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Executive Office of Energy and Environmental Affairs
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December 6, 2019

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

PROJECT NAME : River Ridge
PROJECT MUNICIPALITY : Foxborough
PROJECT WATERSHED : Taunton River
EEA NUMBER : 16111
PROJECT PROPONENT : TH Belcher Fox LLC & Foxborough Solar Partners, LLC
DATE NOTICED IN MONITOR : November 6, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.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 an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of development on two parcels in Foxborough. The project includes the construction of a single-family home on a 3-acre lot located off of Cocasset Street and a 19-lot open space residential subdivision (OSRS) with an approximately 1,542 linear foot (lf) access road, stormwater management system, utilities, grading and landscaping off of East Belcher Road and Belcher Road. The lots sizes for the OSRS will range between 20,000 square feet (sf) and 28,000 sf. Approximately 12.6 acres of the project site will be transferred to the Foxborough Conservation Commission and protected under Article 97 and approximately 73 acres will be placed under a Declaration of Restriction (DR), of which 30.8 acres will be placed under an Executive Office of Energy and Environmental Affairs (EOEEA) approved

Conservation Restriction (CR). The DR land includes approximately 12 acres of contaminated land that may require remediation in the future.

Project Site

The approximately 101.7-acre project site is comprised of two parcels including a 25.7-acre parcel with frontage on Belcher Road and a 76-acre parcel with frontage on Cocasset Road. The site includes an abandoned single-family home and collapsed barn along Cocasset Road. The project site is bounded by Belcher Road to the southwest, municipally-owned, undeveloped land to the north and west and municipally owned conservation land to the south and east. The project site was previously used as a sewage lagoon and is regulated under the Massachusetts Contingency Plan (MCP) release tracking number (RTN) 4-0000792. Portions of the project site, including the proposed OSRS, were removed from the disposal site through an Administrative Consent Order (ACO) issued on April 6, 2010.¹ The project site includes uplands and wetlands including Bordering Vegetated Wetlands (BVW), Isolated Land Subject to Flooding (ILSF), and Riverfront Area (RFA) associated with the Rumford River. Portions of the project site are mapped as Priority Habitat according to the Massachusetts Natural Heritage Atlas (14th Edition) for the Marbled Salamander (*Ambystoma opacum*) and Blanding's Turtle (*Emydoidea blandingii*), which are species state-listed as Threatened.

Environmental Impacts and Mitigation

The project is expected to result in the new alteration of 7 acres of land², creation of 2.6 acres of impervious surface, alteration of 27,500 sf of ILSF and 1,325 sf of RFA, generation of 200 new average daily trips (adt), construction of 38 new parking spaces, an increase water demand by 8,800 gallons per day and an increase wastewater generation by 8,800 gpd. The project includes the construction of 0.3 miles of new water main.

Measures to avoid, minimize and mitigate environmental impacts include designing the project as an OSRS to maximize open space and placing approximately 85 acres of land under a DR and/or CR.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(2)(b)(2) because it requires a State Agency Action and involves the disturbance of greater than 2 acres of priority habitat. The project requires a Conservation and Management Permit (CMP) from the Natural Heritage and Endangered Species Program (NHESP).

The project requires an Order of Conditions from the Foxborough Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The project will require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA).

¹ Clarified in an e-mail sent to the MEPA Office on December 4, 2019

² An additional 12 acres of previously disturbed (capped) area will be impacted if site remediation activities are proposed. The ENF summary impact table listed 4.1 acres of land alteration but this number was corrected to 7 acres in the supplemental alternatives analysis.

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the ENF

The ENF provided a description of existing and proposed conditions, preliminary project plans and identified measures to avoid, minimize and mitigate environmental impacts. A supplemental alternatives analysis was circulated to the distribution list on November 2, 2019.

Alternatives Analysis

The Alternatives Analysis described a No-Build Alternative, a Conventional Subdivision Alternative, a Ground Mounted Solar (GMS) Facility with OSRS Alternative and the Preferred Alternative. The No-Build Alternative would not develop the site or disturb priority habitat and existing structures would remain. The Conventional Subdivision Alternative included the development of a 19-lot single-family residential development with a minimum 40,000-sf lot size. This alternative would result in the alteration of 15.1 acres of land, including priority habitat, create 3.1 acres of new impervious area and would have the same wetlands impacts as the Preferred Alternative. The GMS with OSRS would involve the construction of a 19-lot OSRS and a 22.6-acre GMS facility. This alternative would result in the alteration of 32.2 acres of land, including priority habitat, create 2.7 acres of new impervious surface and would have the same wetland impacts as the Preferred Alternative. It would include placing a DR and/or CR on 65.3 acres of the project site. Due to the location of the contaminated land within the middle of the site, both the Conventional Subdivision Alternative and the GMS with OSRS were dismissed due to lack of contiguous areas for habitat mitigation and solar development. The Preferred Alternative includes OSRS which maximizes contiguous open space and places a DR and/or CR on 85.6 acres of land.

Wetlands and Stormwater

The project will result in permeant filling of ILSF and impacts to RFA associated with the construction of the access road. The Foxborough Conservation Commission will review the project to determine its consistency with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and associated performance standards, including stormwater management standards (SMS). The Notice of Intent (NOI) Application should include an alternatives analysis for any RFA alteration in accordance with 310 CMR 10.58 and the demonstrate that work within ILSF will meet the performance standards for ILSF in accordance with 310 CMR 10.57.

Rare Species

The project will result in the disturbance of approximately 16 acres of priority habitat resulting in a Take of the Marbled Salamander and Blanding's Turtle. Therefore, the project requires a CMP from NHESP. As described in NHESP's comment letter, the Proponent intends to meet the performance standards of a CMP by: (a) permanently protecting 85.6 acres of the property as open space and state-

listed species habitat, of which up to 11.98 acres of disturbance may be required to remove and or remediate historic contamination; (b) installing permanent monumentation and signage to delineate the boundaries of the open space; and (c) implementing Division of Fisheries and Wildlife (DFW)-approved plans to protect state-listed species during and after construction. NHESP anticipates that a suitable long-term net benefit can be achieved through the permanent protection of habitat for state-listed species on the property, and that the project should be able to meet the performance standards of a CMP. Comments from NHESP note that several outstanding details will need to be addressed in order for a CMP to be issued including submission of a: final recordable open space plan that identifies portions of the property that will be protected through a CR to be held by a qualified land trust, nonprofit or government entity; and draft turtle protection plan to ensure protection of state-listed species during and after construction.

Construction

The project must comply with MassDEP Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54 during construction. All construction activities should be undertaken in compliance with the conditions of all State and local permits. The Proponent should implement measures to avoid, minimize and mitigate construction period impacts (e.g., noise, dust, odor). I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). To minimize noise and emissions of air pollutants from construction equipment, all work should conform to the anti-idling measures of the Air Quality regulations (310 CMR 7.11), which limit vehicle idling to five minutes.

Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

December 6, 2019

Date



Kathleen A. Theoharides

Comments received:

11/26/2019 Natural Heritage and Endangered Species Program (NHESP)
 11/26/2019 Foxborough Conservation Commission
 11/26/2019 Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Officer (SERO)

KAT/EFF/eff



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November 22, 2019

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, EEA No. 16111
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: River Ridge
Proponent: TH Belcher Fox LLC & Foxborough Solar Partners LLC
Location: 191 Cocasset Street, 96 E. Belcher Road, 112 & 114 Belcher Road; Town of Foxborough
Document Reviewed: Environmental Notification Form
EEA No.: 16111
NHESP No.: 10-28635

Dear Secretary Theoharides:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has reviewed the Environmental Notification Form and Supplemental Alternatives Analysis (collectively, the "ENF") for the proposed "River Ridge" Residential Subdivision Project (the "Project") and would like to offer the following comments regarding state-listed species and their habitats.

According to the Massachusetts Natural Heritage Atlas (14th Edition), portions of the Project site are mapped as Priority Habitat for the Marbled Salamander (*Ambystoma opacum*) and Blanding's Turtle (*Emydoidea blandingii*), species state-listed as Threatened. These species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). Fact Sheets for state-listed species can be found on our website, www.mass.gov/nhesp. All projects or activities proposed within Priority Habitat, which are not otherwise exempt pursuant to 321 CMR 10.14, require review through a direct filing with the Division for compliance with the MESA Regulations (321 CMR 10.18).

The MESA is administered by the Division and prohibits the Take of state-listed species, which is defined as "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

The Project, as proposed and described in the ENF, includes the construction of a single family home located off of Cocasset Street and a nineteen (19) lot open space residential subdivision, access road,

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stormwater management structures and associated site work located off of East Belcher Road. The property encompasses ±101.7 acres, which includes a ±25.7 acre parcel on which the residential subdivision is proposed and a ±76.0 acre parcel on which the single family home is proposed. Collectively, the Project will result in up to ±16.0 acres of disturbance on the ±101.7 acre property, as shown on the project plans (Appendix A; Foxborough Open Space and Recreation Plan, dated March 4, 2019).

The Division understands that the Massachusetts Department of Environmental Protection may require the Proponent to remove and or remediate historic contamination on portions of the ±76.0 acre parcel (Tier 1 Disposal Site, Release Tracking Number 4-0792). Although the extent and nature of any required remediation activities remain unclear at this time, this potential future component of the Project may result in up to ±11.98 acres of additional disturbance on the property.

Based on a review of information submitted to the Division and information currently contained in our database, the Division determined (Division letter dated October 16, 2019) that the Project, as proposed, will result in a Take (321 CMR 10.18 (2)(b)) of the Marbled Salamander and Blanding's Turtle due to the permanent loss and or fragmentation of suitable habitats and interference with the feeding, breeding, over-wintering and migratory activities of these species.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

Although the exact details of the long-term net benefit required under a CMP have not yet been finalized, the Proponent has worked cooperatively with the Division to address impacts to state-listed species. Based on information provided in the ENF, information previously submitted to the Division, and ongoing consultations with the Proponent, it is our understanding that the Proponent intends to meet the performance standards of a CMP by: (a) permanently protecting ±85.6 acres of the property as open space and state-listed species habitat, of which up to ±11.98 acres of disturbance may be required to remove and or remediate historic contamination; (b) installing permanent monumentation and signage to delineate the boundaries of the open space; and (c) implementing Division-approved plans to protect state-listed species during and after construction. The Division anticipates that a suitable long-term net benefit can be achieved through the permanent protection of habitat for state-listed species on the property, and that the Project should be able to meet the performance standards of a CMP.

Several outstanding details will need to be addressed in order for the Division to be able to issue a CMP for the Project. These details include, but may not be limited to: (1) submitting a final, recordable open space plan that identifies the portions of the property to be protected through an Executive Office of Energy and Environmental Affairs - Division of Conservation Services approved conservation restriction to be held by a qualified land trust, nonprofit organization or government entity; (2) providing written confirmation from a qualified conservation entity confirming its willingness to hold the conservation restriction; (3) submitting a draft declaration of restriction and draft conservation restriction for the

proposed open space; and (4) submitting draft turtle protection as well as operations and maintenance plans to ensure protection of state-listed species during and after construction. The Division anticipates being able to address these outstanding issues through the MESA review process.

The Division will not render a final decision until the MEPA review process and its associated public comment period is complete, and until all required CMP application materials have been submitted to the Division. As the MESA review process is ongoing, no alteration to the soil, surface, or vegetation associated with the proposed Project shall occur until the Division has made a final decision relative to the CMP. If you have any questions about this letter, please contact Jesse Leddick, Chief of Regulatory Review, at jesse.leddick@mass.gov or 508-389-6386. We appreciate the opportunity to comment on the Project.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: William Buckley, Jr., Manager, TH Belcher Fox LLC & Foxborough Solar Partners LLC
Brian Butler, Oxbow Associates, LLC
Town of Foxborough Board of Selectmen
Town of Foxborough Planning Board
Town of Foxborough Conservation Commission



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November 26, 2019

Kathleen A. Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Erin Flaherty, MEPA Environmental Analyst
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: River Ridge
Proponent: TH Belcher Fox LLC & Foxborough Solar Partners LLC
Location: 191 Cocasset Street, 96 E. Belcher Road, 112 & 114 Belcher Road, Foxborough
ENF EEA No.: 16111

Dear Secretary Theoharides:

As Foxborough Conservation Commission's Agent, I have reviewed the Environmental Notification Form for the proposed "River Ridge" Residential Open Space Subdivision Project (Project). Conservation Commissioners Bob Boette and Judi Johnson and I attended the MEPA site visit on November 19th, led by Erin Flaherty, MEPA Environmental Analyst. In addition, I have first-hand knowledge about the rare species that inhabit the Priority Habitat surrounding the Project site, and would like to offer the following comments and background information.

During last night's meeting, the Conservation Commission (Commission) issued an Order of Conditions (Order) for River Ridge, DEP #157-576, which had been open for quite a while due to the NHESP's ongoing MESA review. This subdivision is on a small portion of the ENF site, with 27 acres and frontage on Belcher Road. The Order is for the construction of a 1,542+/- foot roadway with associated drainage (including two shallow storm water infiltration basins) and utilities that lie partially within the Spring Brook Riverfront Area. All of the subdivision's site is located in the mapped Priority Habitat of the two rare species included in the NHESP's MEPA comment letter. Parcel A (9.2 acres) and Parcel B (3.4 acres) will be protected as dedicated as open space, under the care and custody of the Commission. These parcels will serve as a critical link between two parcels of Town land in the Rumford River Corridor.

During the November 19 MEPA site visit, I was particularly interested in inspecting a sandy area in the proposed River Ridge subdivision, just west of the isolated land subject to flooding, that I strongly suspect is being used as a turtle nesting area. A female Blanding's turtle was observed crossing Belcher Road from the wetlands across the street and heading toward the site last spring (an observation form was submitted and accepted). Since then, I have heard from a reliable source that they have seen Blanding's turtles crossing Belcher Road in the same location. Since the sandy area is not in an area subject to Commission jurisdiction, it was not part of their project review and is not included in the Order.

When I inspected the sandy area, I immediately found evidence of nest predation in several locations; one appeared to be a snapping turtle's nest, but the eggs in other areas were fewer in number, so could have been from a Blanding's turtle. I also inspected the nearby ILSF, which was flooded in springtime, but did not appear to have vernal pool species or invertebrates living in it at that time, so it is unclear as to whether it is a certifiable vernal pool. During the site visit, this area was dry, with recent buck activity.

Since they are critically important, I have copied, and would like to reiterate a few of the Division of Fisheries and Wildlife's MEPA comments:

"Portions of the Project site are mapped as Priority Habitat for the Marbled Salamander (*Ambystoma opacum*) and Blanding's Turtle (*Emydoidea blandingii*), species state-listed as Threatened."

"Based on a review of information submitted to the Division and information currently contained in our database, the Division determined (Division letter dated October 16, 2019) that the Project, as proposed, will result in a Take (321 CMR 10.18 (2)(b)) of the Marbled Salamander and Blanding's Turtle due to the permanent loss and or fragmentation of suitable habitats and interference with the feeding, breeding, over-wintering and migratory activities of these species."

"As the MESA review process is ongoing, no alteration to the soil, surface, or vegetation associated with the proposed Project shall occur until the Division has made a final decision relative to the CMP."

In summary, I am particularly interested in ensuring that the sandy area near Belcher Road (described above) is protected (or recreated in a nearby area) as turtle nesting habitat. Please note that although I believe that the Commission would agree with this letter, they have not had a chance to review it.

If you have any questions about this letter, please let me know (jpierce@foxboroughma.gov, 508-282-1251). Thank you for the opportunity to comment on the Project.

Sincerely,



Jane Sears Pierce
Foxyborough Conservation Agent

cc: William Buckley, Jr., Bay Colony Group, Inc.
Foxyborough Conservation Commission



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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November 26, 2019

Kathleen A. Theoharides
Secretary of Environment and Energy
Executive Office of Energy and
Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900

RE: ENF Review. EOEEA #16111
16111enf.FOXBOROUGH.River Ridge at 96
E. Belcher Road/112 & 114 Belcher Road/191
Cocasset Street

Boston, MA 02114

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the Proposed Rock River Ridge at 96 E. Belcher Road/112 & 114 Belcher Road/191 Cocasset Street, Foxborough, Massachusetts (EOEEA #16111). The Project Proponent provides the following information for the Project:

Describe the proposed project and its programmatic and physical elements: The project will consist of a 19 lot single-family development permitted under the Open Space Residential Development section of the Foxborough Zoning Bylaws. The lot sizes will average about 23,000 sf with some as small as 20,000. The homes are expected to be in the \$500,000 to \$600,000 range and will contain 4 bedrooms. Some will have attached garages and some will not. The infrastructure will include 2 roadways that will total about 1,542 lf of which about 200 lf will not be constructed through a waiver granted by the Planning Board.

The project will include two lots that will be conveyed to the Foxborough Conservation Commission as dedicated open space that will contain a total of 12.6 acres or 49% of the total area. This land will augment other land owned by the Town that abuts the property (Appendix A). The project will be served by municipal water and gas and electric from private utility companies. The utilities are all available on Belcher Road and will not require an extension to access the project. Construction period impacts are expected to be limited to construction vehicle access from Belcher Road for approximately 2 years while the project is built (Appendix B). A single family home will be constructed on a new 3 acre lot on Cocasset Street.

Bureau of Water Resources Comments:

Wetlands and Waterways. The proposed Project involves the construction of a roadway that would service a 19-lot residential subdivision. Approximately 1,300 square feet of Riverfront Area is proposed for alteration as part of the access to the site. In addition, an area of approximately 27,500 square feet of an area of Isolated Land Subject to Flooding is also proposed to be permanently altered. A Notice of Intent application is required to be submitted to the Foxboro Conservation

Commission. The Notice of Intent application should include an alternative analysis for any Riverfront Area alteration in accordance with 310 CMR 10.58 [Riverfront Area]. Also, the General Performance Standards for work within Isolated Land Subject to Flooding must be met in accordance with the 310 CMR 10.57.

The site is also listed within Rare and Endangered Species Habitat. The ENF indicates that the applicant is working the Natural Heritage Program for appropriate mitigation requirements.

Bureau of Waste Site Cleanup Comments

ENF #16111 – Based upon the information provided, the Massachusetts Department of Environmental Protection, Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. "Disposal Site" means a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The property has been identified as part of an open 21E Disposal Site known as the Porter Estate, RTN 4-0000792 – containing the release of contaminants to the environment with the potential to impact this proposed Project.

Between 1938 and 1988, the property was the location of the Bentley F. Porter Pumping & Disposal Company and used for the disposal of domestic and industrial septage. An environmental assessment, performed by the former owner, reported the identification of petroleum hydrocarbons, dioxins/furans, metals and volatile organic compounds (VOC) in soil and groundwater at the property. In response to this discovery, MassDEP assigned Release Tracking Number (RTN) 4-0000792 to this Disposal Site. A second RTN (4-0012178) was assigned to the property, but this RTN was administratively linked to RTN 4-0000792 on January 22, 1998.

According to the U.S. EPA Final Preliminary Assessment/Site Inspection Report (April 17, 2006), groundwater at the central portion of the Disposal Site was reported to flow east toward the Rumford River which abuts the central portion of the Disposal Site. However, there appears to be a groundwater divide in the southern portion of the property, and as a result a component of groundwater flow would be to the south or southwest, from the area just south of the former septage lagoons toward the portion of the property proposed for this Project. This view is supported by the U.S. Geological Survey Topographic Map of the area, in which surface water flows southwest from the area of the lagoons toward the proposed housing development.

Although limited environmental sampling has been conducted on the property proposed for development, a MCP Phase II Comprehensive Site Assessment Report that documents the extent of contamination and potential risk of harm to human health, public welfare and the environment has not been conducted at the Site. As such, it cannot be concluded that the soil, groundwater, and surface water on the property proposed for redevelopment is not contaminated. The assessment proposed in the Phase II Scope of Work submitted by the former owner (Foxborough Land Partners, LLC on February 6, 2007) is inadequate in assessing risk and groundwater contaminant transport.

In May of 2019, the Project Proponent, as the party that was originally identified to conduct the required cleanup of the Site, was granted "Financial Inability" status by MassDEP. This status is granted to parties whenever they document to MassDEP's satisfaction that they are without the financial resources to conduct the required response actions at an identified 21E Disposal Site.

During this period, when Financial Inability status is in effect, the parties are not required to conduct the required response actions.

At this time the Bureau of Waste Site Cleanup (BWSC) Southeast Regional Office (SERO) does not recommend that the Secretary allow the Project to move forward until a Permanent Solution, pursuant to the Massachusetts Contingency Plan (MCP), is achieved for RTN 4-0000792. The Secretary should condition the Project's MEPA approval on the Project Proponent's successfully achieving an MCP-compliant Permanent Solution for this Site (RTN 4-0000792).

Interested parties may view a map showing the location of this and other BWSC disposal sites by using the MassGIS data viewer (Oliver)

at: http://maps.massgis.state.ma.us/map_ol/oliver.php. Under "Available Data Layers", select "Regulated Areas", and then "DEP Tier Classified 21E Sites". In addition, MCP reports and other information about specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>.

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0300) must be made to MassDEP. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Bureau of Air and Waste (BAW) Comments:

Air Quality Comments: Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

Construction-Related Measures

MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

Massachusetts Idling Regulation

MassDEP reminds the Proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (310 CMR 7.11). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Solid Waste. As a result of its review of the Environmental Notification Form ("ENF") for the River Ridge residential subdivision in Foxborough, MA ("Project" or "Site"), the Massachusetts

Department of Environmental Protection (MassDEP) Solid Waste Management Section (Solid Waste) is providing the following comments regarding the management of solid waste/ recyclable and asbestos materials generated from the Project pursuant to Massachusetts Solid Waste Regulations 310 CMR 16.00: *Site Assignment Regulations For Solid Waste Facilities*, 310 CMR 19.000: *Solid Waste Management* and 310 CMR 7.15: *Asbestos Regulations*.

The ENF indicates that demolition activities will be performed as part of the Project and will generate solid waste and recyclable materials. The site borders Town of Foxborough ("Town") owned land to the north and east with a portion of this area being occupied by the Foxborough Landfill ("landfill").

Solid Waste/Asbestos Comments

1. *Proximity to Solid Waste Facilities:*

Massachusetts Solid Waste regulations, 310 CMR 19.000 is intended to protect public health, safety and the environment through the regulation of solid waste facilities including Massachusetts landfills. Furthermore, 310 CMR 19.118: *Groundwater, Surface Water and Gas Monitoring Systems* requires landfills to install, operate and maintain a landfill gas monitoring system capable of detecting and quantifying the release of contaminants into the air.

Accordingly, Solid Waste is providing the following comment on the Project:

- The Town will be required to evaluate any and all new receptors proposed as part of the Project (i.e., homes, buildings, utilities, catch basins, and other above/below ground structures, etc., that may serve as conduits of landfill gas) to assess the potential impacts, if any, of landfill gas migrating from the landfill. In accordance with 310 CMR 19.118(4)(a)2, the Town's Environmental Monitoring Plan must consist of a sufficient number of wells properly located to detect the presence and migration of landfill gas. Based on the landfill gas risk assessment, the Town may be required to modify its existing landfill gas monitoring system accordingly to comply with 310 CMR 19.118. Solid Waste will be providing these comments to the Town of Foxborough.

2. *Waste Ban Regulations:*

MassDEP enforces solid waste regulations that restrict certain recyclable materials from disposal. Known as "waste bans", these regulations (310 CMR 19.017) prohibit the disposal of recyclable materials as solid waste. Waste materials that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including 310 CMR 19.017: *Waste Bans*.

Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "*Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017*", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>

For more information on how to prevent banned materials from entering the waste stream the Proponent should contact the *RecyclingWorks* in Massachusetts program at (888) 254-5525 or via email at info@recyclingworksma.com. *RecyclingWorks* in Massachusetts also provides a website that includes a searchable database of recycling service providers, available at <http://www.recyclingworksma.com>.

3. *Demolition and Asbestos Containing Waste Material:*

The proposed Project includes the demolition of structures, piping, pumps, and/or other materials which may contain asbestos. The Project Proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos Project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, Project monitors, inspectors and analytical laboratories in the state of Massachusetts.

In accordance with the revised Asbestos Regulations at **310 CMR 7.15(4)**, any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. As part of the asbestos survey, samples must be taken of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.

If ACM is identified in the asbestos survey, the Proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with **310 CMR 7.15**, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at **310 CMR 7.15(7)**. The Proponent and asbestos contractor will be responsible for submitting an *Asbestos Notification Form ANF-001* to MassDEP at least ten (10) working days prior to beginning any removal of the asbestos containing materials as specified at **310 CMR 7.15(6)**.

The Proponent shall ensure that all asbestos containing waste material from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with **310 CMR 7.15 (17)**. The Solid Waste Regulations at **310 CMR 19.061(3)** list the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to **310 CMR 19.061(3) (b) 1**, no asbestos containing material; including VAT, asphaltic-asbestos felts or shingles; may be disposed at a solid waste combustion facility.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter

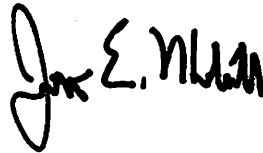
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updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this EENF. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
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JH/GZ

Cc: DEP/SERO

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