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March 17, 2023

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

PROJECT NAME : Schow Pond Restoration Project
PROJECT MUNICIPALITY : Williamstown
PROJECT WATERSHED : Housatonic River
EEA NUMBER : 16614
PROJECT PROPONENT : The Clark Art Institute
DATE NOTICED IN MONITOR : February 8, 2023

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

Project Description

As described in the Single EIR, the project consists of dredging approximately 3,600 cubic yards (cy) of sediment and organics from a 1.3-acre waterbody known as Schow Pond. The pond is located on the campus of the Clark Art Institute, which includes an art museum and large undeveloped areas which are open to the public for hiking and passive recreation and also used cattle grazing. The purpose of the project is to improve the pond's aesthetics, water quality, and habitat value by deepening it to its original depth and removing aquatic vegetation that chokes the pond surface during the summer months. Water will be pumped from the pond and discharged to an adjacent field. Dredging will be conducted in the dry using earth removal equipment such as excavators, bulldozers, front-end loaders and backhoes. Up to approximately five feet of sediment will be dredged to reestablish the natural bottom of the pond with water depths of up to six feet. Dredged material will be allowed to dewater within the pond before being loaded onto trucks for off-site disposal. A cofferdam may be placed across the middle of the pond to

allow for half of the pond to be dewatered and dredged at a time. In the EENF, the Proponent identified two potential sediment disposal alternatives: on-site disposal within a portion of the site used for cattle grazing and public access or transport of the material to an off-site disposal facility. According to the Single EIR, on-site disposal option has determined to be potentially too disruptive to the operation of the museum and to the existing uses of the campus; therefore, dredged material will be transported off-site to an upland disposal facility. The project also includes removal of up to 11 trees located adjacent to the pond that are in poor condition.

Project Site

Schow Pond is located on the 140-acre campus of the Clark Art Institute in central Williamstown. The campus of the Clark Art Institute is bordered to the east by residences along South Street, to the north by undeveloped land and a residential neighborhood, to the west and south by undeveloped forestland. Most of the campus consists of open fields and wooded areas. Schow Pond is located in the northeastern part of the campus and is surrounded by museum buildings, walking paths, landscaping and the museum's driveway and parking area.

The pond is roughly rectangular in shape and has a maximum water depth of approximately three feet. It is spring-fed and has no outlet or inlet. There is no floodplain mapped by the Federal Emergency Management Agency (FEMA) associated with the Pond; however, under seasonal wet weather conditions, water may overtop the southern bank of the pond and flow into an adjacent field located on the campus.

The project site is located within one mile of an Environmental Justice (EJ) population in Williamstown designated as Minority and within five miles of five additional EJ populations designated as Income in Adams and North Adams.¹

Environmental Impacts and Mitigation

Potential environmental impacts of the project include alteration of 1.3 acres of Land Under Water (LUW) and 925 linear feet (lf) of Bank due to dredging and dewatering of the pond.

The project will improve the water quality and habitat value of the pond by removing dense aquatic vegetation, including invasive plant species, and restoring the original water depths in the pond. Measures to avoid, minimize and mitigate impacts include the use of sedimentation and erosion controls around the on-site disposal area and areas where water will be discharged and dredging in dry conditions to minimize turbidity in the pond. The Proponent will implement measures to manage the watershed to minimize flow of sediment and nutrients into the pond and control the growth of invasive species.

Jurisdiction and Permitting

The project is undergoing MEPA review because it requires Agency Actions and meets the review thresholds at 301 CMR 11.03(3)(b)(1)(b) (Alteration of 500 or more linear feet of inland bank)

¹ Based on preliminary mapping of EJ populations available when the EENF was filed, the project site was located within one mile of EJ populations in Williamstown designated as Minority and Minority and Income and within five miles of additional EJ populations designated as Income located in North Adams.

and 301 CMR 11.03(3)(b)(1)(f) (Alteration of $\frac{1}{2}$ or more acres of any other wetlands (LUW)). It is required to undergo EIR review under 301 CMR 11.06(7)(b) because it is located within a Designated Geographic Area (DGA) (here, one mile) around an EJ Population. The project requires a 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The project requires an Order of Conditions from the Williamstown Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). The project requires a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the Environmental Protection Agency (EPA) and the filing of a Pre-Construction Notification (PCN) to the Army Corps of Engineers (ACOE) in accordance with the General Permits for Massachusetts.

Because the project is not seeking Financial Assistance from an Agency, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the Single EIR

The Single EIR was generally responsive to the limited Scope included in the Certificate on the EENF. As noted above, the Single EIR identified off-site disposal as the Preferred Alternative for sediment management and confirmed that the project design and construction methods have not changed since the filing of the EENF. The Single EIR described the Proponent's public engagement efforts since the EENF was filed, reviewed potential truck routes for transport of dredged material and provided a supplemental analysis of sediment contaminant levels. The Single EIR included responses to comments received on the EENF and draft Section 61 Findings.

Environmental Justice

The Single EIR described the Proponent's public engagement after the EENF was filed. Notification of the filing of the Single EIR was distributed to the list of community-based organizations (CBOs) and tribes/indigenous organizations (the "EJ Reference List") provided by the MEPA Office to which an EJ Screening Form and EENF were previously provided. The Proponent has continued to maintain a sign at the project site which describes the project; updated the project website with current information, including a copy of the Certificate on the EENF; responded to questions about the project posed by museum visitors; and posted flyers with updated project information at locations in or immediately adjacent to the EJ population in Williamstown. According to the Single EIR, these outreach efforts will continue throughout the permitting and construction phases of the project.

According to the Single EIR, 10-20 trucks per day will be used to haul dredged material to the disposal site during the one- to three-month construction period. The off-site disposal location will be chosen by the contractor selected by the Proponent to dredge the pond; therefore, the truck routes to be used to transport the dredged material are not known. However, the trucks will use highways and other major roadways in order to avoid residential areas, hazards such as parked cars, tight turns and slow driving speeds. Likely routes include Route 2, which is the major east-west roadway through Williamstown, and Route 7, which extends north into Vermont and south to other highways, including

Route 20 and Interstate-90 (I-90)/Massachusetts Turnpike. Routes 2 and 7 run along the edges of, rather than through, the EJ population within the DGA. According to the Proponent, use of these truck routes will not disproportionately adversely affect EJ populations as they are the regional routes that pass through both EJ and non-EJ populations. In addition, the project will generate the truck trips for only the one- to three-month construction period. According to the Single EIR, the project will benefit EJ populations by improving the aesthetics and ecological value of the pond, which is located the museum's publicly-accessible campus.

Dredged Material Disposal

The Single EIR provided a supplemental review of the results of the analysis of contaminants in the sediments of Schow Pond. The Proponent collected four sediment core samples (Samples 1, 2, 3 and 4). Discrete samples were first collected from each of the four cores for analysis of volatile organic compounds (VOCs), then Samples 1 and 2 and Samples 3 and 4 were combined to form two composite samples which were analyzed for other contaminants, including polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), extractable petroleum hydrocarbons (EPHs) and metals. The Single EIR compared the concentrations of each contaminant analyzed from each sample to MassDEP's soil (S-1) and groundwater (GW-1). Most contaminants were not detected and all but acetone were detected at levels below S-1 and GW-1, standards allowing for reuse of the material. According to the Single EIR, the detection of acetone is a common occurrence associated with the analysis techniques used by testing laboratories; furthermore, the presence of measurable concentrations of acetone in sediments is unusual because it is a chemical that volatilizes quickly and rarely settles in the sediment. Based on these results, the Proponent believes that the level of contaminants in the sediment is low enough such that it can be reused or disposed of without restrictions. MassDEP will review the sediment sampling results during the WQC permitting process to determine appropriate disposal options for the material.

Mitigation and Section 61 Findings

The Single EIR included an updated chapter that summarized proposed mitigation measures and provided individual draft Section 61 Findings for each Agency that will issue permits for the Project. The draft Section 61 Findings will be revised and finalized during permitting.

Environmental Justice

- The Proponent will continue its public engagement efforts after MEPA review is concluded and prior to and during subsequent permitting;
- The project will improve the aesthetics and ecological value of the pond, which is located on the museum's publicly-accessible campus;
- Trucks hauling dredged material for disposal will avoid using residential streets; and,
- The project does not include construction activities within EJ populations.

Wetlands and Water Quality

- Sedimentation and erosion controls will be installed around the work area prior to commencement of dredging;

- Dredging will be conducted in dry conditions to minimize turbidity;
- Disturbed areas will be restored, stabilized and monitored post-construction;
- Watershed management measures, including establishing a vegetated buffer between the pond and adjacent land uses, will be implemented to minimize flow of sediments and nutrients into the pond and to control the growth of invasive species;
- The Board of Underwater Archaeological Resources (BUAR) will be contacted if any underwater archaeological resources are found during dredging operations; and,
- Dredging, dewatering and disposal will be conducted in accordance with the WQC to be issued by MassDEP and the local Order of Conditions.

Conclusion

Based on a review of the Single EIR and consultation with Agencies, I find that the Single EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting. Participating Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

March 17, 2023

Date



Rebecca L. Tepper

Comments received:

03/03/2023 Massachusetts Department of Environmental Protection (MassDEP)- Western Regional Office (WERO)

RLT/AJS/ajs



Commonwealth of Massachusetts
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Governor

Kimberley Driscoll
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Rebecca L. Tepper
Secretary

Gary Moran
Acting Commissioner

March 3, 2023

Rebecca Tepper, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Alexander Strysky, EEA No. 16614
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Schow Pond Restoration EENF
Williamstown - Clark Art Institute

Dear Secretary Tepper,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Single Environmental Impact Report (SEIR) submitted for the Schow Pond Restoration Project in Williamstown, MA (EEA #16614).

The applicable MassDEP regulatory and permitting considerations regarding wetlands and waterways, air pollution, solid waste, hazardous waste and waste site cleanup are discussed.

I. Project Description

The Proponent, The Clark Art Institute, proposes to dredge the on-site Schow Pond to restore aquatic viability of this open water feature. The spring-fed pond has accumulated organic matter and sediments and the surface is nearly choked off by vegetation including invasive species, especially during the summer months, prohibiting the native waterfowl from utilizing the pond. There is no distinct inlet or outlet to the pond which measure approximately 220 feet wide, 230 feet long and between 0 – 3 feet deep. Approximately 3,600 cubic yards of organics and sediments have accumulated on the pond bottom. The project proposes that the pond be dewatered by siphoning and/or pumping, sediments removed by excavators, front end loaders, backhoes or other traditional excavating equipment and the excavated materials will either be managed on-site within an open field or disposed off-site at a landfill or composting facility. The SEIR states that off-site disposal of sediments is the preferred management option. All areas disturbed during the project will be restored.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Environmental Justice populations are identified within one and five-mile radii of the project site including in the municipalities of Williamstown and North Adams. The categories are Income, Minority, and Minority and Income. The Proponent posits the project will have neither short-term nor long-term environmental or public health impacts affecting Environmental Justice Populations.

Environmental Impacts associated with this project include:

- Total site acreage (existing) - 140 acres
- New acres of land altered – 2.3 acres
- Acres of impervious area (existing) – 11.73, no change
- Square feet of new other wetland alteration – 56,340 SF
 - 1.3 acres Land Under Water – temporary
- 925 linear feet Bank - temporary

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands

310 CMR 10.000

Water Quality Certification

314 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 Protection Act

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

Limited Project Status

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

401 Water Quality Certification

Proponent has clarified the intent to apply for a Water Quality Certificate Dredge Permit as more than 100 cubic yards of material will be dredged.

Previous comments remain valid. See prior comment letter dated November 7, 2022.

Bureau of Air and Waste

Air Quality

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

Solid Waste

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

Hazardous Waste

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan (MCP)

MassDEP has no additional comments. See prior comment letter dated November 7, 2022.

IV. Other Comments/Guidance

Greenhouse Gas Policy (GHG)

The Proponent indicates that GHG emissions from the project will be minimal during the construction phase of the project, with no long-term impacts and requests a de minimis exemption.

Section 61 Findings

The Proponent has presented proposed Section 61 Findings in the SEIR for this project. MassDEP has reviewed these findings and finds them to be satisfactory.

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,



Catherine V. Skiba, P.G. for
Michael Gorski
Regional Director

cc: MEPA File