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*Executive Office of Energy and Environmental Affairs*  
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December 23, 2019

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

PROJECT NAME : Montague City Road Roadway Flooding Protection Project  
PROJECT MUNICIPALITY : Montague  
PROJECT WATERSHED : Connecticut  
EEA NUMBER : 16120  
PROJECT PROPONENT : Town of Montague  
DATE NOTICED IN MONITOR : November 22, 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** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project includes removal of sediment from a stream channel and adjacent wetlands and installation of two catch basins in Montague City Road. The project is proposed to prevent flooding of Montague City Road which is a designated evacuation route for the Town of Montague (Town). The stream channel was historically dredged from the 1970s through the early 1990's. Currently, accumulated sediment causes the stream to overflow and flood the adjacent Montague City Road. On several occasions, the flooding has resulted in closure of the roadway. The project will reconnect the stream to the floodplain and restore the flood storage capacity of the adjacent wetlands.

### Project Site

The project site includes an approximately 1,275-linear foot (lf) portion of an unnamed perennial stream and associated wetlands, Montague City Road and its right of way (ROW), and an approximately 6,000-square foot (sf) abandoned railroad bed owned by Pan Am railways. The perennial stream is located parallel to and between Montague City Road and the Pan Am property.

Wetland resource areas in proximity to the site include Bank, Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), and Riverfront Area. The project site is not located in Priority and/or Estimated Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

### Environmental Impacts and Mitigation

As described in the ENF, the project will impact the following wetland resource areas: Bank (2,758 lf), BVW (14,669 sf), LUW (8,756 sf), and Riverfront Area (735 sf). Measures to avoid, minimize, and mitigate impacts include: stormwater management improvements; restoration of disturbed areas; and use of construction period best management practices (BMPs).

### Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to Sections 11.03(3)(b)(1)(b) and 11.03(3)(b)(1)(d) of the MEPA regulations because it requires an Agency Action and will alter 500 or more linear feet of inland bank and alter greater than 5,000 sf or more sf of bordering vegetated wetlands. The project requires a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The Town received Financial Assistance in the form of a grant from the Municipal Vulnerability Preparedness (MVP) Program.

The Montague Conservation Commission issued an Order of Conditions (File No. 229-0254) on July 15, 2019 which approved the project and was not appealed.

Because the project has received Financial Assistance, MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

### Review of the ENF

The ENF and supplemental information<sup>1</sup> provided by the Town's consultant provided a description of existing and proposed conditions, a discussion of project alternatives, preliminary project plans, and identified measures to avoid, minimize and mitigate project impacts. Comments from MassDEP do not identify any significant impacts that were not reviewed in the ENF, note deficiencies in the alternatives analysis, or identify additional alternatives for further review.

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<sup>1</sup> Email from Lawrence Rusiecki (Wright-Pierce) to Page Czepiga (MEPA Office) sent 12/18/19.

### *Alternatives Analysis*

The Town evaluated a No Action and the Preferred Alternative (as described herein). According to the ENF, the No Action Alternative was dismissed as it does not meet the project goal of reducing flooding of Montague City Road. The ENF indicated that hard solutions such as roadway reconstruction or armoring the stream banks were not considered because the Town preferred a solution that would support the restoration of adjacent BVW. The Preferred Alternative was selected as it will achieve the project goal and restore the natural channel width and adjacent BVW, reconnect the stream to the floodplain, and restore the flood storage capacity of the wetland system.

### *Wetlands and Stormwater*

The project will impact Bank, BVW, LUW, and Riverfront Area. The Montague Conservation Commission reviewed the project and determined that it is consistent with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and MassDEP's Stormwater Management Standards (SMS) as indicated by the Order of Conditions issued on July 15, 2019 which approved the project. I refer the Town to comments from MassDEP which identify discrepancies between the ENF and the Order of Conditions regarding impacts to LUW and Riverfront Area.

The project will dredge 350 cubic yards (cy) of sediment from the stream and adjacent wetland. MassDEP will review the project to determine its consistency with the 401 WQC regulations (314 CMR 9.00). The ENF indicated the project qualifies as a maintenance project pursuant to 314 CMR 9.04(5). According to the ENF, Pan Am railways will not permit the sampling of sediment or material from their property; for this reason, all dredged material will be placed adjacent to the abandoned rail bed rather than be reused or disposed of off-site. I refer the Proponent to comments from MassDEP which request the 401 WQC application be submitted to both its Western Region and Boston offices.

### *Climate Change and Resiliency*

The Town of Montague has been designated as a participating community in the Commonwealth's MVP program which provides support for the process of planning for climate change resiliency and implementing priority projects. Through the MVP program, the Town received funding to conduct a planning process for climate change resiliency and implementing priority projects. The results of the initial community-driven process were presented in the "*MVP Resiliency Plan*" (dated June 2018). The Report indicated that addressing the flooding of Montague City Road was a common theme during community discussions and it was identified as a short term priority action to improve resiliency. Completion of this planning effort made the Town eligible for MVP action grants, including funding for this project. I encourage the Town to continue implementing the recommendations identified in the MVP planning process to improve the Town's resiliency to future climate change conditions.

### *Construction Period*

All activities should be managed in accordance with applicable MassDEP Solid Waste and Air Pollution Control regulations pursuant to M.G.L. c.40, §54. I encourage the Town to use construction equipment with engines manufactured to Tier 4 federal emission standards, or to select project contractors that have installed retrofit-emissions control devices, or vehicles that use alternative fuels to reduce emissions of 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). All construction activities should be undertaken in compliance with the conditions of all State and local permits.

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 MassDEP, I have determined that an EIR is not required.

December 23, 2019

Date



Kathleen A. Theoharides

Comments received:

12/12/2019 Massachusetts Department of Environmental Protection (MassDEP)

KAT/PRC/prc



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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December 12, 2019

Kathleen A. Theoharides, Secretary  
Executive Office of Energy & Environmental Affairs  
Massachusetts Environmental Policy Act Office  
Page Czepiga, EEA No. 16120  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114-2524

Re: Town of Montague  
City Road Project ENF

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted for the proposed road and drainage improvements for a section of Montague City Road in Montague, MA (EEA #16120).

### **I. Project Description**

The Town of Montague (Proponent) is proposing road and drainage improvements for a section of Montague City Road. An unnamed perennial stream located adjacent to the road has been overflowing and causing flooding as a result of sediment and debris build up in the streambed. The flooding has caused closure of Montague City Road on several occasions. The project proposes to remove the sediment and debris from the stream channel and to also remove the accumulated sediment from the adjacent wetlands. Two new catch basins will be installed and connected to the existing drainage system. This is being undertaken as a resiliency project and will be completed in 2020.

The applicable MassDEP regulatory and permitting considerations regarding wetlands, air pollution, solid waste, hazardous waste and waste site cleanup are discussed.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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Environmental impacts associated with this project include:

- 2,758 linear feet of Bank (temporary impact)
- 14,669 sf of Bordering Vegetated Wetland (BVW) (temporary impact), proposed to be restored at a 1:1 basis.
- 8,756 sf of Land Under Water (LUW) (temporary impact)
- 735 sf of Riverfront area (temporary impact)

## **II. Required Mass DEP Permits and/or Applicable Regulations**

### Wetlands

310 CMR 10.000

### Water Quality Certificate

314 CMR 9.00

### Waterways

310 CMR 9.00

### Air Pollution

310 CMR 7.00

### Solid Waste

310 CMR 19.00

### Asbestos

310 CMR 7.15

### Hazardous Waste

310 CMR 30.00

### Bureau of Waste Site Cleanup

310 CMR 40.000

## **III. Permit Discussion**

### **Bureau of Water Resources**

#### Wetlands

A Notice of Intent for the project was submitted to MassDEP and the Montague Conservation Commission on April 29, 2019. The issuance date of the Order is July 15, 2019.

#### 401 Water Quality Certification

As proposed, this project will require a Clean Water Act Section 401 Water Quality Certification (WQC) for dredging. The project as proposed includes both stabilizing sediments in place and dredging sediments. The Proponent should submit a copy of the application to both the Western regional and the Boston Office of MassDEP for review. One permit will be issued, however regional staff will assist the Boston office in the details of the permitting.

Based on the results of sediment sampling, the Proponent proposes to dispose of the dredged material off-site in accordance with MassDEP policy, as applicable. The dredged spoils

shall be managed and disposed in accordance with conditions of a 401 Water Quality Certificate Permit as detailed in the *MassDEP Interim Policy COMM 94-007 Sampling, Analysis, Handling & Tracking requirements for Dredged Sediment Reused or Disposed at Massachusetts Permitted Landfills*.

A discrepancy is noted between Riverfront Area impacts in the Order of Conditions versus the ENF that should be clarified. A discrepancy also exists in the Land Under Water Bodies and Waterways (LUWW) impacts noted for dredging versus overall LUWW impacts. These matters can be remedied during the permit review.

## **Bureau of Air and Waste**

### **Air Quality**

#### **Construction and Demolition Activities**

The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP's Bureau of Air and Waste (BAW) Regulations 310 CMR 7.01, 7.09, and 7.10.

#### **Construction Equipment**

MassDEP recommends the Proponent mitigate construction-period impacts of diesel emissions to the maximum extent feasible and recommends the use of diesel equipment/machinery that are fitted with pollution control devices as well as minimize excessive idling. All non-road engines shall be operated using only ultra-low sulfur diesel (ULSD) with a sulfur content of no greater than 15 ppm pursuant to 40 CFR 80.510.

### **Solid Waste**

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban).

Asphalt, brick and concrete (ABC) generated through crushing and reuse on-site must be handled in accordance with regulation and policy. Otherwise, the proponent would need to obtain a site assignment and facility permit for the crushing activity and a Beneficial Use Determination (BUD) for the reuse of the crushed material. More information regarding the handling of ABC, and a copy of the 30-day notification form may be found at the following website:

<http://www.mass.gov/eea/agencies/massdep/recycle/reduce/using-or-processing-asphalt-pavement-brick-and-concrete-.html>.

The BUD regulations at 310 CMR 19.060 establish levels of assessment for four categories of beneficial use. Similarly, the fee regulations at 310 CMR 4.00, et seq. were amended. These amended regulations would be applicable to reuse of any materials generated by this project that would otherwise be considered solid waste.

Hazardous Waste

If any hazardous waste, including waste oil, is generated at the site, the proponent must ensure that such generation is properly registered with the Department and managed in accordance with 310 CMR 30.00.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan (MCP)

If soil and/or groundwater contamination is encountered during excavation activities, the proponent should retain a Licensed Site Professional (LSP); the MCP details procedures to follow for the parties conducting work. MassDEP staff are available for guidance.

Spills Prevention

A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential future on-site activity releases.

Asbestos

When connecting new catch basins to existing drainage systems operators may encounter asbestos-cement pipe, asbestos-cement patching material, asbestos containing waterproofing materials or other asbestos products. All suspected asbestos containing materials that are broken or removed during the project must be handled in accordance with 310 CMR 7.15 and other state and federal regulations. In addition, the proponent shall manage regulated asbestos and asbestos containing waste material as special wastes in accordance with 310 CMR 19.061.

**IV. Other Comments/Guidance**

MassDEP staff is available for discussions as the project progresses. If you have any questions regarding this comment letter, please do not hesitate to contact Kathleen Fournier at (413) 755-2267.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Michael Gorski  
Regional Director

cc: MEPA File