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

PROJECT NAME: Site Remediation for Dalton Avenue
PROJECT MUNICIPALITY: Pittsfield
PROJECT WATERSHED: Housatonic
EEA NUMBER: 14091
PROJECT PROPONENT: General Electric Company, Inc.
DATE NOTICED IN MONITOR: August 22, 2007

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 at seven separate parcels off Dalton Avenue in Pittsfield. The project site consists mainly of retail businesses and parking lots. Unkamet Brook bisects the site and then flows through a culvert under Dalton Avenue. The proposed remediation area encompasses approximately 40,400 square feet (sf), with 37,000 sf of that area identified as jurisdictional wetlands. Virtually the entire site is located within the 100-year floodplain and 200-foot Riverfront Area for Unkamet Brook. Depths of remediation will range from one to twelve feet.

The remediation work is being conducted as required by the Department of Environmental Protection (MassDEP) under the Massachusetts Contingency Plan (MCP). 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.

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 a Section 404 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE); a 401 Water Quality Certificate from MassDEP; 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 permits or state agency review. In this case, MEPA jurisdiction is limited to issues related to wetlands and hazardous waste.

Review of the ENF

The project will result in impacts to approximately 3,700 sf of Bordering Vegetated Wetlands (BVW), 300 sf of Land Under Waterbodies and Waterways, 102 linear feet of Bank, 40,385 sf of Bordering Land Subject to Flooding (BLSF), and 37,561 sf of Riverfront Area. The project involves the dredging of 32 cubic yards (cy) of material from Unkamet Brook. The ENF contained a discussion of alternative methods of remediation including capping the affected area and in-situ treatment or stabilization, which were determined to not be feasible or effective for the small volume of contaminated materials and the regulated wetlands at the site. According to the ENF, the Proponent will install a double layer of silt fence prior to excavation around all areas to be remediated. The silt fence will remain in place until the site has been stabilized and the Pittsfield Conservation Commission approves its removal.

The ENF did not contain much information about proposed remediation methodology. The Proponent has submitted its application to the ACOE for a Category 2 PGP to the MEPA office which contains more detailed information about the project. Given the public interest about GE’s remediation efforts in Pittsfield, I encourage the Proponent to provide as much information as possible during the local permitting process on how it intends to avoid potential adverse impacts to wetland resource areas. The Proponent must implement strong erosion and sedimentation controls to prevent downstream contamination of Unkamet Brook. I urge the Proponent to coordinate with the City of Pittsfield regarding ongoing City efforts to improve Unkamet Brook. The Proponent should consider installing flow monitors downstream of the project site on Unkamet Brook.

The Proponent should develop a detailed wetland restoration and monitoring plan for its Notice of Intent (NOI) application to the Pittsfield Conservation Commission. The Proponent should note comments from the Berkshire Regional Planning Commission (BRPC) regarding the control and removal of invasive plant species. I support the suggestion made by the Berkshire Environmental Action Team (BEAT) that businesses on the parcel be provided with educational materials about prohibited activities in wetlands and riverfront areas.

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.

September 21, 2007

Date



Ian A. Bowles

Comments received:

- 8/31/2007 Berkshire Environmental Action Team
- 9/7/2007 Berkshire Regional Planning Commission
- 9/8/2007 Housatonic Valley Association
- 9/11/2007 Department of Environmental Protection, Western Regional Office

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