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January 30, 2020

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	: West Street Dam Spillway Removal, Culvert, and Water Main Replacement
PROJECT MUNICIPALITY	: Foxborough
PROJECT WATERSHED	: Taunton
EEA NUMBER	: 15968
PROJECT PROPONENT	: Town of Foxborough
DATE NOTICED IN MONITOR	: December 23, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61-62I) and Section 11.08 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Final Environmental Impact Report (FEIR) for the project and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations. The project may proceed to permitting.

Project Description

As described in the FEIR, the project is proposed by the Town of Foxborough (Town) and includes repairs and improvements to the West Street Dam (Dam) to improve the safety and stability of the structure. The Department of Conservation and Recreation's (DCR) Office of Dam Safety (ODS) has classified the Dam as a small-size, Significant Hazard Potential structure in poor condition. A Phase I Dam Inspection/Evaluation Report and subsequent semi-annual dam inspections concluded that the Dam is in unsafe condition with hydraulic and structural deficiencies. Specifically, the Dam has large trees/brush on the embankment and slopes, erosion on upstream slopes, a sinkhole on crest, severely deteriorated and unstable masonry structures, insufficient spillway capacity, spalling on upstream concrete headwall, minor cracking of the spillway weir, longitudinal cracks and sagging in the crest pavement, and evidence of past seepage or standing water at the downstream toe. The spillway design does not meet Dam Safety regulatory requirements (302 CMR 10.00) to accommodate the Spillway Design Flood (SDF), defined as the flow resulting from the 100-year, 24-hour design storm. The project

includes the following components to address these deficiencies: demolition of the broad crested weir, stoplogs, spillway, and culvert; installation of a 10-foot (ft) wide by 8-ft high precast concrete culvert with wingwalls and a natural bottom that incorporates banks for wildlife crossing and a low flow channel (or thalweg); repair of downstream masonry training walls; and vegetation removal, regrading, and stabilization of the upstream and downstream slopes. The project will increase the dam's resiliency to climate change through accommodating the 100-year, 24-hour design storm event, thereby protecting the roadway and decreasing the risk of flooding in the area.

A 310-linear foot (lf) section of West Street, which extends along the Dam's crest, will be reconstructed and widened by two to three ft to construct a sidewalk on the western side of the roadway to increase safety for pedestrians and vehicular traffic. The project also includes the abandonment of a water main within West Street, including along the crest of the Dam, and the installation of approximately 2,700 lf of new water main. The water main work will occur within the right-of-way (ROW) of West Street between South Street and Mill Street.

Project Site

The Dam is an approximately 12-ft high and 240-ft long earthen embankment and masonry structure owned and maintained by the Town. West Street, a local roadway, is located on the crest of the Dam. The Dam is located on property held by the Town for conservation purposes. The Dam's spillway structure consists of a concrete headwall, broad-crested weir with stoplogs, and a notch at the center of the spillway weir. Flows pass over the spillway, into a stilling basin, and through an arched corrugated metal culvert (80 inches by 106 inches) that directs flow downstream and below West Street. The culvert discharges to a channel lined with stone masonry walls. Approximately 1,700 ft downstream of the Dam, the Cocasset River flows through a second arched corrugated metal culvert (68 inches by 108 inches) below Spruce Street.

The Dam impounds the Cocasset River to form West Street Pond; both waterbodies are tributaries to the Wading River, a designated Public Water Supply (PWS). As such, the Cocasset River and West Street Pond are designated Outstanding Resource Waters (ORW) and Class A Waterbodies pursuant to the Massachusetts Surface Water Quality Standards (314 CMR 4.00). The entire project area is located within the Zone A of the Wading River. Wetland resource areas present in the vicinity of the Dam include: Bank, Bordering Vegetated Wetlands (BVW), Land Under Water (LUW), Bordering Land Subject to Flooding (BLSF), and Riverfront Area (RFA). According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Norfolk County (Map No. 25021C0342E, effective July 17, 2012), the Dam is located within a designated Zone A (areas subject to inundation by the 1-percent-annual-chance flood event). Proposed work and activity are 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 in an Area of Critical Environmental Concern (ACEC).

Environmental Impacts and Mitigation

As described in the FEIR, potential environmental impacts include alteration of 7,214 square feet (sf) (0.16 acres) of land (including creation of 3,125 sf of impervious area) and alteration of the following wetland resource areas: Bank (1,024 lf), BVW (2,500 sf), LUW (2,080 sf), BLSF (16,494 sf),

and RFA (15,695 sf). The project will include dredging of approximately 162 cubic yards (cy) of material. The project will result in the conversion of 1,720 sf of land held for natural resource purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97) to a purpose not in accordance with Article 97.

Measures to avoid, minimize, and mitigate impacts include: maintenance of flow during construction, use of portable sandbag dam structures and erosion control best management practices (BMPs), provision of compensatory storage and wetland replication, and implementation of a construction-period traffic management plan (TMP). Erosion and sedimentation controls will be installed to prevent sediment migration to resource areas during construction. Temporary impacts to wetlands resource areas will be revegetated and restored in place.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(4) because it requires Agency Actions and will result in the structural alteration of an existing dam that causes a decrease in impoundment capacity. The project also exceeds Land thresholds at 301 CMR 11.03(1)(b)(3) for conversion of land held for natural resources purposes in accordance with Article 97 to any purpose not in accordance with Article 97 and (1)(b)(5) for release of an interest in land held for conservation, preservation or agricultural or watershed preservation purposes and Wetlands, Waterways, and Tidelands thresholds at 301 CMR 11.03(3)(b)(1)(b) for alteration of 500 or more lf of inland bank, (3)(b)(1)(c) for alteration of 1,000 or more sf of ORW, and (3)(b)(1)(f) for alteration of one-half or more acres of other wetlands. The project requires a Section 401 Water Quality Certification (WQC) and a Chapter 91 (c.91) License and Permit from the Massachusetts Department of Environmental Protection (MassDEP). It also requires a Dam Safety Permit from DCR – ODS.

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 MassDEP) and authorization from the U.S. Army Corps of Engineers (ACOE) under the General Permits for Massachusetts in accordance with Section 404 of the Clean Water Act (CWA).

The project will be funded in part by Financial Assistance from the Commonwealth, through the Executive Office of Energy and Environmental Affairs' (EEA) Dam and Seawall Repair or Removal Program. Therefore, MEPA jurisdiction for the project 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 FEIR

The FEIR provides a project description and describes potential environmental impacts. It describes changes to the project and proposed mitigation measures since the filing of the DEIR. Project changes include relocation of the wetland replication area from West Street Dam's downstream area to Cocasset River Preserve and updated plans to reflect stormwater mitigation measures. The FEIR includes updated site plans for existing and post-development conditions. The FEIR provides a brief description and analysis of applicable statutory and regulatory standards and requirements, and describes

how the project will meet those standards. It includes a list of required State Permits and Financial Assistance, and provides an update on the status of each of these pending actions.

I encourage the Town to participate in the Municipal Vulnerability Preparedness (MVP) grant program which provides funding to complete a community-driven process to define natural and climate-related hazards, identify existing and future vulnerabilities and strengths of infrastructure, environmental resources, and vulnerable populations, and develop, prioritize and implement specific actions the Town can take to reduce risk and build resilience. Designation as an MVP community would enable the Town to qualify for additional funding to undertake similar dam repair and other resiliency-related projects in the future, in accordance with its vulnerability assessment and action planning.

Land

The FEIR indicates that the proposed road widening and sidewalk construction will convert to non-conservation use approximately 1,720 sf of Article 97 land that is subject to a Conservation Restriction (CR) held by the Foxborough Conservation Commission. The narrow road over the dam crest presents a safety hazard to traffic in both directions. The FEIR addresses compliance with the requirements of the EEA's No-Net-Loss Land Disposition Policy. The conversion will also require a release of the CR through legislation and approval by the Secretary of EEA. The Town will continue to work with the Foxborough Conservation Commission to mitigate the conversion of Article 97 land through a land swap. Specifically, the Town currently owns land adjacent to the Article 97 land proposed to be released from the CR.[1] A portion of this Town-owned land, of equal or greater value, will be converted to Conservation Land under the Article 97 Land Disposition Policy. The FEIR includes a figure that overlays the limits of Article 97 land on the proposed project and identifies the adjacent easement that will be swapped for the land to be disposed.

Wetlands and Water Quality

The Foxborough Conservation Commission will review the project for its consistency with the Wetlands Protection Act (WPA), Wetlands Regulations (310 CMR 10.00) and associated performance standards. MassDEP will review the project to determine its consistency with the 401 WQC Regulations (314 CMR 9.00) and c. 91 regulations (310 CMR 9.00).

The Notice of Intent to be submitted to the Conservation Commission will address the project's consistency with the WPA and associated performance standards for Bank, BVW, LUW, BLSF, and RFA. It also clarifies why impacts to LUW, BLSF, and RFA increased as described in the DEIR compared to the EENF. The FEIR includes an updated narrative that describes temporary and permanent wetland impacts. Wetland impacts include: Bank (1,007 lf temporary/17 lf permanent); BVW (1,210 sf temporary/1,290 sf permanent); LUW (1,200 sf temporary/880 sf permanent[2]); BLSF (13,574 sf temporary/2,920 sf permanent with 162 cubic feet (cf) loss of flood storage), and RFA (12,910 sf temporary/2,785 sf permanent). Approximately 652 sf of LUW will be converted to BVW associated with a lowered pond outlet elevation from removal of the existing spillway outlet control device.

[1] The FEIR erroneously indicates that the Town holds an easement adjacent to the Article 97 Land. Supplemental information from the Town submitted on January 30, 2020 provides documentation to support that the Town owns the adjacent land.

[2] The Certificate on the DEIR incorrectly identified the LUW permanent impacts as 1,291 sf based on a typographical error in supplemental information submitted on July 15, 2019; the DEIR correctly noted 880 sf of permanent impacts.

Changes in temporary and permanent wetland resource impacts since the filing of the DEIR are associated with moving the location of the stormwater management system; a portion of the sediment forebay is relocated outside BLSF and it is entirely outside of RFA. The FEIR describes the project's consistency with the Massachusetts Stream Crossing Standards (MSCS).

The Town anticipates removing a portion of the parking area at the Cocasset River Preserve to provide wetland replication (9,400 sf) and compensatory flood storage areas (2,950 cf). The FEIR includes an aerial photograph that generally depicts the wetland mitigation area and compensatory storage area. It does not provide project plans for the wetland mitigation area nor describe how it will be constructed; however, it does include a typical wetland replication cross-section. The FEIR indicates that details of the wetland replication area will be described in the Notice of Intent. Construction and monitoring of the wetland replication area will be completed in accordance with the Order of Conditions.

The FEIR provides a description and analysis of how the project will meet applicable regulatory standards and requirements associated with the 401 WQC. Spillway removal and culvert replacement will require dredging approximately 162 cy of material (total area to be dredged is approximately 880 sf). All dredged material will remain on-site, of which the majority will be returned in place. A due diligence review did not suggest any contamination may present in the sediment within the project area. Based on the result of subsequent chemical analysis of sediment, it is anticipated that all dredged material may be reused on-site.

Stormwater

Road widening and sidewalk construction will add approximately 3,125 sf of impervious area. The FEIR describes the existing and proposed stormwater management infrastructure in the vicinity of the project. Under existing conditions, stormwater sheet flows directly into the Cocasset River, a designated ORW and Zone A drinking water supply area. The project includes a sediment forebay and swale to collect and treat sheet flow from the downstream side of the road. Stormwater on the upstream side of the dam will continue to flow directly into the River. The project will use reinforced turf along the upstream side of the dam and a deep sump catch basin with sediment forebay to capture and treat the stormwater runoff channelized due to the addition of a sidewalk in accordance with MassDEP's Stormwater Management Standards (SMS). The FEIR includes a draft Stormwater Report prepared in accordance with the requirements of 310 CMR 10.00 and 310 CMR 21.00 and the guidelines of the Massachusetts Stormwater Handbook. The report provides supporting documentation to demonstrate that the project will be designed in compliance with the SMS. The Town proposes a sediment forebay as recommended in the Handbook to pretreat discharges near or to critical areas including ORWs and Zone IIs.

Construction Period

The project must comply with MassDEP Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, § 54 and 310 CMR 7.00 during construction and demolition (C&D). All C&D activities should be undertaken in compliance with the conditions of all State and local permits. The FEIR describes potential construction period impacts and includes a draft Construction Management Plan (CMP) that outlines measures to minimize and mitigate impacts associated with construction

activities. It describes BMPs that contractors must implement to provide erosion and sedimentation control, site restoration, and protection of trees and wetland resource areas. The FEIR identifies construction access and staging areas. It includes a construction sequencing narrative and plan that generally describes how site clearing and work activities at the Dam will occur while avoiding/minimizing impacts to proximate environmental resources. The Proponent will require the contractor will be required to submit a detailed construction sequencing plan for review and approval. The FEIR generally addresses staging logistics, erosion control measures, tree clearing, site grading, and construction methodology and sequencing.

Mitigation and Draft Section 61 Findings

The FEIR identifies measures to avoid, minimize and mitigate Damage to the Environment and includes draft Section 61 Findings for MassDEP and DCR. The mitigation commitment are as follows:

Wetlands

- Design culvert crossing to comply with MSCS;
- Reestablish natural movement of water and sediments and restore and improve natural habitat;
- Restore all disturbed wetland resource areas and buffer zone to pre-construction conditions;
- Provide BVW replication;
- Provide compensatory storage for impacted flood storage; and
- Install and maintain erosion and sediment controls to limit turbidity and water quality impacts.

Resilience

- Removing the existing spillway outlet control structure will build resilience to extreme weather, restore riverine habitat, and minimize the risk of roadway overtopping or increased flooding;
- Design replacement culvert to meet the MSCS to enhance and protect existing habitat. Design natural streambed bottom to withstand varying velocities and mimic existing stream substrate; and
- Lower normal pool elevation of West Street Pond to provide additional storage capacity for flood attenuation.

Construction Period

- Develop a CMP with detailed construction-period mitigation measures. It will identify construction methodologies and scheduling, truck routes, protection of utilities, control of noise and dust, access and staging plans and describe measures to protect public safety;
- Enforce MassDEP's anti-idling regulations (310 CMR 7.11) during construction and require plan from contractor which describes proposed measures. This enforcement should include signage limiting idling to less than five minutes, driver training, and periodic inspections by site supervisors;
- Require contractors to use equipment manufactured to Tier 4 emission standards and anti-idling requirements;
- Prepare traffic management plan (TMP) to minimize traffic impacts during construction;

- Install temporary sandbag dam structures at the upstream and downstream sides of the Dam to enable work to be completed in the dry while maintaining flow downstream;
- Divert flow via a bypass pumping system;
- Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD).
- Use of sedimentation and erosion controls during the construction period.
- Site restoration upon completion of construction;
- Prepare Spills Contingency Plan; and
- Notify MassDEP if oil and/or hazardous material are identified during the implementation of this project pursuant to the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000).

Conclusion

Based on review of the FEIR, comments letters, and consultation with State Agencies, I have determined that the FEIR adequately and properly complies with MEPA and its implementing regulations. Outstanding issues can be addressed during State and local permitting and review. The Proponent and State Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

January 30, 2020
Date

K. Theoharides
Kathleen A. Theoharides

Comments received:

01/23/2020 Massachusetts Department of Conservation and Recreation (DCR)
01/24/2020 Massachusetts Department of Environmental Protection (MassDEP) – Southeast Regional Office (SERO)

KAT/PPP/ppp

From: Tipton, Nathaniel (DCR)
To: Patel, Purvi (EEA)
Subject: FW: Upcoming MEPA letters
Date: Thursday, January 23, 2020 3:12:55 PM
Attachments: image001.png

Purvi - just wanted to pass on that our Office of Dam Safety doesn't have any additional comments on the FEIR for #15968 West Street Dam Spillway Removal.

Nat

Nathaniel Tipton, AICP
MEPA Review Coordinator/Project Manager
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, MA 02114
nathaniel.tipton@mass.gov
617-626-1341 (phone)
dcr

From: Ouellette, David (DCR)
Sent: Tuesday, January 21, 2020 3:25 PM
To: Tipton, Nathaniel (DCR)
Cc: Salomaa, William (DCR)
Subject: RE: Upcoming MEPA letters

Hello Nat,

The West Street Dam Spillway Removal, Culvert and Water Main Replacement project has not changed greatly from what was described in the EENF filing that was previously reviewed by the Office of Dam Safety (ODS). As the design changes are limited in scope, ODS does not feel that additional commentary on the FEIR is warranted.

Thank you,

David Ouellette
PERMIT ENGINEER
OFFICE OF DAM SAFETY
dcr MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION
251 CAUSEWAY STREET, SUITE 600 | BOSTON, MA | 02114
PH: (617) 626-1347
Email: david.ouellette@mass.gov
Website:www.mass.gov/dcr

From: Tipton, Nathaniel (DCR)
Sent: Tuesday, December 24, 2019 12:50 PM
To: Montgomery, Jim (DCR); Casey, Sean (DCR); Lowell, Robert (DCR); Kish, Patrice (DCR); Backman, Andy (DCR); Dietz, Laura (DCR); LaRosa, Thomas (DCR); Gove, Nicholas (DCR); Geigis, Priscilla (DCR); Hamilton, Susan F. (DCR); Doody, Stephen (DCR); Scannell, John (DCR); Zimmerman, Joel (DCR);

McGrath, Nancy (DCR); Howard, Jennifer (DCR); Comeau, James (DCR); Soroka, Val (DCR); Duperault, Joy (DCR); Pearl, Wendy (DCR); Carlson, Eric (DCR); Ryan, Jacqueline (DCR); Parenti, Jeffrey (DCR); Gode, William (DCR); Putnam, Nancy (DCR); Duggan, Casey (DCR); Ouellette, David (DCR); Cavanagh, Paul (DCR); Cushing, Daniel (DCR)
Subject: Upcoming MEPA letters

Hello,

Below is a summary of current projects under MEPA review that DCR will likely comment on.

Project #/Name: 15946 NEXUS as the Allston Innovation Corridor Draft EIR (Allston)
Due Date/Status: Friday, January 10. DCR Engineering will review for traffic impacts. DCR commented on the EENF for the project .
Project Description: The project seeks to redevelop 4.29 acres on two parcels on opposite sides of Western Avenue. The project will contain housing (40 units), research (539,400 sf), and retail, with 884 total parking spaces. A total of 607,900 sf of development is proposed.
DCR Interests: An DCR access permit is required for proposed work to a sidewalk along Everett Street (under DCR care and control). Traffic impacts to intersections along Soldiers Field Road will be studied in the EIR.

Project #/Name: 16043 Capital Commerce Center Draft EIR (Lancaster)
Due Date/Status: Friday, January 10. A meeting is being scheduled between the proponent and DCR to discuss the DEIR.
Project Description: A mixed-use project is proposed on a large assemblage of parcels (471 acres), to consist of 616 housing units, 1.4 million sf of industrial space, 120 hotel rooms, and 65,700 sf of retail.
DCR Interests: Project is next to Lancaster State Forest, is in the Central Nashua River Valley ACEC, and is within a portion of 100-year floodplain. The filing requires a mandatory EIR.

Project #/Name: 16139 Proposed Commercial Building ENF (Quincy)
Due Date/Status: Monday, January 13.
Project Description: The project would redevelop the former Beachcomber restaurant, with a three-story building for restaurant and office uses.
DCR Interests: The project would require a Construction and Access permit, for four curbcuts on Quincy Shore Drive.

Project #/Name: 16141 Brintnal Estates ENF (Rutland)
Due Date/Status: Monday, January 13. The Division of Watershed Protection is reviewing the ENF and will provide comments.
Project Description: The residential subdivision is proposed to consist for 34 single family homes and roadway infrastructure on municipal water and sewer.
DCR Interests: The project requires a variance from the Watershed Protection Act.

Project #/Name: 15783 Suffolk Downs Redevelopment Project Final EIR (Boston and Revere)
Due Date/Status: Thursday, January 23. Various offices around DCR have been notified, including

Flood Control Engineering, the Flood Hazard Management Program, and Parkway Engineering.
Project Description: The project includes the redevelopment of the Suffolk Downs Race Track. The preferred alternative would construct office/laboratory space (up to 5.2 million square feet), retail (450,000 sf), residential (10,000 units), hotel space (800 rooms), and approximately 13,190 parking spaces.
DCR Interests: A Construction and Access Permit from DCR for curb cuts along Revere Beach Parkway. DCR holds an easement on the property for existing flood control infrastructure.

Project #/Name: 15968 West Street Dam Spillway Removal, Culvert and Water Main Replacement Final EIR (Foxborough)
Due Date/Status: Thursday, January 23. David Ouellette from the Office of Dam Safety is reviewing.
Project Description: The town of Foxborough is repairing an earthen dam and removing the spillway.
DCR Interests: Office of Dam Safety permit to repair and materially alter a jurisdictional dam.

Thank you,

Nat

Nathaniel Tipton, AICP
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Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 23, 2020

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Energy and
Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: FEIR Review EOEEA #15968.
FOXBOROUGH. West Street Dam
Spillway Removal, Culvert & Water Main
Replacement on West Street

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Final Environmental Impact Report (FEIR) for the West Street Dam Spillway Removal, Culvert & Water Main Replacement Project on West Street, Foxborough, Massachusetts (EOEEA # 15968). The Project Proponent provides the following information for the Project:

The Project consists of repairing and stabilizing the existing dam structure in accordance with the Certificate of Non-Compliance as well as replacing the existing spillway. In conjunction with the spillway removal and culvert replacement, the Town plans on removing and replacing the existing cast-iron water main on West Street and widening a 310-foot portion of West Street near the dam.

The West Street Dam Spillway Removal, Culvert, and Water Main Replacement project consist of the following:

- **Tree and root removal to facilitate construction access to the dam.**
- **Lowering the water level in the West Street Pond.**
- **Complete demolition of the outlet control structure and weir.**
- **Replacement of the existing culvert with one that meets the Massachusetts Stream Crossing Standards.**
- **Reduce upstream slopes to 3H:1V.**
- **Stabilize upstream slopes.**
- **Repair downstream masonry training walls.**
- **Stabilization of the embankment and final restoration work including loam and seed.**
- **Remove and replace the existing cast-iron water main, as described below.**

Bureau of Water Resources Comments

Wetlands Comments. The Wetlands Program has reviewed the Final Environmental Impact Report (FEIR) for the West Street Dam Spillway Removal and Culvert Replacement Project in Foxborough, and verified the FEIR addressed the Draft Environmental Impact Report (DEIR) Certificate comments. The Project's compliance with the applicable performance standards will be examined during NOI review.

Waterways Comments. The Proponent has addressed the issues identified by the Waterways Program in its ENF.

Bureau of Waste Site Cleanup Comments

FEIR #15968 – Based upon the information provided, the 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. A disposal site is 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].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites 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". MCP reports and the compliance status of 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 40.0000) must be made to MassDEP, if necessary. 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 Comments

Air Quality. The Proponent has adequately responded to the Department's previous Air Quality comments.

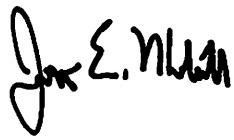
Solid Waste Management. MassDEP Solid Waste staff has reviewed the Final Environmental Impact Report (FEIR) for the West Street Dam Spillway Removal Project in Foxborough EEA No. 15968 and verified the FEIR addresses comments previously provided on the Project regarding demolition activities and solid waste management.

If you should have any further questions please contact Mark Dakers, Solid Waste Section chief at (508) 946-2847 or Cynthia Baran at (508) 508-2887.

Other Comments/Guidance

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

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director and Acting BAW Deputy Regional Director
David Johnston, Deputy Regional Director, BWR
Gerard Martin, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Jim Mahala, Chief, Wetlands and Waterways, BWR
David Hill, Wetlands and Waterways, BWR
Carlos Fragata, Wetlands and Waterways, BWR
Maissoun Reda, Wetlands and Waterways, BWR
Alison Cochrane, Solid Waste, BAW
Mark Dakers, Chief, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC