impacts to approximately 250 sf of Bordering Vegetated Wetlands (BVW), 36,350 sf of Bordering Land Subject to Flooding (BLSF) and 25,000 sf of Riverfront Area (coincidental with BLSF). The remainder of the work will occur outside of wetland resource areas. The majority of excavation within the floodplain is located within parking lots and driveways of the industrial park. The Proponent will submit a Notice of Intent (NOI) to the Pittsfield Conservation Commission under the limited project provisions of the Wetlands Protection Act (WPA) at 310 CMR 10.53(q). The Proponent should develop a detailed wetland restoration and monitoring plan for its NOI application. The Proponent should ensure that the restoration work results in the regrowth of native plant communities and does not promote the spread of invasive species. The Proponent states in the ENF that there will be no loss of BVW or net loss of flood storage due to the remediation or restoration work. During the review of the NOI, I encourage the Pittsfield Conservation Commission and owners of the project site parcels to consider possible opportunities to improve stormwater treatment facilities during the project.

Prior to excavation, the Proponent will install silt fence as an erosion control measure around all areas to be remediated. Any catch basins in the vicinity of the project site will be

protected with a siltation barrier consisting of tightly abutting straw bales on top of a filtration fabric around the grate. A double layer of silt fence will be installed in areas delineated as BVW or located in grassy or wooded areas abutting the East Branch of the Housatonic River.

The Proponent is required to submit a formal filing to the NHESP pursuant to the Massachusetts Endangered Species Act (MESA). As part of the filing, the Proponent should develop a construction plan that outlines measures that will be implemented to avoid harm to state-listed species. In its comments on the ENF, NHESP states that if work is carefully timed to avoid the active season for the American Bittern and Wood Turtle (between November 1 and April 1), most impacts to these species would be avoided. If the Proponent cannot develop an acceptable construction plan, the project may require a Conservation and Management Permit pursuant to 321 CMR 10.23. The Proponent should coordinate closely with NHESP following the issuance of this Certificate to develop an approach to avoid rare species impacts.

Conclusion

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.

July 11, 2008

Date



Ian A. Bowles

Comments received:

6/24/2008	Berkshire Regional Planning Commission
6/30/2008	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
7/1/2008	Department of Environmental Protection, Western Regional Office

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