



# *The Commonwealth of Massachusetts*

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November 9, 2006

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

PROJECT NAME: Residential Remediation for Hope Street & Radcliffe Avenue  
PROJECT MUNICIPALITY: Pittsfield  
PROJECT WATERSHED: Housatonic  
EOEA NUMBER: 13891  
PROJECT PROPONENT: **General Electric Company, Inc.**  
DATE NOTICED IN MONITOR: October 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

### Project Description

As described in the Environmental Notification Form (ENF), the project involves environmental remediation at four separate undeveloped parcels at the end of Hope Street and Radcliffe Avenue in the Brattle Brook Park section of Pittsfield. The work is being conducted as required by the Department of Environmental Protection under the Massachusetts Contingency Plan (MCP). The top one-foot of soil will be removed throughout the site. All excavated soils will be loaded into properly licensed trucks and transported to a regulated offsite facility. The remediation site is 17,330 square feet (sf) in size, with the vast majority of the area within a Bordering Vegetated Wetland (BVW). The entire site is within the 100-year floodplain. The project site is located within the estimated habitat of the American Bittern, a species protected under the Massachusetts Endangered Species Act (MESA).

### Jurisdiction

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(d) of the MEPA regulations because it will result in the alteration of more than 5,000 sf of Bordering Vegetated Wetlands (BVW). The project requires a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers (ACOE); a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); review from the MA Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP); and an Order of Conditions from the Pittsfield Conservation Commission.

The proponent is not seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required permits or state agency review. In this case, MEPA jurisdiction is limited to issues related to wetlands, rare species and hazardous waste.

### Wetlands

The project will result in temporary impacts to 16,860 sf of BVW and 17,330 of Bordering Land Subject to Flooding. At least 20 mature trees with a caliper of 6 inches or more will be removed. The project has received a final Order of Conditions from the Pittsfield Conservation Commission (DEP #236-862), but still requires a Category 2 Programmatic General Permit from the ACOE and a Water Quality Certificate from MassDEP. The proponent has developed a basic wetland restoration plan for the site. The plan calls for the site to be replanted with a mix of wetland and upland grasses/ferns, 400 shrubs (3-4') and 135 trees (4-5'). To increase the rate of growth the proponent should consider planting trees that are of a size and maturity greater than 4-5'.

The proponent will be required by MassDEP and by Special Condition #35 of the Pittsfield Conservation Commission's Order of Conditions for the project to comply with the Wetlands Protection Act regulations at 310 CMR 10.55(4)(b)(6) which state that "at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons ...". The proponent should note that a wetland scientist approved by MassDEP will be required to monitor the status of the wetland replacement area for two calendar years, and then until such time as the replacement area functions in accordance with 310 CMR 10.55(4)(b)6, as established by data collected during monitoring. The proponent should also develop a plan to control and remove invasive plant species during the monitoring period.

The proponent stated at the MEPA site visit for the project held on October 18, 2006 that a single silt fence line would be used as erosion control at the site. More comprehensive erosion controls should be employed at the site. The proponent should use a double silt fence or a silt fence reinforced with an erosion sock or tubes. The proponent should not use haybales, as they may introduce invasive plant species to the site.

Rare Species

According to NHESP, the project site occurs within the habitat of the American Bittern (*Botaurus lentiginosus*). The American Bittern is state-listed as Endangered pursuant to the Massachusetts Endangered Species Act (MESA, M.G.L. c. 131A). NHESP has issued a finding under the MA Wetlands Protection Act that the project will not adversely affect the actual Resource Area habitat of the state listed species (310 CMR 10.59), however the proponent has yet to submit a direct filing with NHESP pursuant to the MESA. The MESA filing should include specific information about how the project will avoid disrupting the nesting, feeding, breeding or migratory activity of the American Bittern through timing work when the birds are not in the wetlands and by specifying construction methodologies designed to minimize noise. The proponent should note that no soil or vegetation disturbance, clearing or grading can be conducted until the NHESP has completed its MESA review.

Hazardous Waste

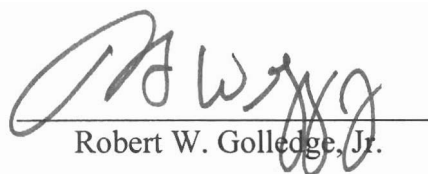
The project is being undertaken in accordance with the MCP. I encourage the proponent to consider installing groundwater monitoring wells at the site in order to eliminate or confirm the site as a possible contributor to PCB contamination in the area. The proponent should also note concerns that have been raised in comments submitted on the ENF regarding compliance with regulations and work practices governing the remediation work. Given that the work will involve exposing PCB-contaminated soils, and that work will be conducted during spring melt/rain or during fall hurricane seasons, either of which can produce heavy runoff conditions, a contingency plan must be developed to effectively mitigate runoff situations.

Conclusion

The impacts of the project within MEPA jurisdiction do not warrant the preparation of an EIR. I conclude that no further MEPA review is required. The proponents may resolve any remaining issues during the state and local permitting processes.

November 9, 2006

Date



Robert W. Golledge, Jr.

## Comments received:

10/18/2006	Berkshire Environmental Action Team
10/23/2006	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
10/30/2006	Department of Environmental Protection, Western Regional Office
11/1/2006	Berkshire Regional Planning Commission

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