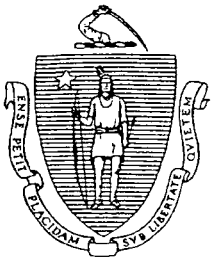


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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Metropolitan Boston – Northeast Regional Office

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Governor

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Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

September 15, 2003

Mr. Mark Christopher
Woodlot Alternatives, Inc.
30 Park Drive
Topsham, ME 04086

TRANSMITTAL #W034545
WPA DEP FILE #322-553

RE: WATER QUALITY CERTIFICATION
Application for BRP WW 10, Major Project

AT: Former Raytheon Facility
Boston Post Road
Wayland, MA

Dear Mr. Christopher:

The Department has reviewed your application for a Water Quality Certification, as referenced above. In accordance with the provisions of MGL Ch. 21, §§ 26-53 and Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), it has been determined there is reasonable assurance the proposed project will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law.

The proposed project, as described in the application for a 401 Water Quality Certification, entails the excavation and remediation of approximately 3700 cubic yards of wetland soil and sediments contaminated with polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs) and heavy metals from an area of bordering vegetated wetlands located adjacent to the Sudbury River in Wayland, Massachusetts. The site is located in the floodplain of the Sudbury River adjacent to a former Raytheon facility. The proposed project will involve the remediation of approximately 1.7 acres of wetland soils.

The proposed work will also involve construction of temporary access roads, installation of a temporary portable dam to provide flood protection to the work area; redirection of a storm water outfall; installation of erosion controls and dewatering through pumping, collection and discharge. A settling tank will be used and sediments and water will be analyzed prior to off-site disposal, reuse or discharge.

This information is available in alternate format by calling our ADA Coordinator at (617) 624-6572.

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Remedial activities will require the excavation of soil from the wetlands to an average depth of approximately 1.5 feet. All disturbed wetland areas will be restored in place. This will involve replacement of soil; grading to pre-existing contours; replanting with similar species; and ecological monitoring and maintenance to ensure that all performance standards are achieved.

As part of storm water improvements on the site, a small detention basin will be constructed at the base of an existing storm water outlet. Based on a review of this proposal and supporting documentation, it is the Department's opinion that the storm water management design meets the standards contained in the Department's Storm Water Policy.

Based on a review of information provided by the applicant and on observations made during the site inspection on August 15, 2003, the Department finds that this project complies with the standards described under 314 CMR 2.06(3). No comment letters were received during the public comment period. The project plans contain specifications for the construction of wetland restoration/replication areas. Additional Special Conditions are included below.

The Department hereby grants a Water Quality Certification for this project subject to the following conditions to maintain water quality, to minimize impact on waters and wetlands and to ensure compliance with appropriate state law:

1. This project could result in a violation of the water quality standards adopted by the Massachusetts Division of Water Pollution Control. Therefore, reasonable care and diligence shall be taken by the applicant to ensure that the proposed activity will not violate applicable water quality standards.
2. All work shall be in accordance with the following documents and plans:
 - a) Application for Water Quality Certificate received February 8, 2003, Transmittal Form #W034545.
 - b) Plans entitled:
 - “Area to be Excavated,” prepared by Environmental Resources Management, dated 8/18/03.
 - “Exhibit 9, Staging and Remediation Area,” prepared by ERM, dated 8/5/03;
 - “Planting and Seeding Specifications for the Additional Remediation Area, prepared by ERM;
 - “Stormwater Outfall Specification,” (Figure 13B), prepared by ERM and dated 7/23/03.
 - c) Order of Conditions issued by the Wayland Conservation Commission to Woodlot Alternatives.
3. The Department shall be notified of any changes in plans affecting waters or wetlands. The Department will determine whether the change(s) requires a revision to this Certification.
4. Prior to the start of work, the applicant shall provide the Department with the name, address and phone number(s) of the person responsible for ensuring that all work complies with the conditions of this Water Quality Certification.

5. All work in wetland areas, including but not limited to excavation and stockpiling of wetland soils, excavation of restoration areas, final grading and planting, shall be overseen by an on-site wetland specialist. The specialist shall review and approve wetland restoration/replication area construction at the following points:

- completion of subgrading;
- completion of final grading;
- completion of planting.

6. During the construction of wetland restoration areas, the applicant shall provide the following documentation to the Department:

- a) Certification by a registered engineer or land surveyor that the sub-grades and final grades have been completed in accordance with the approved plans;
- b) Certification by a wetland professional or registered landscape architect that the planting has been completed in accordance with the approved plans;
- c) Photographs representative of each wetland restoration/replication area taken at the same location at the following phases of construction:
 - completion of subgrades
 - completion of final grades
 - completion of planting

7. The wetland specialist shall submit a written report once per month to the Department describing the status of wetland restoration/replication activities, any erosion control problems and recommendations for addressing any problems.

8. All wetland restoration areas shall be restored to pre-existing grades prior to planting. Natural or manufactured topsoil shall be used. Natural topsoil to be used for the creation/restoration of wetlands consists of at least twelve percent organic carbon content (by weight). The percent organic content may be adjusted based on individual site conditions. Manufactured topsoil consists of a mixture of equal volumes of organic and mineral materials. A statement from a qualified individual shall be submitted to the Department prior to construction of wetland restoration areas certifying that the soils to be used comply with the terms of this Special Condition.

9. The wetland restoration areas shall be inspected at the beginning and end of the first growing season following planting. Thereafter, for the next two years the areas shall be inspected annually at the end of the growing season. A report prepared by a wetland professional shall be provided to the Department and the Conservation Commission after each inspection. Particular attention shall be paid to invasive species such as *Phragmites*. The applicant shall be prepared to submit an invasives species control plan if invasive plant species are deemed to require eradication or removal.

10. The applicant shall be responsible for anticipating the need for and the installation of additional erosion controls during construction. Such controls may include, but are not limited to, temporary sedimentation basins, berms, additional silt fencing and haybales. If field conditions or professional judgment dictate, the applicant's contractor shall install additional erosion controls to protect wetland resource areas beyond what is shown on the plans.

11. No activity may begin prior to the expiration of the appeal period or until a final decision is issued by the Department if an appeal is filed.

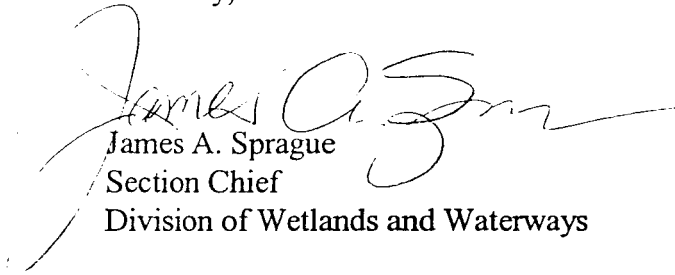
Section 61 Findings: Pursuant to M.G.L. Chapter 30, Sections 61 to 62H inclusive (M.E.P.A.) the project as referenced in the Water Quality Certification Application, DEP Transmittal #W034545, was required to file pursuant to the implementation of the Massachusetts Environmental Policy Act adopted by the Secretary of Environmental Affairs. The applicant filed an Environmental Notification Form (ENF) for this project, referenced under EOEA #12984. The Certificate regarding the ENF permitted the filing of a Single Environmental Impact Report (EIR) for the project. An Single EIR was submitted and noticed in the Environmental Monitor on June 10, 2003. The Certificate on the EIR was issued by the Secretary on July 17, 2003. DEP has determined that, in conjunction with the requirements set forth in this Certification, that the mitigation proposed appropriately compensates for the project's likely impacts.

This Certification does not relieve the applicant of the obligation to comply with other appropriate state or federal statutes or regulations. The applicant is reminded that any changes made to the project as described in the application for a 401 Water Quality Certification or supplemental documents will require written notification to the Department and written approval prior to the changes being implemented.

Failure to comply with this Certification is grounds for enforcement, including civil and criminal penalties, under MGL Ch. 21 §42, MGL Ch. 21A §16, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

If you have questions about this decision, please contact Rachel Freed at (617) 654-6609.

Sincerely,



James A. Sprague
Section Chief
Division of Wetlands and Waterways



Rachel Freed
Environmental Analyst
Division of Wetlands and Waterways

cc: Conservation Commission, Town Hall, Wayland 01778