



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

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Matthew A. Beaton
Secretary

Martin Suuberg
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July 7, 2017

Secretary Matthew A. Beaton
Executive Office of Environmental Affairs
100 Cambridge Street, 9th Floor
Boston, MA 02114

Attention: MEPA Unit – Page Czepiga

Re: Environmental Notification Form (ENF)
Sudbury-Hudson Transmission Reliability Project
Sudbury, Marlborough, Stow, Hudson
EEA #15703

Dear Secretary Beaton,

The Massachusetts Department of Environmental Protection's ("MassDEP") Central and Northeast Regional Offices have reviewed the ENF dated May 15, 2017 and the Corrected ENF dated June 12, 2017 for the Sudbury-Hudson Transmission Reliability Project (the "Project") in Sudbury, Marlborough, Stow, and Hudson. The Project is proposed by NSTAR Electric Company d/b/a Eversource Energy of Westwood (the "Proponent"). The Proponent proposes to construct, operate, and maintain an approximately 9-mile, 115-kilovolt underground transmission line extending from the Sudbury Substation on Boston Post Road in Sudbury ("Sudbury Substation") to Hudson Light & Power Department's ("HLPD") substation at Forest Avenue in Hudson ("Hudson Substation") (the "New Line"). The New Line and related improvements at Sudbury Substation comprise the Project.

The Project will be installed primarily along an inactive railroad right-of-way ("ROW") owned by the Massachusetts Bay Transportation Authority ("MBTA"). Construction of the Project within the MBTA ROW will result in impacts to wetland resources as a result of tree clearing and creation of the construction platform. The Project will alter 26.7 acres of land and alter 13,794 square feet ("sf") of Bordering Vegetated Wetland ("BVW"), 69,122 sf of Bordering Land Subject to Flooding ("BLSF"), and 239,309 sf of Riverfront Area. Wetland resource area impacts include both temporary and permanent impacts, and in many locations resource areas overlap. The Proponent estimates that the Project will also alter 10.28 acres of Buffer Zone, with 7.36 acres of permanent Buffer Zone alteration.

The Project is under MEPA review because it meets or exceeds the following review threshold:

- 11.03 (1)(b)1 - Direct alteration of 25 or more acres of land
- 11.03 (3)(b)1.d - Alteration of 5,000 or more square feet of bordering vegetated wetlands
- 11.03(3)(b)1.f - Alteration of ½ acre or more of any other wetlands
- 11.03(7)(b)4 - Construction of electric transmission lines with a capacity of 69 or more kV, provided that the transmission lines are one or more miles in length along, new, unused or abandoned right of way.

The Project requires the following State Agency Permits:

- EFSB/DPU - Approval to construct, G.L. c. 164, § 69J and 72 and Request for zoning exemptions, G.L. c. 40A, §3
- MassDEP - 401 Water Quality Certification
- Massachusetts Historical Commission - Project Notification Form
- MassDOT - State Highway Access Permit
- NHESP - Conservation and Management Permit (to be determined)

The Proponent has noted that as a result of corrections to the ENF, the Project does not exceed any mandatory Environmental Impact Report (“EIR”) threshold; however, the Proponent is voluntarily seeking review of the Project through the EIR process.

MassDEP offers the following comments on the Project:

Wetlands

The Project will cross Fort Meadow Brook, Hop Brook, Dudley Brook and several other unnamed streams. The Proponent should quantify proposed impacts, if any, to Bank and/or Land Under Waterway associated with these proposed crossings. The corrected ENF depicts vernal pools along the route of the Project, and the impact table initially submitted with the ENF lists vernal pool impacts; however, because the Proponent does not discuss vernal pool impacts in the narrative MassDEP is uncertain if the Project will directly impact these resources. In the EIR, the Proponent should identify the locations and limits of the vernal pools in better detail relative to the location of the Project and consider relocating the access road and ROW to avoid alteration to vernal pools.

MassDEP notes that there is a discrepancy between the May 15, 2017 ENF cover letter and the corrected ENF narrative concerning the length of the Project that will occur within roadways. The cover letter states that roadway work will be comprised of 2.3 miles, while the ENF narrative describes 1.3 miles of roadway construction. The EIR should clarify the amount of construction within public roadways.

The Proponent is required to submit Notices of Intent (NOI) to the Sudbury, Stow, and Hudson Conservation Commissions and obtain Final Orders of Conditions under the Wetlands Protection Act and its regulations. Upon receipt of copies of the NOI applications, the MassDEP Northeast and Central Regional Offices may provide Project-specific comments to the Conservation Commissions and the Proponent as part of the file number issuance notification letters.

Although the Project qualifies as a limited project under 310 CMR 10.53(d), the Project design should meet all performance standards identified in the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00 for work proposed in each wetland resource area affected, including

mitigation requirements. The Proponent should submit additional information considering ROW and access road re-designs that may avoid or further reduce wetland impacts. **The EIR should discuss whether the Proponent can minimize wetland impacts by utilizing directional drilling.**

MassDEP requests that the NOI filings include additional information describing the siting and hydrologic conditions of BVW replication areas, the work associated with the reuse of existing bridges, the volume of fill proposed in BLSF along with proposed incremental compensatory storage, and Wildlife Habitat Evaluations for all resource area impacts above the thresholds contained in 310 CMR 10.00. A 401 Water Quality Certification is required from MassDEP under 314 CMR 9.00 because greater than 5000 square feet of Bordering Vegetated Wetland is proposed to be filled for the Project. Depending on the final design of the Project, Chapter 91 permitting may be required for the proposed re-use of bridge structures and the crossings over Fort Meadow, Dudley, and Hop Brooks.

Certain construction activities associated with the Project, such as grading and the installation of splice vaults, will require the Proponent to clear areas wider than the proposed permanent 30-foot wide access road and transmission line. In the EIR, the Proponent should provide a detail of the splicing vaults and a cross-section view of the proposed transmission line and duct bank. The Proponent should also describe the duct bank and whether any of the splicing vaults will be located within wetland resource areas. Where feasible and to avoid wetland resource area impacts, the splicing vaults should be located out of wetland resource areas. The ENF states that all areas of temporary clearing will be “allowed to grow back.” **MassDEP recommends that the Proponent develop a protocol for re-vegetating areas of temporary disturbance that discourages the growth of invasive species and provides restoration with a diversity of native species. The Proponent should also develop a long-term vegetation management plan to maintain the 30’ wide ROW along the length of the 9-mile corridor.**

A portion of the Project will occur along the route of the regional Mass Central Rail Trail (MCRT) planned by the Massachusetts Department of Conservation and Recreation. **The ENF does not include information describing which sections of the Project will overlap with the MCRT or whether the Project encompasses the footprint of the MCRT. The Proponent should identify in the EIR what the overlapping work will entail and any additional wetland resource area impacts.**

An extremely small portion of the Project appears to pass through the Desert Conservation Area, Article 97 conservation land in Marlborough. **The Proponent should confirm that additional permitting is not required for work on Article 97 parcels and/or consider moving the limit of work to avoid the Desert Parcel.**

The ENF states that the Project “will be designed to comply with the MADEP Stormwater Management Policy (2008).” MassDEP requests that the Proponent meet all Massachusetts Stormwater Management Standards as required in the Wetlands Protection Act Regulations, 310 CMR 10.05(6)(k-q), and the Water Quality Certification Regulations, 314 CMR 9.06(6)(a). The EIR should provide information on how the Proponent will meet the Stormwater Management Standards for the Project.

Water Supply

Portions of the Project appear to be within the Zone II Wellhead Protection Areas for municipal public water supply wells in the Towns of Hudson and Sudbury. MassDEP notes that the Project is not a prohibited use under the groundwater supply protection section of the Drinking Water Regulations at 301 CMR 22.21. **Proponent should confirm that the Project does not pass through a Zone I for any public water supply well.**

Bureau of Waste Site Clean Up

Soil generated from installation of the underground transmission line will be used as fill material for construction of the adjacent access road. A significant portion of the Project will be constructed along a former railroad ROW. Historic rail road operations involved the use of materials that contained hazardous chemicals (creosote and arsenic from railroad ties, arsenic weed-control sprays and arsenic contaminated slag used as railroad bed fill), and may have involved petroleum spills (diesel, lubricating oil) from train operations. The Proponent should consult MassDEP's "Best Management Practices for Controlling Exposure to Soil during the Development of Rail Trails" for measures to limit exposure to workers and adjacent residents/trespassers. The document may be found at the following link: <http://www.mass.gov/eea/docs/dep/cleanup/laws/railtra.pdf>

The Proponent identified two release tracking numbers for sites within the Project area (RTNs 3-0024573 and 3-0002640, both located in Sudbury). MassDEP identified six other sites that appear to be proximate to the Project. These include RTNs 3-0018895, 2-0000248, 2-0010785, 2-0017024, 2-0000275 and 2-0010202. RTN 2-0018895 is located in Sudbury and the remaining five sites are located in Hudson. Three of the sites (RTN 3-0002640 in Sudbury and RTNs 2-0000248 and 2-0010785 in Hudson) have reported groundwater contamination consisting of volatile petroleum hydrocarbons (VOCs). The two sites in Hudson achieved Class B-1 Response Action Outcome Statements, in 1994 (2-0000248), and 1999 (2-0010785). RTN 3-0002640 in Sudbury is still in a Temporary Solution (formerly known as Class C-1 RAO) with periodic groundwater monitoring ongoing. The Proponent should be aware of the location of these sites if dewatering activities are required during construction of the underground transmission line. Recovered groundwater may require treatment and monitoring for VOCs in ambient air may be needed. Additionally, soil excavated near the area of RTN 3-0024573 should include testing for lead. This site was the location of the former Sudbury Rod & Gun Club, so lead shot may potentially be present near the MBTA ROW.

Portions of the Project are near the Town of Hudson's public water supply wells. Care should be taken to control erosion of soil that potentially contains railroad related contaminants such as arsenic and petroleum and avoid stockpiling in those areas.

Air Quality

The Proponent has stated that the Project will not exceed air quality thresholds. Additionally, the Proponent has requested GHG Policy de minimus exemption of this Project. However, if the Project involves the use of gas insulated switchgear (GIS), the Proponent must follow the state and federal regulations regarding reducing sulfur hexafluoride emissions from that switchgear. **Sulfur hexafluoride (SF6) is a very potent greenhouse gas.**

Construction Related Dust, Odor, Noise

The clearing/grading operations, demolition, and construction activities associated with this Project have the potential to generate dust, odor and/or noise. The Proponent should determine the applicability of the MassDEP's dust, odor, noise, construction, demolition and noise regulations pursuant to the Air Pollution Control Regulations 310 CMR 7.09 and 310 CMR 7.10.

The Proponent should propose measures in the EIR to prevent or alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition and construction where the transmission line

is close to residential and commercial properties in many locations. The Proponent has only described anti-idling mitigation measures to be taken during construction.

Demolition and/or Solid Waste

The Project includes the demolition of existing rail bed and construction of a new transmission line with associated upgrades to the Hudson and Sudbury Substations. The demolition activities may result in asphalt, brick and concrete (ABC) and metal debris. If ABC debris will be crushed at the site of generation and used for fill in accordance with 310 CMR 16.03(2)(b)5, then MassDEP and the Board of Health must be notified at least 30 days prior to commencement of the crushing operation. If the debris is not crushed on-site and used for fill, then other requirements apply.

In addition, asphalt paving, brick, concrete, and metal are banned from disposal at Massachusetts landfills and waste combustion facilities. Wood wastes are banned from Massachusetts landfills. For more information see <http://www.mass.gov/eea/agencies/massdep/recycle/solid/massachusetts-waste-disposal-bans.html> and <http://www.mass.gov/eea/docs/dep/recycle/solid/a-thru-cd/cdbanfaq.pdf>.

MassDEP appreciates the opportunity to comment on the Project. If you have any questions regarding these comments, please do not hesitate to contact Stella Tamul, Central Regional Office MEPA Coordinator, at (508) 767-2763.

Very truly yours,



Mary Jude Pigsley
Regional Director

cc: Commissioner's Office, MassDEP