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December 14, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT / NOTICE OF PROJECT CHANGE

PROJECT NAME	: Mill Street (Tel-Electric) Dam Removal
PROJECT MUNICIPALITY	: Pittsfield
PROJECT WATERSHED	: Housatonic River
EEA NUMBER	: 15510
PROJECT PROPONENT	: City of Pittsfield
DATE NOTICED IN MONITOR	: November 7, 2018

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 Single Environmental Impact Report (Single EIR) and Notice of Project Change (NPC) and hereby determine that it **adequately and properly complies** with MEPA and its implementing regulations. The MEPA regulations provide that I may determine that a Single EIR/NPC is adequate, even if certain aspects of the project require additional analysis of technical details, provided that: the aspects and issues have been clearly described and their nature and general elements analyzed in the Single EIR/NPC or during MEPA review; the aspects and issues can be fully analyzed prior to any agency issuing its Section 61 Findings; and there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking action on the project. The project will require local, state and federal permits, which will offer additional opportunities for public review and comment of the final project design.

The Single EIR/NPC described changes to the project, most notably a change in the management of sediment impounded by the dam. As detailed below, the City of Pittsfield (City) is no longer proposing to passively release sediment and will instead dredge material from the

lower impoundment and construct in-stream grade controls to stabilize the remainder of the sediment in place. The Certificate on the Expanded Environmental Notification Form (EENF) included a limited Scope for the Single EIR/NPC that primarily required additional analysis and data related to the passive release of sediment. Because the project change was developed, in part, to respond to the Scope by seeking to avoid impacts from the release of sediment, significant portions of the Scope do not apply to the Preferred Alternative as described in the Single EIR/NPC.

Additional changes to the project described in the Single EIR/NPC include:

- Boulder clusters will be installed in the river bed to provide fish habitat and slow flow velocities in the channel;
- The City no longer proposes to remove one of the railroad bridges spanning the impoundment, as proposed in the EENF. The Single EIR/NPC included a detailed assessment of subsurface conditions in the impoundment that concluded that bridge pilings extend to a stable substrate and, with the proposed scour protection, will not be destabilized by hydraulic changes to the river;
- Planted boulder revetments will be constructed along both sides of the river to stabilize the banks. Reinforcement of a concrete abutment wall adjacent to the west end of the dam has been eliminated from the project; and,
- A proposed route for construction access within the dewatered stream bed has been eliminated. Instead, a gravel access road will be constructed along the east bank of the river. The access road may be converted to a multi-use path in the future.

Project Description

As described in the Single EIR/NPC, the project includes the removal of the Mill Street Dam (also known as the Tel-Electric Dam), which is located on the West Branch of the Housatonic River in Pittsfield. The purpose of the project is to restore the connectivity of the channel and enhance fish habitat and fish passage along the River system. The City also views the project as a component of its goals to revitalize the neighborhood, enhance green space along the river, and remove a safety hazard.

The project includes the following components:

- Mechanical dredging of approximately 3,000 cubic yards (cy) of sediment from the impoundment immediately upstream of the dam to restore the channel at a 2.75 percent slope;
- Removing the primary spillway, low flow outlet, secondary outlet, and bypass flume;
- Constructing planted boulder revetments on both sides of the river adjacent to the dam to stabilize the banks;
- Adding scour protection around the foundations of two of the three railroad bridges upstream of the dam;
- Constructing riffle grade-control structures upstream of the third railroad bridge that will maintain the slope of the river bed and stabilize approximately 6,000 cy of

sediment upstream of the structure; and,

- Installing a boulder grade control structure approximately 1,200 feet upstream of the dam near the West Street Bridge to enhance an existing riffle and to protect buried utilities from scour due to increased flow velocity upon removal of the dam.[1]

Construction vehicles will access the river from the east. A gravel access road will be constructed on the bank of the river from West Street to the railroad bridges. A temporary cofferdam will be constructed across the river upstream of the proposed location of the riffle grade control structures. The impoundment between the cofferdam and the dam will be dewatered using a pump that will discharge water through bypass pipe extending below the dam. Dredging equipment will access the river in dry conditions to remove the dam, dredge sediment, create stable grades in the river channel, construct riffles and revetments and install boulder clusters. Sediment will be allowed to dewater before being removed from the site. The drop in water level associated with the removing the dam will expose former banks and support restoration of a riparian corridor. The project will include planting of native floodplain species to re-establish a native forest community in the riparian corridor.

Project Site

The project site is located on the West Branch of the Housatonic River. It is located in an urbanized section of Pittsfield with seven river crossings in the vicinity of the dam. The river flows past the dam in a generally north-south direction. The site is bordered on the west by a former mill building that is in industrial use. Mill Street crosses the river on a bridge approximately 200 feet (ft) south (downstream) of the dam. East of the dam, the site is bordered by Mill Street, commercial uses and parking lots. Three railroad bridges cross the river between 75 and 170 ft north of the dam.[2] Beyond the railroad bridges, a residential complex is located on the west side of the river and commercial uses on the east side of the river. The West Street Bridge crosses the river approximately 1,200 ft upstream of the dam. Two water lines and a sewer line cross the river immediately downstream of the bridge and a double sewer line crosses the river 140 ft upstream of the bridge.

The Mill Street Dam is at least 120 years old and was constructed to provide power to the adjacent mill building. The dam is approximately 18 ft high and 40 ft wide and has a 30-ft curved spillway face. A secondary spillway leading to a nine-ft diameter outlet and a low-level outlet are located on the eastern end of the dam. The west end of the main spillway is structurally integrated with the foundation of the adjacent mill building. The foundation and associated concrete retaining wall along the west bank extend approximately 200 ft to the Mill Street Bridge. The bank of the east side of the river includes a retaining wall with a cobble base between the dam and the Mill Street Bridge. The EENF noted that the dam was determined to be in overall poor condition with significant operational or maintenance deficiencies when it was inspected in March, 2000, by the Department of Environmental Management (now incorporated

[1] The Single EIR/NPC indicated that this structure, which was proposed in the EENF, was eliminated from the project design. During the review period, the City indicated that based on further analysis and project design, it would be maintained in the project design to protect infrastructure near the West Street Bridge. The design is essentially the same as that presented in the EENF.

[2] The bridges are numbered 1to 3 in ascending order from downstream to upstream.

into Department of Conservation and Recreation (DCR)). According to DCR, the dam is classified as "Low Hazard Potential" where dam failure may cause minimal property damage and where no loss of life is expected. However, the City considers the dam to be an attractive nuisance; it was the site of a drowning death in 2014.

This section of the West Branch of the Housatonic River is designated as a Class B waterway in the Massachusetts Surface Water Quality Standards (314 CMR 14.00) for aquatic habitat. The river is generally a low-gradient meandering stream with long pools and floodplain vegetation along its banks separated by urban encroachment. The Massachusetts Department of Environmental Protection's (MassDEP) 2014 Integrated List of Waters classified the majority of the river (identified as MA21-18) as a Category 5 Water impaired for multiple uses and requiring the development of Total Maximum Daily Loads (TMDL). MassDEP found that the river is impaired due to combined biota/habitat bioassessments, debris/floatables/trash, fecal coliform, presence of polychlorinated biphenyls (PCB), and taste and odor. The poor water quality and habitat value is reflected in the impoundment, which is trash-filled, stagnant, and devoid of natural vegetation. Approximately one mile downstream of the dam and just before its confluence with the East Branch of the Housatonic, the river enters the Upper Housatonic River Area of Critical Environmental Concern (ACEC). The confluence of the West and East Branches of the Housatonic River also marks the boundary of the "Rest of River" investigation area of the Environmental Protection Agency's (EPA) GE-Pittsfield/Housatonic River cleanup site.

According to the Massachusetts Historical Commission (MHC), several structures at or in the vicinity of the project site are listed in the Inventory of Historic and Archaeological Assets of the Commonwealth (Inventory). The site is adjacent to the Eaton, Crane & Pike Company Factory Historic District (MHC # PIT.H), which is listed in the State and National Registers of Historic Places. The railroad bridges upstream of the dam are listed in the Inventory, including: the Boston and Maine (B&M) Railroad Spur Line Bridge (PIT.914), which is to be removed as part of the project; the section of the B&M Railroad Bridge over Mill Street (PIT.910), which will be removed along with the Spur Line; the B&M Railroad Bridge (PIT.909); and the Conrail Bridge (PIT.911). The Mill Street Bridge (PIT.919) downstream of the dam is also listed in the Inventory. Of these bridges, only the B&M Railroad Bridge (PIT.909) is eligible for listing in the National Register of Historic Places. The Board of Underwater Archaeological Resources (BUAR) believes the area is archaeologically sensitive due to the historic presence of mill sites.

Environmental Impacts and Mitigation

The project is proposed to address a public safety concern and includes ecological restoration with the goal of restoring water quality, aquatic habitat, and wetlands resource areas to the West Branch of the Housatonic River. Although it will provide environmental benefits, it will result in secondary impacts to wetland resources associated with the dewatering of the impoundment, placement of structures in the river and creation of a narrower stream of the river. These impacts include permanent conversion of 1.65 acres of Land Under Water (LUW) to 1.4 acres of Bordering Vegetated Wetland (BVW) and 0.25 acres of Bordering Land Subject to Flooding (BLSF) and the loss of 1.9 acres of Riverfront Area and 150 linear feet of Bank. The project will remove 3,000 cy of sediment and debris from the impoundment, including

contaminated sediment, that will be disposed of at an upland location. The project will add fill material in the river to protect the bridge footings and utility lines from scour and to provide a riffle feature in the river. Potential impacts of the project to the historic railroad bridge structures will be reviewed by MHC as part of the Section 106 process during federal permitting. During the construction-period impacts, wetland resource areas will be impacted by dewatering the impoundment and the use of construction equipment and staging areas.

Portions of the stream bed exposed due to lowered river levels will be replanted with native plants to create BVW and restore the riparian corridor. Construction activities will be conducted consistent with any necessary time-of-year (TOY) restrictions, such as a potential requirement to protect the Northern Long-Eared Bat (*Myotis septentrionalis*). The project will also provide scour control measures to protect infrastructure, including utility lines and bridge foundations, from increased water velocity.

Permits and Jurisdiction

This project is subject to MEPA review and a mandatory EIR pursuant to 301 CMR 11.03(3)(a)(4) because it requires State Agency Actions and will result in the structural alteration of an existing dam that causes a decrease in impoundment capacity. The project also exceeds ENF thresholds at 301 CMR 11.03(3)(b)(1)(b), alteration of 500 or more linear feet of inland bank, and 301 CMR 11.03(3)(b)(1)(f), alteration of ½ acre or more of any other wetlands (LUW, BLSF, and Riverfront Area). The project will require a 401 Water Quality Certification (WQC) and a Chapter 91 (c. 91) license from MassDEP and a Chapter 253 Dam Permit from the DCR Office of Dam Safety (ODS).

The project will also require Section 106 Historical Review from the MHC. An Order of Conditions (OOC) will be required from the Pittsfield Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). The project requires the filing of a Pre-Construction Notification (PCN) with the Army Corps of Engineers (ACOE) under the Massachusetts General Permits.

The project will be funded in part by Financial Assistance from the Department of Ecological Restoration (DER). Therefore, MEPA jurisdiction for this 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 Single EIR/NPC

The Single EIR/NPC described the existing conditions within the project area and the proposed project and its programmatic and physical elements, including post-construction river profiles, bank treatments, scour prevention measures and habitat features. It described changes to the project, provided revised project plans, documented impacts and mitigation measures and provided updated information regarding changes of wetland resource areas from one type to another. The Single EIR/NPC provided a Response to Comments and draft Section 61 Findings.

Comments on the Single EIR/NPC were generally supportive of the project and the removal of the dam but note the need to ensure that the grade control structures prevent the downstream transport of contaminated sediment. MassDEP comments identify additional data and analysis that will be required during permitting to ensure that public health is protected.

Sediment Management

As noted in the Scope for the Single EIR, management of contaminated sediments in the impoundment is a key component of the project. The EENF documented the nature and extent of contaminated sediments and floodplain soils and included analyses of the ecological and human health risks of the material. The sediments and soils include elevated levels of pollutants that are common in urban areas, such as heavy metals, polycyclic aromatic hydrocarbon (PAH), and polychlorinated biphenyl (PCB). Concentrations of Total PAH and chromium in samples of impounded sediment exceeded Probable Effects Concentration (PEC) values and the concentration of chromium also exceeded the Massachusetts Contingency Plan (MCP) Method 1 (S-1/GW-1) cleanup standard.

The Single EIR/NPC included a copy of a Subsurface Investigation report completed in 2018 that examined sediment and subsurface conditions in the impoundment. The report provided greater detail with respect to sediment volumes and depths of naturally-occurring layers of boulders/till and bedrock. This information was used to help design the proposed river channel contours and to evaluate the potential effects of dam removal on the stability of the bridges. The data indicate that the pilings supporting Railroad Bridge 1 that are located in the river extend through the sediment to bedrock. Based on this information, the City determined that the project is unlikely to destabilize the bridge and decided that removing it is unnecessary.

The Preferred Alternative does not include the passive release of sediment from the upper impoundment, as proposed in the EENF. Instead, riffle grade control structures to be constructed upstream of Railroad Bridge 3 will stabilize the riverbed, maintain its existing slope, minimize scouring of upstream sediment and provide scour protection of the railroad bridge abutments.[3] As shown in the Single EIR/NPC, the impoundment downstream of the grade control structures would be dredged of sediment and the underlying boulder/till layer would be contoured to establish a 2.75 percent slope down to near the present location of the dam. The Preferred Alternative is a hybrid of the previously-proposed dredge and passive release project design and a conceptually similar alternative (Alternative B) that was analyzed in the EENF. Alternative B included a rock ramp on the river bottom extending from below the dam to upstream of the proposed location of the proposed riffle grade control structures. The slope of the ramp and the elevation of its upstream end would be set to stabilize the river bottom and maintain its slope. The removal of the dam will reduce the depth of flow and increase the slope of the water surface and flow velocity. As noted in the EENF description of Alternative B, the changes in depth of flow and slope of the water surface will affect the tractive force acting on sediment particles and may cause fine sediment to be transported downstream.

[3] During the review period, the City completed 75% design drawings that included four riffle grade control structures in the same area as the two structures shown in the Single EIR/NPC, a 4.75 percent slope to the riverbed downstream of the structures and excavation of the boulder/till layer in the section of the impoundment closest to the present location of the dam.

I expect that the City will continue to refine the project design to minimize sediment transport. According to MassDEP, the City will be required to provide hydraulic and hydrological modelling in support of the project design as part of its 401 WQC application. MassDEP will also require additional sampling and data to adequately characterize all sediment, including dredged sediment and material to be left in place, with respect to contaminants that may affect public health. Based on sampling results, dredged sediment may be required to be disposed of at an out-of-state facility.

Mitigation and Draft Section 61 Findings

The Single EIR/NPC included a section that summarized proposed mitigation measures and provided draft Section 61 Findings for each State Agency Action. Measures that will be employed to avoid, minimize and mitigate environmental impacts include:

- The City will obtain a 401 WQC from MassDEP for the dredging of greater than 100 cy of material. The project will be designed and constructed in a manner consistent with applicable Water Quality Regulations (314 CMR 9.00) and Surface Water Quality Standards (314 CMR 4.00) and MassDEP will ensure that adequate hydrological modelling and sediment analyses have been completed;
- The City will obtain a c.91 Dredge Permit from MassDEP and adhere to any related public access requirements;
- The City will obtain an OOC from the Pittsfield Conservation Commission outlining how the project will comply with the applicable provisions of the Massachusetts Wetlands Protection Act, including those for Ecological Restoration projects;
- The City will obtain a Chapter 253 Dam Safety Permit from ODS to ensure consistency with ODS requirements;
- Construction vehicles will be restricted to clearly demarcated areas and the project's contractor will employ erosion and sedimentation controls during the construction period to minimize water quality impacts;
- Cofferdams will be installed to divert water from work areas to minimize mobilization of sediment during the construction period;
- Construction activities will be undertaken consistent with the TOY established to protect the Northern Long-eared Bat;
- Native vegetation will be planted along the restored river channel and adjacent floodplain to establish BVW and restore habitat; the plants will be monitored for two years to ensure the restoration is successful;
- A restored river channel, in-stream riffle features and boulder revetments will be constructed in the river to provide aquatic habitat, maintain the upstream riverbed slope and minimize erosion;
- A construction debris management plan will be developed and implemented, including the reuse and/or recycling of debris from the dam removal;
- Spill prevention and control measures and a notification process will be implemented in the event that oil and/or hazardous material is identified in the work area;
- Notification procedures will be established in the event that cultural and/or archaeological resources are identified in the work area

- Post-construction conditions, including stability and performance of the restored channel, grade-control features, boulder clusters and revetments will be monitored; and,
- Water samples will be collected for at least one year after dam removal to assess changes in water quality.

Conclusion

Based on a review of the Single EIR/NPC, comments letters, and consultation with State Agencies, I find that the Single EIR/NPC adequately and properly complies with MEPA and its implementing regulations. Outstanding issues can be addressed during State and local permitting and review. No further MEPA review is required and the project may proceed to permitting. 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.

December 14, 2018
Date

Matthew A. Beaton

Comments received:

11/08/2018 Massachusetts Division of Fisheries and Wildlife
11/27/2018 Ken Egnaczak
12/05/2018 Housatonic Valley Association
12/07/2018 Berkshire Regional Planning Commission (BRPC)
12/07/2018 Massachusetts Department of Environmental Protection (MassDEP)/ Western Regional Office (WERO)

MAB/AJS/ajs

Berkshire Regional Planning Commission
Environmental Review Report

December 7, 2018

SUBJECT:	**Tel-Electric Dam Removal**
EOEA#:	**15510**
LOCATION:	**Pittsfield**
ESTIMATED COST:	**$1.5 million (construction)**
REVIEW TYPE:	**SEIR**
PROPONENT:	**City of Pittsfield and Div. of Ecological Resources (DER)**
COMMENTS DUE:	**December 7, 2018**

PROJECT DESCRIPTION:

The proposed project involves the removal of the Tel-Electric Dam, which is located on the West Branch of the Housatonic River in Pittsfield. The City of Pittsfield is proposing to remove the dam because it is in poor condition, represents a public safety risk and attracts illegal activity, and hinders the City's vision for a greenway along the river that could serve as a catalyst for neighborhood revitalization.

The privately owned dam was originally constructed to provide power to the mill building to which it is structurally attached. The dam is approximately 18' high and 40' wide, with a 30' slightly curved spillway. A secondary spillway directs water through a bypass conduit. A new low-level outlet with a drop-gate was installed in 2014. The Dept. of Conservation and Recreation Dam Safety office inspected the dam in 2000 and found it to be a low-hazard dam in poor condition.

The proposed project includes the removal of the dam and excavation of sediment and debris behind the dam. Studies conducted over several years demonstrate that the sediment within the impoundment contains contaminants, including elevated polycyclic aromatic hydrocarbons (PAHs), heavy metals and PCBs. The amount of sediment built up behind the dam and within the impoundment is calculated to be approximately 9,000 cubic yards (cy). The previous proposal filed within the EENF included mechanically excavating 3,000 cy of sediment located closest to the dam and disposing of it in a landfill while allowing the remaining 6,000 cy in the upstream portion of the impoundment to "passively" migrate gradually downstream. The current SEIR has been filed with a Notice of Project change which revises the previous proposal and no longer includes a plan to leave sediments behind and allow them to migrate downstream. The current proposed project includes excavation of all 9,000 cy of sediment behind the dam and disposal in a landfill approved to accept such waste.

The project also includes several other components:

- The abandoned railroad bridge located just upstream from the dam will no longer be removed as part of this project. The bridge will remain in place and not be altered as part of this dam removal project.
- Converting a temporary access route to a permanent future public pathway managed by the City.

- Installation of an in-stream riffle grade control feature - comprised of large rock - in the river bed upstream of the CSXT railroad bridges. These features will maintain the existing upstream river slope, protect upstream infrastructure, and promote stabilization of existing sediment upstream of the feature.
- Installation of boulder clusters in the river bed between the dam and upstream railroad bed. These features provide habitat and fish passage value by offering lower flow refugia in the channel. By slowing velocities in the channel, these features also help redirect flows and reduce scour on surrounding infrastructure including the existing retaining wall on both river banks downstream of the dam and the railroad bridge abutments.
- Installation of planted boulder revetments along the river banks from the Mill Street Bridge upstream to just north of the CSTX railroad bridges. This common bank stabilization method involves the use of large rock to provide stability to the toe of the bank slope and prevent erosion. In this case, the existing stream banks are already severely degraded or hardened. The boulder revetments will provide additional protection to the surrounding retaining walls and other infrastructure that will be subject to increased velocities and scour post dam removal.

The proposed project meets or exceeds these MEPA thresholds:

- Alteration of a dam that causes any decrease in impoundment capacity
- Alteration of 500 or more linear feet of bank
- Alteration of ½ or more acres of Land Under Water (the impoundment is expected to transition to Bordering Vegetated Wetland, Riverfront and Land Subject to Flooding)

The proposed project will require these permits:

- Wetlands Protection Act Order of Conditions from the Pittsfield Conservation Commission, with possible Superceding Orders from the Mass. Dept. of Environmental Protection (DEP)
- Combined Chapter 91 Waterways Permit & 401 Water Quality Certification from the Mass. DEP
- Chapter 253 Dam Permit from the Mass. Office of Dam Safety
- Section 404 Permit from the Army Corps. of Engineers

The project has received $30,000 in state financial assistance from the DER for project feasibility study so MEPA purview is broad. The project has received and continues to receive technical assistance from DER staff. The project has also received $850,000 from the GE Natural Resources Damages (NRD) Funds, $1 million from the U.S. Dept. of the Interior and $400,000 from the MA Executive Office of Energy and Environmental Affairs Dam and Seawall Repair and Removal Program. The project meets the thresholds for a mandatory EIR, and the proponents are requesting a Single EIR.

PROJECT ALTERNATIVES:

In 2006 a dam removal feasibility study was conducted to assess various approaches to dam removal. Dam repair and various fish passage structures for improved aquatic connectivity were

mentioned briefly but not analyzed in this study. Rehabilitation of the dam for energy generation was not mentioned at all.

The SEIR lists No Action and Dam Repair or Modification as the alternatives considered. Reasons for rejecting the No Action option include the continued inherent risks of dam failure: the uncontrolled release of water and sediment to sites downstream and the headcutting and scour damage to the railroad bridges immediately upstream of the dam. Lastly the dam and impoundment are viewed by the City of Pittsfield as a public safety concern, attracting vandalism, illegal activity and a past drowning death. The reason given for rejecting the Dam Repair/Modification option is "As the dam no longer serves a purpose, there is no imperative for the dam owner to perform costly on-going maintenance that would be required to satisfy requirements for dam safety." (SEIR p. 7).

The alternatives analysis does not include an analysis of the dam's potential for hydropower. The MEPA certificate states that "While I appreciate the potential for hydropower to generate electricity without emitting air pollutants and GHG, I note that MEPA is an environmental disclosure process intended to identify environmental impacts of a proposed project. MEPA does not review the purpose and need of a project of approve or deny projects. Reconstruction of the dam to incorporate hydropower would not be consistent with the project purpose, which is to remove a potential hazard and restore the ecological connectivity of the river. Therefore, I am not requiring analysis of this alternative."

COMMENTS AND RECOMMENDATIONS:

BRPC supports the City of Pittsfield's proposal to remove the Tel-Electric Dam. Removing dams that are in poor condition and are not likely to be rehabilitated for energy generation, and which offer benefits such as reduced public safety risks and improved aquatic connectivity is consistent with Sustainable Berkshires. Removing the Tel-Electric Dam is an action item listed in the *Pittsfield Hazard Mitigation Plan* and development of a greenway corridor along the river in the West Side Neighborhood has been noted in other city planning efforts for the past several years. BRPC has in the past provided a letter of support for federal funding for removal of the dam.

BRPC had previously requested the filing of an EIR because the EENF lacked information in two key areas: 1) the lack of any type of analysis to determine if the dam could reasonably be rehabilitated to produce hydropower and 2) a lack of information about the impacts of the release of 6,000 cy of contaminated sediment to fisheries and other aquatic organisms downstream of the dam. Both of these issues have been addressed by MEPA and the project proponent.

In light of the significant public funds being directed toward this project and the broad scope of MEPA's review in these circumstances, we offer the following comments:

<u>Energy Generation Alternative</u>

We understand that the Secretary has not required an analysis of hydropower as a part of this project, however we wish to take this opportunity to reiterate the importance of reviewing dams

for hydro-electric potential and petition the Commonwealth to require an analysis of the potential hydro-electric generating power of dams when state agency actions are involved in dam repair/rehabilitation or dam removals -- particularly those that receive public funding. This is particularly important given the Massachusetts Supreme Judicial Court's decision stating that the Commonwealth is falling short of meeting the mandates of the Global Warming Solutions Act.

Dam Owner Commitment

We are concerned with the apparent lack of financial commitment to the project from the dam owner who, like every other dam owner across the state, has a legal responsibility to maintain the structural integrity of their dam. The owner of the dam has apparently tried for years to convince the City of Pittsfield to accept ownership of the dam, approaching several successive mayors. Wisely none have accepted ownership. The City has, however, dedicated a great deal of staff time and effort to the project, identifying possible funding sources, writing grants, and bringing the funding and technical assistance together and is continuing to "fundraise". The dam owner appears to be purely a beneficiary of the project rather than a partner. Although we recognize the public and connectivity benefits of this dam removal, it is clear that the dam owner is receiving benefits equaling millions of dollars to remove a dam that is a nuisance and public safety liability to him. We urge the City of Pittsfield and the DER to get a financial commitment from the dam owner that would at a minimum cover the cost of reinforcing and stabilizing the foundation of the mill building that he owns. This foundation is currently deteriorating and will continue to do so regardless of whether the dam is removed or not. Public funds are removing the liability of the dam, and it is the owner's responsibility to stabilize the building itself. Public funds for this type of project are limited, and the significant amount of funding being directed to this project means that other equally deserving dam repair or removal projects go without. At a minimum, the City of Pittsfield should obtain a legal release from liability as part of project negotiations with the dam owner and future contractors. The City, the Commonwealth and their contractor(s) should be legally held harmless from any damage to the building caused by efforts to remove the dam or to stabilize the structure.

These comments were approved by the BRPC Executive Committee at their meeting on December 6, 2018.

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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December 7, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Alex Strysky, EEA No. 15510
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: West Branch Housatonic River Restoration Project, Tel-Electric Dam Removal Mill Street, Pittsfield - SEIR

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Notice of Project Change (NPC) and Single Environmental Impact Report (SEIR) submitted for the proposed West Branch Housatonic River Restoration Project, Tel-Electric (A.K.A. Mill Street) Dam Removal, Pittsfield, MA (EEA# 15510). The applicable MassDEP regulatory and permitting considerations regarding wetlands, waterways, drinking water, wastewater, air pollution, solid waste, and waste site cleanup are discussed.

I. Project Description

The Tel-Electric Dam, located in Pittsfield on Mill Street along the West Branch Housatonic River, is a privately owned abandoned, run-of-river hydropower facility that is inoperable and constructed as part of the adjacent mill built in the 1800's. The dam is 18 feet high, 40 feet wide with an approximately 30 feet long spillway face. A secondary spillway exists left of river. MassDCR Office of Dam Safety (ODS) determined the dam to be in poor condition in 2000. The project Proponent is the City of Pittsfield with support from the Massachusetts Department of Fish and Game, Division of Ecological Restoration.

The intent of the project is restoration of natural flow of this section of the river and project funding is through various sources including NRD, Division of Ecological Restoration and the U.S. Dept. of the Interior. The project design is currently 75% complete and the sequenced phases of the project are as follows: conduct a controlled dewatering of the impoundment via the low level outlet and notched secondary spillway; dredge and dispose of approximately 3,000 cubic yards (c.y.) of sediment; install grade

controls upstream of the impoundment to eliminate redistribution of sediments and protect infrastructure, and incrementally remove the dam. Segments of the project that have changed from the original project by the NPC are as follows: the abandoned railroad bridge upstream of the dam will now remain; downstream redistribution of 6,000 c.y. of sediment has been eliminated, and; installation of additional grade control structures immediately upstream of the lower impoundment.

The project requires a Chapter 253 Permit from ODS, a 401 Water Quality Certification and Chapter 91 permitting from the MassDEP and a 404 Permit from the U.S. Army Corp of Engineers. The project also requires an Order of Conditions from the Pittsfield Conservation Commission (or a Superseding Order of Conditions from MassDEP in the event the local Order is appealed). The project will result in conversion of resource areas through decreasing Land Under Water Bodies and Waterways (LUWW), and increasing Bank, Bordering Land Subject to Flooding and Riverfront Area. The project proposes no increase in downstream flooding potential.

Environmental impact changes under the NPC include:

- Stabilize in place, rather than discharge 6,000 c.y. of sediment downstream,
- Emplace one addition grade control structure system to stabilize sediment and protect infrastructure.

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands& Waterways
310 CMR 10.00
314 CMR 9.00
Air Pollution
310 CMR 7.00
Solid Waste
310 CMR 16.00
Bureau of Waste Site Cleanup
310 CMR 40.000

III. Permit Discussion

Bureau of Water Resources

Wetlands & Waterways

MassDEP's previous comments submitted with the Extended Environmental Notification Form remain valid and only comments relevant to changes to the project are included herein.

The scope of the project requires that a Notice of Intent (NOI) be filed with the Pittsfield Conservation Commission; prior to commencement of project construction, a final Order of Conditions (OOC) must be issued by the Commission.

If a NOI is filed prior to completion of the MEPA process, the Conservation Commission will be advised to hold any hearing open until the Secretary's Certificate is issued, all comments are received from other State and Federal permitting agencies, as appropriate, and the Water Quality Certification has been issued to ensure consistency

of conditions and to allow for an Ecological Restoration OOC to be issued. MassDEP will not issue any permits until the MEPA process is completed.

MassDEP notes that although the impacts have been revised, inconsistencies remain in the specific resource impact quantities. No permit applications have been submitted to date and the Proponent is advised to consult with MassDEP permitting staff in the Boston Office to clarify quantification of impacts.

The Site appears to contain Bank (Inland), LUWW, BVW, BLSF and RA.

Ecological Restoration Project Provisions

The project appears to be eligible for review under the provisions for an *Ecological Restoration Project* per 310 CMR 10.13(1) and (2). The Pittsfield Conservation Commission is referred to provisions outlined in regulation for review. MassDEP staff is available to provide guidance to the Proponent and the Commission. Following issuance of the 401 Water Quality Certification (WQC), the Commission may issue the Restoration OOC.

401 Water Quality Certification

As proposed, this project will require a Clean Water Act Section 401 WQC for dredging and filling due to the proposed dredge of 3,000 c.y. of sediment and the emplacement of two grade control systems; one immediately upstream of the lower impoundment and one immediately downgradient of the water and sewer infrastructure. The Proponent contends that grade control and emplacement of hard structures such as boulders will minimize sediment migration downstream.

The Proponent should submit a copy of the application to both the Western Regional and the Boston Office of MassDEP for review. One combined Chapter 91 and 401 WQC permit will be issued from the Boston Office, however regional staff may assist in the details of the permitting. MassDEP staff are also available to facilitate a pre-permitting discussion.

Part of this proposed revision is to construct a boulder clusters and revetment, grade-control structures just upstream of the lower impoundment at the railroad bridge and immediately downstream of the water and sewer infrastructure. This revision is intended to not only protect the two water mains and two sewer mains cross the river near the West Street bridge but also to stabilize the channel upstream to minimize scour and eliminate sediment transport and redistribution, previously estimated at 6,000 c.y. through this reach of the river.

In all dredging and dam removal projects, the MassDEP 401 WQC permitting process requires detailed sediment sampling consistent with the potential risks associated with the sediment based upon dam location, historic land uses identified at and upstream of the dam, as well as potential contaminant contributions within the watershed. In addition, permitting requires control of sediment and water during work, adequate quantification of quality and volumes of sediment to be removed and stabilized, and modeling of channel development upstream and downstream of work. Regulations require permitting to be protective of public health and safety and the environment under Massachusetts statutes and regulations.

According to the Proponent, revised hydrology and hydraulics modeling has been

conducted to inform the current proposal. The grade control structures are anticipated to stabilize the channel upstream to minimize scour both eliminating significant sediment transport and protecting the utility infrastructure during controlled dewatering.

The 401 WQC permitting process will include a review of modeling to determine quality and volumes of sediment, if any, transported. The Proponent has acknowledged that MassDEP will require additional detailed information regarding the hydrology and hydraulic modeling to demonstrate the stability of the sediments. MassDEP may require additional, current sediment quality sampling and data appropriate for the proposed project.

In summary, with regard to permitting, MassDEP has adequate authority through the 401 WQC permitting process to determine the potential environmental impacts from the project and to ensure that all reasonable and appropriate measures are taken to avoid, minimize and mitigate any negative impacts, as necessary. MassDEP staff will review the sediment quality and structural grade controls to prevent sediment transport downstream for this project and may include but not be limited to the following:

- Review newly developed hydrology and hydraulic modelling with respect to the proposed new grade control structures and stability of sediments,
- Review the potential need for sediment transport modeling,
- Review currently available data, identify if data gaps exist and evaluate the need for additional sampling,
- Review data relative to the 401 WQC and other applicable regulations,
- Require removal and appropriate management, including disposal of sediments and debris where appropriate, and
- Evaluate potential public health and environmental risk factors.

Chapter 91 Waterways

This resource area is within jurisdiction of the Waterways program, and the activity requires authorization from MassDEP. The work proposed to dredge debris and sediment and emplace of grade control structures and stabilize sediment is intended to result in environmental improvements that bring collateral benefits.

Area of Critical Concern

The project site is not located within an Area of Critical Concern (ACEC). The Housatonic ACEC is located approximately one mile downstream from the project site. There is no designation of an Outstanding Resource Water in this ACEC.

Drinking Water and Wastewater

MassDEP's previous comments remain valid. The Proponent should work closely with the Pittsfield Department of Public Works to review the new proposal for grade control and protection of the infrastructure.

Bureau of Air and Waste

MassDEP's previous comments remain valid.

Bureau of Waste Site Cleanup

MassDEP's previous comments remain valid. Staff will be available to review additional sediment transport modeling, if required.

IV. Section 61 Findings and Additional Comments

MassDEP has reviewed the proposed Section 61 Finding regarding mitigation and cannot at this time agree with the Findings as additional information will be required during permitting. An Ecological Restoration does not include mitigation. MassDEP has adequate authority through the Chapter 91 and 401 WQC permitting process to determine the cumulative environmental impacts from the project and to ensure that all feasible measures are taken to avoid, minimize and mitigate any negative impacts, as necessary. Section 61 Findings will be incorporated into any final permit issued.

If you have any questions regarding this comment letter or if the Proponent wishes to schedule pre-permitting, please do not hesitate to contact Catherine Skiba at (413) 755-2119.

Sincerely,

Michael Gorski
Regional Director

cc: MEPA File

Strysky, Alexander (EEA)

From: Slater, Caleb (FWE)
Sent: Thursday, November 08, 2018 3:36 PM
To: Strysky, Alexander (EEA)
Cc: Cheeseman, Melany (FWE)
Subject: EEA #15510 Mill Street Dam Removal

Alex,

I have reviewed the Notice of Project Change and Single Environmental Impact Report for the Mill Street Dam Removal / West Branch Housatonic River Revitalization Project (EEA #15510).

MassWildlife fully supports Alternative #3, Dam Removal and River restoration. We believe that the project will result in significant positive public safety and environmental benefits including (1) decommissioning and removal of unused and failing infrastructure (2) removal and safe disposal of polluted sediments, and (3) restoration of ecological river processes, including more natural movement of water, sediment, nutrients, and wildlife.

MassWildlife has no objection to the revised approach to sediment management and river channel engineering now proposed, and believes that the mitigation measures proposed will minimize the environmental disturbance caused by construction.

Please contact me if you have any questions.

Caleb

Caleb Slater, PhD
Anadromous Fish Project Leader
Massachusetts Division of Fisheries and Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6331 | e: Caleb.Slater@state.ma.us
mass.gov/masswildlife | facebook.com/masswildlife

Subject: Mill St. dam in Pittsfield, MA. EEA# 15510

The MEPA website has the following statement about the MEPA review process:

" It requires state agencies to study the environmental impacts of projects....., and to use all feasible measures to avoid, minimize, and mitigate damage to the environment or, to the extent damage to the environment cannot be avoided, to minimize and mitigate damage to the environment to the maximum extent practicable."

Have the MEPA reviews really considered all the factors of this project that contribute to "damage to the environment"?

This dam serves several important environmental purposes. Removal of this dam will adversely affect the environment in the following ways.

This dam sequesters contaminated sediment. Contaminated sediment and debris from upstream sources can be collected and conveniently removed at this site. Unless it is believed that the upstream contamination sources no longer exist, the removal of this dam will allow the contamination to continue to flow downstream. The original plan to allow the already accumulated sediment at the dam to wash downstream has been rejected. Continue to reject the "solution to pollution is dilution" and keep this dam to capture contaminants from upstream sources.

This dam can be used to minimize upstream wetland GHG methane emission effects. Wetlands are the greatest natural producers of methane, and some scientists have determined that wetlands are the greatest source including natural and manmade. At 100 million tons to 250 million tons of wetland methane emissions worldwide annually, it is about time take action. Also consider that atmospheric methane concentrations are rising and that rising global temperatures will increase the rate of methane generation at wetlands.

Will the operation of this dam stop upstream wetland emissions? No, but why not use the same water that creates the anaerobic conditions that produce the methane to generate renewable electricity at the dam. This will offset GHG emissions at a fossil fuel power plant. While considering mitigation, since the new plan is to not tear the abandoned railroad bridge down why not install solar PV on it?

If you believe that carbon fueled Climate Change can "damage the environment" then you must consider the benefits of the renewable hydroelectric power that can be produced at this dam. A comparative analysis of other recent dam re-powerings in the region show that this site would have a

capacity of over 100 kW. That is enough to meet the energy needs of about 70 homes. This is local, distributed, high capacity factor renewable energy, using existing infrastructure and not requiring the cutting of trees and other environmental impacts that equivalent scale solar PV and wind generators cause. This site is ideally located for power production. It receives the combined outflow of two local lakes with the combined watershed of over 30 square miles. This water capacity along with a nearly 20 foot tall dam, a dam that had no structural deficiencies at the last inspection, provides the generous hydropower capacity. How can an environmental review in the 21st century disregard the environmental effects that mitigating Climate Change would have ?

Please consider including the information I provided above in the assessment of this project. I believe that I have shown "measures to avoid, minimize, and mitigate damage to the environment" that appear to have not been considered by the MEPA review.

Ken Egnaczak

Cheshire, Ma.

Housatonic Valley Association

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860-672-6678

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413-394-9796

19 Furnace Bank Road
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Wassaic, NY 12592
845-789-1381

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December 5, 2018

Secretary Matthew Beaton
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, EEA #15510
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: SEIR & Notice of Project Change
Tel-Electric Dam Removal Proposal, Pittsfield,

Dear Secretary Beaton,

I am writing to express our continued support of the Housatonic Valley Association (HVA) to the updated Notice of Project Change to the proposed removal of the Mill Street (Tel-electric) Dam in Pittsfield Massachusetts. This 100 year obsolete derelict structure has been an impediment in the waterway for far too long and should be removed to allow for the heathy restoration of the West Branch of the Housatonic River.

This dam is a long out-of-use structure that impedes river paddling, has a major negative impact to the natural riverine habitat, and should be a cause of concern for downstream life and safety. In 2000, the Massachusetts Office of Dam Safety designated the dam to be in very poor and unsafe condition with 'significant operational or maintenance deficiencies'. Failure of the dam during a storm event could create catastrophic upstream and downstream effects. Due to these concerns, the City of Pittsfield, and the Massachusetts Department of Environmental Restoration (DER), agreed to have the dam removed and the river restored.

Removal of this dam, would greatly assist the city of Pittsfield in their urban revitalization efforts of the West Branch of the Housatonic River. The dam site is presently an attractive nuisance which tends to be an area known for various illegal activities, plus the swirling waters of the deteriorating structure are a present safety concern.

This proposed removal would help to bring the river back to its natural condition of running colder water and will reconnect the upstream and downstream sections of the West Branch. It would also alleviate the safety concerns of downstream flooding in case of an unexpected breach.

The updates described in the Notice of Project Change is in direct response to the concerns over the downstream transfer of the impounded sediment. While it is encouraging to

see that these concerns have been heard and addressed, it does present new concerns. Dredging of the sediment directly upstream of the dam in question will allow the material to be collected and disposed, and not be allowed to flow downstream. However this then raises the continued question of what to do with the dredged material. This material is deemed polluted, and must be treated accordingly. It must be discarded in an appropriately licensed landfill.

We also have a concern regarding the sediment in the channel upstream of the railroad bridge that will be 'held in place'. The proposal is to create man-made riffles to hold the grade in place and minimize any river bottom and river bank erosion. We find this to be a leap of faith that something man-made can stand the 'test of time' against the forces of a natural river dynamics. Nature seems to be very persistent in doing what comes natural to a river environment. Therefore we are very apprehensive over creating a man-made environment above the railroad bridges through the use of the 'permanently secured grouted boulders' that is proposed to be utilized. We realize the importance of keeping the river from eroding the foundations of the Railroad bridge pilings, we feel that the project should implement a low impact, minimal footprint on the upstream construction in the river.

While we appreciate the natural proposal to seed and provide plantings and to create a public greenway along the river to provide a natural esthetic and to maximum habitat value, this approach should also apply to the river itself and minimize man-made structures in the river.

Overall, HVA does strongly support the removal of this dam, and we look forward to the revitalization and restoration of the West Branch of the Housatonic River that this project will help to create.

Sincerely,

Dennis Regan
Berkshire Director

December 5, 2018

Alexander Hackman
Restoration Specialist
Massachusetts Department of Fish and Game
Division of Ecological Restoration
251 Causeway Street, Suite 400
Boston, MA 02114

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

RE: Tel-Electric Dam Removal, Mill Street Bridges and West Street, Pittsfield, MA. MHC# RC.59077. EEA #15510.

Dear Mr. Hackman:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the Single Environmental Impact Report/Notice of Project Change (SEIR), received November 5, 2018, for the project referenced above. The project has been modified since the MHC's review of the EENF. The project includes review and funding by federal agencies including the the US Fish and Wildlife Service and the US Army Corps of Engineers. MHC will continue to review the project under Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800), and looks forward to consultation and a determination of effect by the lead federal agency (36 CFR 800.2(a)(2) for the project.

The SEIR (pg. 30) indicates that a historic properties avoidance and protection plan will be developed and implemented for the project to avoid adverse effects to the Conrail Bridge (PIT.911; EENF RR Br. #3), B&M Railroad Bridge (PIT.909; EENF RR Br. #2) and the West Street Bridge (PIT. 917). The MHC looks forward to reviewing the draft avoidance and protection plan that incorporates the following stipulations: Temporary, high-visibility protective fence (such as a snow fence or a plastic fence) should be placed prior to construction on and around the bridges. The protective fencing should be posted with "No Impact" signs. Fencing and signage should be placed by project engineer(s) in consultation with a qualified historic preservation consultant. Suitable language should be included in contract and construction documents to prevent inadvertent impacts to the bridge decks, structures and abutments above current water levels.

Construction personnel and contractors should be informed verbally and in writing that the fenced areas are "no impact areas." Construction personnel and contractors should neither perform nor permit any construction, excavation, grading, filling, dumping, or the storage or staging of equipment, vehicles, or supplies within the boundaries of the fenced areas. The fenced areas should remain in their existing condition. The MHC should be consulted and provided the opportunity to review and comment on any otherwise unforeseen activities that may be proposed within the fenced areas. The fence should be removed upon completion of the project. The project engineer and/or historic preservation consultant should conduct pre- and post- construction photographic documentation to ensure that the terms of the historic properties avoidance and protect plan have been correctly implemented and executed.

These comments are offered to assist in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (36 CFR 800), Massachusetts General Laws, Chapter 9, Section 26-27C (950 CMR 71), and MEPA (301 CMR 11). If you have questions, please contact Jonathan K. Patton at this office.

Sincerely,

Brona Simon

Brona Simon
State Historic Preservation Officer
Executive Direction
Massachusetts Historical Commission

xc: Jim McGrath, City of Pittsfield
Barbara Newman, USACOE-New England District
Kate Atwood, USACOE-New England District
Bill Bennett, USFW
Secretary Matthew A. Beaton, EEA, Attn: Alex Strysky, MEPA Unit
Pittsfield Historical Commission