

Commonwealth of Massachusetts
Executive Office of Environmental Affairs ■ MEPA Office

ENF

**Environmental
Notification Form**

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>
EOEA No.: <i>13675</i> MEPA Analyst: <i>Aisling Eglinton</i> Phone: 617-626- <i>1028</i>

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: CITGO Petroleum Corporation Maintenance Dredging		
Street: 385 Quincy Avenue		
Municipality: Braintree	Watershed: <i>Boston Harbor</i>	
Universal Transverse Mercator Coordinates:	Latitude: 41°14' N Longitude: 75°58' W	
Estimated commencement date: 1/23/06	Estimated completion date: 3/24/06	
Approximate cost: \$110,000	Status of project design: 100 % complete	
Proponent: CITGO Petroleum Corporation		
Street: 385 Quincy Avenue		
Municipality: Braintree	State: MA	Zip Code: 02184
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Jeffrey W. Oakes, P.E.		
Firm/Agency: CLE Engineering, Inc.	Street: 15 Creek Road	
Municipality: Marion	State: MA	Zip Code: 02738
Phone: (508) 748-0937	Fax: (508) 748-1363	E-mail: joakes@cleengineering.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
 Yes No
- Has this project been filed with MEPA before?
 Yes (EOEA No. _____) No
- Has any project on this site been filed with MEPA before?
 Yes (EOEA No. 8946) No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8)) Yes No
 - a Special Review Procedure? (see 301 CMR 11.09) Yes No
 - a Waiver of mandatory EIR? (see 301 CMR 11.11) Yes No
 - a Phase I Waiver? (see 301 CMR 11.11) Yes No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?
 Yes (Specify: MA DEP Dredge Permit and WQC, CZM Fed Consistency Review, Braintree Conservation Commission and Planning Board, ACOE Permit) No

List Local or Federal Permits and Approvals: Town of Braintree: Order of Conditions and Special Permit
MA DEP: 401 Water Quality Certificate and Dredge Permit, MACZM Federal Consistency Statement
ACOE permit

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- | | | |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water | <input type="checkbox"/> Wastewater | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air | <input type="checkbox"/> Solid & Hazardous Waste |
| <input type="checkbox"/> ACEC | <input type="checkbox"/> Regulations | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	1.94			
New acres of land altered		0		
Acres of impervious area	N/A			
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		84,400		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				
Gross square footage	N/A			
Number of housing units	N/A			
Maximum height (in feet)	N/A			
TRANSPORTATION				
Vehicle trips per day	N/A			
Parking spaces	N/A			
WATER/WASTEWATER				
Gallons/day (GPD) of water use	N/A			
GPD water withdrawal	N/A			
GPD wastewater generation/ treatment	N/A			
Length of water/sewer mains (in miles)	N/A			

CONSERVATION LAND: Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

- Yes (Specify _____) No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

- Yes (Specify _____) No

RARE SPECIES: Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify _____) No

HISTORICAL /ARCHAEOLOGICAL RESOURCES: Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify _____) No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify _____) No

AREAS OF CRITICAL ENVIRONMENTAL CONCERN: Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify _____) No

PROJECT DESCRIPTION: The project description should include **(a)** a description of the project site, **(b)** a description of both on-site and off-site alternatives and the impacts associated with each alternative, and **(c)** potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

SEE ATTACHED PROJECT NARRATIVE

Exhibit B

Project Narrative

Project Description

Citgo Petroleum Corporation is proposing to perform maintenance dredging on the existing berth at their Braintree facility. The berth area is located on the Fore River, adjacent to the Federal Channel that the US Army Corps of Engineers (COE) is proposing to dredge during the winter of 2006 to maintain navigation. Dredging of Citgo's berth was previously authorized by local, state and federal agencies (MA DEP Transmittal # W92-1372, Permit No. 233, ACOE Permit No. 199102068).

The project will consist of maintenance dredging an area of approximately 84,400 square feet. The dredging will consist of excavating to a depth of minus thirty eight feet (38') mean lower low water datum with two (2) foot allowable overdepth for a total of approximately 5,460 cubic yards of material to be removed. The material will be mechanically excavated from a barge mounted crane. The material will be placed into a bottom dump scow that will be towed to the Massachusetts Bay Disposal Site (MBDS) for disposal pending approval from DEP and the COE.

Improvement dredging that required blasting of bedrock to remove navigational hazards was last conducted in 1993. All local, state and federal permits were obtained for the dredging of approximately 40,000 cubic yards of material, of which approximately 60% was bedrock and 40% was sediment overburden consisting of silty gravel to silt. Upon review of the sediment analyses, the EPA and COE concluded the material was suitable for disposal at the MBDS.

Purpose

The purpose of the proposed project is to maintain access to navigable waters and the existing berth area for an existing commercial facility. The maintenance dredging is essential to the continued efficient delivery of gasoline, diesel and heating oil to the Citgo terminal from where it can be distributed to industrial, commercial and residential end users.

Resource Areas

On October 12, 2005 CLE conducted a hydrographic survey of the project area. The results of the survey were used to determine the area of the berth requiring maintenance dredging and the volume of material to be dredged. The survey is presented as Exhibit D "Proposed Maintenance Dredging, Citgo Petroleum Corporation"

The project falls within the near shore of Land Under the Ocean as described in the Regulations of the Massachusetts Wetlands Protection Act (310 CMR 10.25) and within an area of potential shellfish habitat under 310 CMR 10.34. The Massachusetts GIS "Designated Shellfish Growing Area" layer dated October 2000 shows the area of the proposed dredging to be closed to the taking of shellfish, therefore the area is not significant to the protection of land containing shellfish or marine fisheries under 310 CMR 10.34(3). Benthic grab samples obtained in 1991 showed there were no significant shellfish resources in the area of proposed dredging.

Additionally, the Weymouth Fore River is identified as an anadromous fish run in the DEP's "A Guide to the Coastal Wetlands Regulations". Impact to the Resource Areas is limited to the proposed dredge footprint, which is approximately 84,400 square feet.

Performance Standards

Pursuant to 310 CMR 10.25, Land Under the Ocean is likely to be significant to the protection of marine fisheries, and where there are shellfish, to protection of land containing shellfish. Near shore areas of land under the ocean are likely to be significant to storm damage prevention, flood control, and protection of wildlife habitat. Land Under the Ocean that Underlie an Anadromous Fish Run is presumed to be significant to the protection of marine fisheries. As described below, the proposed project will not affect the resource areas' abilities to perform their functions.

Construction Methodology

Consistent with the requirements of the Water Quality Certification permit and the COE's permit application requirements, CLE has requested a pre-application meeting with the COE and their Marine Analysis Unit to review the proposed sampling plan for the site. CLE is presently awaiting this meeting so that samples may be conducted and analyzed to the project depth to confirm their suitability for disposal at the MBDS.

Construction requirements for the proposed maintenance dredging project are as follows:

1. The material will be mechanically excavated from a barge mounted crane with a clamshell bucket and deposited in a bottom dump scow. Care will be taken to minimize turbidity in the water.
2. The dump scow will be towed to the disposal site designated by the COE in the MBDS in accordance with the COE and DEP Water Quality Certificate permit requirements.
3. Prior to completion of the maintenance dredging, a hydrographic survey will be conducted to verify project depths.
4. Contractor shall minimize impacts to coastal resource areas at all times during the proposed work.
5. Additional monitoring and mitigation measures required by the Water Quality Certificate and the COE permit will be incorporated into the dredging operation.

Mitigation Measures

The project has been designed to minimize the impacts to the coastal resource areas. Dredging will be prohibited during fish spawning and migrating periods as directed by the Massachusetts Division of Marine Fisheries. The maintenance dredging is designed to provide adequate clearance for the proposed vessels using them, thereby reducing the risk of propeller disturbance at the site.

The applicant shall comply with all mitigation measures as required in the following permits to be issued for the project:

- US Army Corps of Engineers
- MA DEP Division of Water Pollution Control, Water Quality Certificate
- MA DEP Division of Wetlands and Waterways, Chapter 91 Dredge Permit
- MA Coastal Zone Management, Federal Consistency
- Braintree Planning Board, Special Permit for work in Wetlands and Floodplain District

Copies of the above permits will be provided to the Braintree Conservation Commission prior to commencement of work.

Alternatives Analysis

The proposed maintenance dredging has no off-site alternatives. On-site alternatives include:

- No-build alternative: The no-build alternative will result in the deterioration of access to navigable waters from the site and continued use of the commercial berth. The no-build alternative does not meet the project goals and is not considered further.
- The proposed maintenance dredging is the preferred alternative presented in this Notice of Intent filing.