



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Kathleen A. Theoharides
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1081
<http://www.mass.gov/eea>

November 1, 2019

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Environmental Remediation and Redevelopment at 100 Bridge Street
PROJECT MUNICIPALITY : Great Barrington
PROJECT WATERSHED : Housatonic
EEA NUMBER : 15059
PROJECT PROPONENT : Community Development Corporation of South Berkshire
DATE NOTICED IN MONITOR : September 25, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (310 CMR 11.00), I hereby determine that this project change **does not require** the submission of an Environmental Impact Report (EIR).

I note that many of the Permits associated with the project change were issued prior to filing the Notice of Project Change (NPC). An NPC should have been filed prior to permitting the change in remediation method and wetlands restoration. As such, this is an after the fact review to document the project changes, environmental impacts and mitigation measures.

Notice of Project Change

The project changes consists of a change in remediation method and the identification of a phased development program. The NPC indicates that alternative remediation is proposed because the bio-remediation technique identified in the Environmental Notification Form (ENF) was not successful. Remediation will be achieved through consolidation of approximately 20,000 cubic yards (cy) of contaminated soil into two berms on the site. The berms will be capped with an engineered barrier to isolate contaminants from human exposure and avoid disturbance of the soil. The barrier will consist of

a geotextile separation layer, warning barrier, and a one-foot thick earthen cap. A stream on an adjacent property, which had been diverted and culverted, will be restored and daylighted. It will re-establish an open channel ecosystem from Grove Street to the Housatonic River.

Redevelopment of the site is proposed in two phases consisting of a 45-unit affordable housing project on the southern half (Phase 1) and a residential and/or mixed-use project (e.g., elder housing, assisted living or memory care facility) on the northern half (Phase 2). Phase 1 will consist of two 3-story buildings with a combined footprint of 19,350 sf. It will include 67 parking spaces and associated utilities including stormwater management. A conceptual development plan for Phase III consists of a three-story residential facility with a 21,500 sf footprint and approximately 80 units. It may include 56 parking spaces and will include associated utilities.

The Proponent plans to commence the project this year and complete it by 2021. The environmental remediation and stream daylighting will provide net benefits to environmental quality and public health. The redevelopment plan will reduce development in the inner riparian zone and increase open space compared to the original site and prior redevelopment plans.

Original Project and Procedural History

The ENF identified the remediation and subsequent redevelopment of the eight-acre site in Great Barrington. It was formerly occupied by New England Log Homes and has been vacant for approximately 20 years. A fire in March 2001 destroyed approximately half of the vacant buildings and the remaining buildings were demolished in 2012. The site is subject to the Massachusetts Contingency Plan (MCP, RTN 1-0682). Use of a wood preservative contaminated the site with dioxins, pentachlorophenol (PCP), metals, and/or petroleum hydrocarbons to the upper layer of the soil and/or to groundwater.

Bio-remediation was proposed throughout the site to stimulate bacteria in the soils to break down the contaminants, which are generally concentrated in the upper 12 inches of the soil. To mitigate impacts to wetland resources, a single 18,000-sf restoration/replication area was proposed to compensate for wetlands alteration.

Alternatives addressed in the ENF included continuing bio-remediation during a second growing season; moving affected soils to the southern portion of the site where redevelopment is proposed and continue bio-remediation there; and move soils with concentrations exceeding the cleanup goal to location(s) on-site where permanent structures (pavement and/or building slabs) or clean soil would prevent contact or exposure.

A Certificate on the ENF was issued on July 12, 2013 indicating that the project did not require an EIR. It also indicated that a NPC would be required when a redevelopment plan was identified to assess the environmental impacts of redevelopment.

Project Site

The site is located at 100 Bridge Street. It is bounded on the west by the Housatonic River, to the north by Bridge Street, to the east by Bentley Avenue and to the south by the Great Barrington

Wastewater Treatment Plant. Most of the site is a flat compacted gravel industrial yard that was used for storage and a laydown area. The site is encircled by mature trees. It includes 3.56 acres of Riverfront Area. The buildings removed from the site in 2012 occupied a total of 43,929 square feet (sf) within the Riverfront Area. Several other structures, driveways, and other impervious surfaces were removed, some of which were located within the Riverfront Area. Removal of contaminated buildings was funded by federal and state agencies, including the Berkshire Regional Planning Commission (BRPC) Brownfields Revolving Loan Fund Program.

The site contains two wetland areas: a 12,996-sf bordering vegetated wetland (BVW) in the southeast quadrant of the site and a ditch that functions as an intermittent stream outlet to the River. A second linear ditch measuring 4,432 sf carries runoff from Bentley Avenue and its uphill drainage area to a culvert that runs beneath the site and discharges to the River. According to the Natural Heritage and Endangered Species Program (NHESP) of the Division of Fisheries and Wildlife, the site includes actual habitat of the Longnose Sucker (*Catostomus catostomus*) and the Creeper (*Strophitus undulatus*), both of which are classified as a species of Special Concern.

Jurisdiction and Permitting

The original project underwent MEPA review and filed an ENF pursuant to 301 CMR 11.03 (3)(b)(1)(d) and (2)(b)(2) because it required an Agency Action and it would have altered 5,000 or more square feet of Bordering or Isolated Vegetated Wetlands and would have disturbed greater than two acres of designated Priority Habitat that would result in a Take of rare species. The project required a 401 Water Quality Certification (WQC) and review under the Massachusetts Contingency Plan (MCP) from the Massachusetts Department of Environmental Protection (MassDEP), and review by NHESP. MassDEP has issued a 401 WQC and approved the Phase IV Remedy Implementation Plan (Revision #5). NHESP issued a conditional no Take letter.

Orders of Conditions were issued for the demolition, remediation and redevelopment by the Great Barrington Conservation Commission. The project was reviewed by the Massachusetts Historical Commission (MHC). It received a National Pollutant Discharge Elimination System (NPDES) Permit for Stormwater Discharge from Construction Activities from the U.S. Environmental Protection Agency (EPA) and a Section 404 Category II General Permit from the U.S. Army Corps of Engineers (ACOE).

The ENF indicated that the Proponent was not seeking Financial Assistance and that MEPA jurisdiction was limited to those aspects of the project that were within the subject matter of required or potentially required Agency Actions and that may cause Damage to the Environment. The NPC indicates that the Proponent is seeking Financial Assistance, therefore jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the remediation proposed in the ENF included 8.0 acres of land alteration, including 2.1 acres of impervious area, and alteration of 17,428 sf of BVW.

The NPC and supplemental information¹ provided during MEPA review identified environmental impacts associated with the remediation, redevelopment and the stream restoration. The project changes increase land alteration to 8.6 acres (includes stream restoration), impervious area to 2.5 acres, traffic generation to 600 average daily vehicle trips (adt), and water demand and wastewater generation to 22,000 gpd. The changes will temporarily impact 13,709 sf of Bordering Land Subject to Flooding (BLSF) and will create 1,511 sf of BVW and 9,867 sf of Land Under Water.

Measures to avoid, minimize and mitigate impacts included remediation of the site, wetlands restoration, compensatory flood storage, stream restoration, construction of a Riverwalk, soil and erosion controls and monitoring.

Review of the NPC

The NPC describes the original project, remediation that has occurred to date, identifies changes to the project, describes the revised remediation method, and identifies environmental impacts and mitigation. It includes existing and proposed conditions plans, including plans for the stream restoration. An extension of the comment period to October 25th was granted.

Hazardous Waste

This facility is classified as a Tier I site under the MCP (Release Tracking Number 1-0000682). The remediation of the contaminated soils on the site is mandated by the MCP. Over the past decade, the MCP process has included identification and analysis of alternative remediation methods. The site has been designated as a *Public Involvement Plan* (PIP) site pursuant to the MCP Public Involvement in Site Cleanup (310 CMR 40.1400). The PIP includes an agreement between the responsible entity for conducting response actions and the public about how information will be shared and how the public can comment on plans for assessment and cleanup. The Phase IV Remedy Implementation Plan (RIP) was subject to public review and comment.

MassDEP reviewed and provided comments on the Phase IV RIP, which included a description of the treatment of the contaminated topsoil. MassDEP issued a conditional approval on June 6, 2019. A Licensed Site Professional will be responsible for implementing the RIP, remediation of the contaminated soil and for periodic testing to ensure contaminated material has been properly managed and capped. During earthwork activities, an air monitoring program will be implemented to monitor control of dust and odors. The containment berms will be located on two separate parcels that will remain under the ownership of the Community Development Corporation of South Berkshire. A Financial Assurance Mechanism (FAM) will be established to ensure the functioning of the cap.

The Berkshire Environmental Action Team (BEAT) submitted comments indicating concern that the material would be consolidated and capped on site given its location in the Riverfront Area and 100- and 500-year floodplains, and proximity to affordable housing.

¹ An email, dated September 24, 2019, from Robert Hoogs of Foresight Land Services included a revised Summary of Project Size and Environmental Impacts Table.

Wetlands

As noted previously, the project has been issued a 401 WQC from MassDEP and Orders of Conditions from the Great Barrington Conservation Commission. The NPC describes the stormwater management system and depicts the system on project plans. The permanent impact to BVW will be mitigated through the stream restoration project. The NPC includes restoration plans and a report that identifies the restoration goals and performance monitoring of the stream restoration.

Rare Species

NHESP issued a conditional No Take Letter issued on August 14, 2019 that identifies the conditions necessary to avoid a Take, including a mussel protection plan. The mussel protection plan will include sweeps for state-listed mussels within the Housatonic River and stream. The sweeps will be conducted by a qualified biologist and require a Commercial Scientific Collection Permit prior to conducting surveys sweeps. Survey and relocation of mussels will be subject to a Time of Year (TOY) restriction limiting work to the period between June 1 and October 1.

Water and Wastewater

MassDEP comments indicate that it appears that the Great Barrington Water District has adequate capacity under its Water Management Act (WMA) Registration to accommodate the increase in water use. MassDEP advises the Proponent to consult and with the Water District to confirm that it has adequate capacity and infrastructure to meet water demand and fire flows. MassDEP comments note, in particular, that the Proponent must comply with the rules and regulations of the Water District, including cross connection control.

All sewer authorities must develop a plan for controlling Infiltration and Inflow (I/I) including mitigation of the volume of stormwater runoff into combined sewers when a new connection or extension is permitted. The Proponent is advised to consult with the Town as plans are finalized to ensure compliance with any Infiltration/Inflow removal requirements.

Conclusion

The NPC has sufficiently defined the nature and general elements of the project change for the purposes of MEPA review and demonstrated that environmental impacts can be avoided, minimized, and/or mitigated to the extent practicable. Based on the information in the NPC and after consultation with State Agencies, I have determined that an EIR is not required.

November 1, 2019

Date



Kathleen A. Theoharides

Comments received:

- 8/14/2019 Natural Heritage and Endangered Species Program (NHESP)
- 10/15/2019 MassDEP Western Regional Office (WERO)
- 10/15/2019 Berkshire Environmental Action Team

KAT/CDB/cdb



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

October 15, 2019

Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Anne Canaday, EEA No. 15059
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: 100 Bridge Street
Great Barrington, NPC

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Notice of Project Change (NPC) for the proposed Environmental Remediation and Redevelopment of this 8 acre site (formerly New England Log Homes) located at 100 Bridge Street in Great Barrington, MA (EEA #15059).

I. Project Description

This Community Development Corp. of South Berkshire project outlines the remediation of the entire 8-acre site as well as redevelopment that will take place in two phases. This former New England Log Homes site is listed with MassDEP Bureau of Waste Site Cleanup as a Tier I disposal site. Contaminants include pentachlorophenol and dioxin in soil and groundwater. Additional contaminants will also be addressed in the remediation phase.

The project changes include: 1) the consolidating of the contaminated soil into two berms on the site and employing an engineered barrier at each berm consisting of a geotextile separation layer, warning barrier, and a one-foot thick earthen cap, which will isolate contaminants from human exposure and minimize future disturbance of contaminated soil; 2) a previously diverted and culverted stream on an adjacent property is to be daylighted and restored to flowing to the Housatonic River; and, 3) the redevelopment of the remediated site is now proposed in two phases. Phase 1 is a 45-unit 100% affordable rental housing project proposed on the southern half; phase 2 is a future residential and/or mixed-use project – possibly elder housing, nursing home, assisted living or similar memory care facility proposed on the northern half. The affordable housing

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

Printed on Recycled Paper

project is planned to commence in late 2019 and to be completed in 2021. The schedule for the future redevelopment project is undetermined.

The environmental remediation and stream daylighting are proposed to begin in mid-September 2019, and to be completed in later 2019 or 2020. The environmental remediation and stream daylighting will both provide net benefits to environmental quality and public health. The final redevelopment plan significantly reduces development in the inner riparian zone and increases the amount of green, open space on the site compared to the original mill site and to the previous alternative redevelopment plans.

The stream daylighting project will create a total of 854 linear feet of daylighted stream channel: 575 linear feet of new stream channel and 279 linear feet of remnant stream channel that will be restored to flow. The stream daylighting project includes creation of approx. 1,511 square feet of new Bordering Vegetated Wetland, temporary alteration of 13,709 square feet of Bordering Land Subject to Flooding to excavate, grade and revegetate the new stream channel and wetland fringes; project will result in no net loss of flood storage; and creation of 9,867 square feet of Land Under Water .

The project change of the environmental remediation was changed from bio-remediation to stripping and capping. The changes proposed include:

- 8.6 acres (including off-site stream) of land alteration
- 2.5 additional acres of impervious area
- 15,917 sf (net change) Square feet of Bordering Vegetated Wetlands alteration
- 13,709 sf alteration of Bordering Land Subject to Flooding (temporary)
- 9,867 sf of additional alteration to Land Under Water (permanent)
- 41,000 ± sf of buildings
- 600 additional vehicle trips per day (not including construction)
- 129 additional parking spaces
- 22,000± gpd increased usage of potable water
- 22,000± gpd increased wastewater generation

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 16.00

Hazardous Waste

310 CMR 30.00

Bureau of Waste Site Cleanup

310 CMR 40.000

III. Permit Discussion

Bureau of Water Resources

Wetlands

The project Proponent received at least three Orders of Conditions (OOC) for the project phases. The first was for demolition, the second for remediation, and the most recent, issued on May 28, 2019, for the project development. The Proponent is advised that if any components of the project have changed relative to any of the OOCs, an amended order may be required by the Conservation Commission.

401 Water Quality Certification

The Proponent was issued a 401 WQC for the project on March 20, 2014. MassDEP has exercised forbearance for previous noncompliance with the permit and is working with the Proponent to successfully complete the off-site compensatory mitigation, correct the noncompliance, and complete the remaining work on the project.

Drinking Water

It appears that the Great Barrington Water District has adequate capacity under the Water Management Act Registration to accommodate an estimated 22,000 gpd increased water use. MassDEP advises the Proponent to consult and work closely with the Great Barrington Water District to ensure the District has adequate capacity and infrastructure to provide actual water demand and fire flows and that a substantial modification to the water system is not required. The Proponent is also advised to comply with the rules and regulations of the District, specifically with respect to cross connection control.

Wastewater Management

MassDEP advises the Proponent to consult and work closely with the Great Barrington Department of Public Works to ensure there is adequate capacity and infrastructure to provide actual water demand and fire flows.

Regulation 314 CMR 12.04 (2) includes the requirement that all sewer authorities develop a plan for controlling Infiltration and Inflow (I/I) including mitigation of the volume of stormwater runoff into combined sewers when a new connection or extension is permitted. The Proponent is advised to consult with the Town as plans are finalized to ensure compliance with any I/I removal requirements.

Bureau of Air and Waste

Air Quality

Construction Activities

The construction 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 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 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).

The project proponent should be advised that construction activity at the site must comply with both Solid Waste and Air Quality Control regulations. The appropriate Solid Waste provisions addressing this include M.G.L. Chapter 40, Section 54.

Hazardous Waste

If any hazardous waste including universal wastes such as mercury containing lamps or mercury containing thermostats and switches, as well as any other electrical components that may be Hazardous Waste (e.g. light ballasts), and including waste oil, is generated at the site, the proponent must ensure that such generation is properly registered with MassDEP/EPA and managed in accordance with 310 CMR 30.00.

The proponent will be required to file for Storm Water Construction General Permit (NPDES) through EPA. MassDEP notes that all site activities including dust control and any truck and equipment washing must be managed under the oversight of a Licensed Site Professional (LSP) as discussed below.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan (MCP)

This facility is classified as a Tier I site under the Massachusetts Contingency Plan (MCP). MassDEP Bureau of Waste Site Cleanup conducts regulatory oversight of MCP cleanup actions and the site is assigned the Release Tracking Number 1-0000682. The Proponent has an LSP of record working on the redevelopment of this Brownfield Site.

This project underwent a public comment period pursuant to the requirements required by the MCP Public Involvement in Site Cleanup (310 CMR 40.1400). This process designates the site as a *Public Involvement Plan* (PIP) site. The PIP includes an agreement between the person conducting response actions and the public about how they will share information, and how the public will be able to comment on plans for assessment and cleanup.

Responses to comments and a revised Phase IV Remedy Implementation Plan (revision #5) were received by MassDEP on May 22, 2019. MassDEP conditionally approved this plan on June 6, 2019. Further questions may be directed to MassDEP BWSC staff.

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.

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



DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

MASSWILDLIFE

August 14, 2019

Timothy Geller
Community Development Corp. of South Berkshire
PO Box 733
17 Bridge Street
Great Barrington, MA 01230

RE: Applicant: Community Development Corporation of South Berkshire
Project Location: 100 Bentley Road and 0 Bentley Road (Berkshire Southern District, Book 360, page 205; Book 559, page 201)
Project Description: Restoration & daylighting of a stream impacted by fill, as mitigation under the 401 Water Quality Certificate
NHESP File No.: 09-27464
USACOE Application No. (404): NAE-2012-1684, updated and re-issued July 2019
MA DEP Wetland File No.: 167-0373, amended to allow off-site mitigation
EEA No.: 15059
MA DEP 401 WQX Transmittal No.: X256479, issued March 20, 2014, later updated

Dear Mr. Geller:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife (the "Division") received the MESA Review Checklist and other required materials for review pursuant to the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

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

The Division has determined that this Project, as currently proposed, will occur within the actual habitat of the following state-listed species:

Table with 4 columns: Scientific Name, Common Name, Taxonomic Group, State Status. Rows include Strophitus undulatus (Creper, Mussel, Special Concern) and Catostomus catostomus (Longnose Sucker, Fish, Special Concern).

MASSWILDLIFE

These species and their habitats are protected in accordance with the MESA. Fact Sheets for these species can be found on our website, www.mass.gov/nhesp.

The proposed project is mitigation required by the 401 Water Quality Certification issued for the redevelopment of 100 Bridge Street by Community Development Corporation of South Berkshire. In 2013, it was determined that the on-site restoration of wetland at 100 Bridge Street was unlikely to be successful. The proposed project will daylight a previously impacted stream associated with the construction of the Town of Great Barrington Wastewater Treatment Plant (100 Bentley Street). The Project will create 2,450 square feet of Land Under Water and Waterbodies in the form of a stream channel, and 1,000-SF of bordering wetlands along the stream channel. This project will re-establish an open channel ecosystem from Grove Street to the Housatonic River.

Based on the information provided and the information contained in our database, it is the opinion of the Division that this Project, as currently proposed, **must be conditioned in order to avoid a prohibited Take of state-listed species (321 CMR 10.18(2)(a))**. The following conditions shall be implemented:

1. **Mussel Protection Plan.** Prior to the start of Work and installation of any siltation barriers within Land Under Water and Waterbodies, or below Ordinary High Water, a qualified biologist shall conduct sweeps for state-listed mussels within: the Housatonic River 25 feet upstream and 100 feet downstream of the confluence with the stream to daylight; and any suitable habitat within the stream to daylight located within 50 feet of the Housatonic River.
 - a. The Division must pre-approve the candidate biologist prior to any Work. The ability to locate and identify state-listed mussels requires significant experience with the target mussel species. The resume/curriculum vitae of the candidate biologist, demonstrating extensive experience locating state-listed mussels, shall be sent to the Division for written pre-approval.
 - b. In order to handle state-listed species, the biologist must obtain a Commercial Scientific Collection Permit for this project site prior to conducting mussel surveys sweeps. The Commercial Scientific Collection Permit Application & filing fee information can be found at: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/pdf/commercial_collect_permit_a_pp.pdf.
 - c. Survey and relocation of mussels shall only occur between June 1 and October 1 and must occur within the same season as proposed work.
2. All work shall be in compliance with the Water Quality Certification issued by the MA Department of Environmental Protection, Orders of Conditions issued by the Great Barrington Conservation Commission, and the Army Corps of Engineers permit.
3. **Upon filing for any renewal, extension, or amendment of the Orders of Conditions**, the Applicant shall contact the Division for written response regarding impacts to Resource Area habitats of state-listed wildlife.
4. **Compliance Report.** Within thirty (30) days of the completion of Work, the Applicant shall file a written project report including the dates of all Work and showing pre- and post-work photographs.
5. **Authorization Duration.** This authorization is valid for 5 years from the date of issuance.

Provided the above-noted conditions are fully implemented and there are no changes to the project plans, this project will not result in a Take of state-listed species. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact, Misty-Anne R. Marold, Senior Endangered Species Review Biologist, at (508)-389-6356.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: David Foulis, MA DEP Western Regional Office, Wetlands
Emily Stockman, Stockman Associates
Great Barrington Conservation Commission
Robert Hoogs, Foresight Land Services, Inc.
Paul Sneeringer, U.S. Army Corps of Engineers
Town of Great Barrington, Wastewater Treatment Facility
Educational Consultants, Inc.



BERKSHIRE ENVIRONMENTAL ACTION TEAM
29 Highland Ave. Pittsfield, MA 01201 • thebeatnews.org
(413) 230-7321 • team@thebeatnews.org

Protecting the environment for wildlife in support of the natural world that sustains us all.

October 15, 2019

Kathleen A. Theoharides, Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office Anne Canaday, EEA No. 15059
100 Cambridge Street, Suite 900 Boston MA 02114

RE: EEA # 15059 - Environmental Remediation & Redevelopment at 100 Bridge St.

Dear Secretary Theoharides,

Please accept the following comments from Berkshire Environmental Action Team, Inc. (BEAT). BEAT's mission is to protect the environment for wildlife in support of the natural world that sustains us all.

BEAT is extremely concerned about the proposed unlined toxic waste dumps, being called "berms," of dioxin-contaminated soil. We are astounded that one of the proposed toxic waste dumps would be within the 100 foot River Front Area! Given that the majority of the site is in the 100 Year Floodplain, and the remainder of the site is in the 500 Year Floodplain, we believe that these toxic waste dumps should be located off-site, and out of the Floodplain and River Front Area.

Additionally, we believe that the siting of these toxic waste dumps poses a significant Environmental Justice issue, as they would be immediately adjacent to low-income housing.

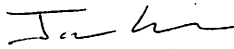
No matter where these toxic waste dumps are to be located, we believe that, in addition to the proposed cap of geo-textile and clean soil, it is essential to install a bottom liner to prevent dioxins and other toxins from migrating vertically into the groundwater. Not adding a bottom liner would further endanger downstream communities and the environment. According to the RIP's site history, low levels of dioxins have been measured in groundwater at the site.

We are also deeply concerned about the documented presence of a pentachlorophenol (PCP) groundwater plume on the site. Per the site history narrative, the plume appears to be moving west toward the Housatonic River. We understand that at the moment there is no proven technology to remediate PCPs, but leaving the plume to potentially contaminate the river is unacceptable.

We commend the CDCSB for their enthusiasm to tackle such a substantial environmental problem in the heart of Great Barrington. We recognize the potential for this site to be an asset for both the community and the environment. We are especially excited by the day-lighting of a stream on the site that is now confined to a pipe.

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane Winn", written in a cursive style.

Jane Winn
Executive Director