

Kings Cove Conservation Restriction Area MCP Response Action

82-90 Bridge Street
Weymouth, Massachusetts

PREPARED FOR

Algonquin Gas Transmission, LLC
890 Winter Street, Suite 300
Waltham, Massachusetts 02451

PREPARED BY



260 Arsenal Place #2
Watertown, MA 02472
617.924.1770

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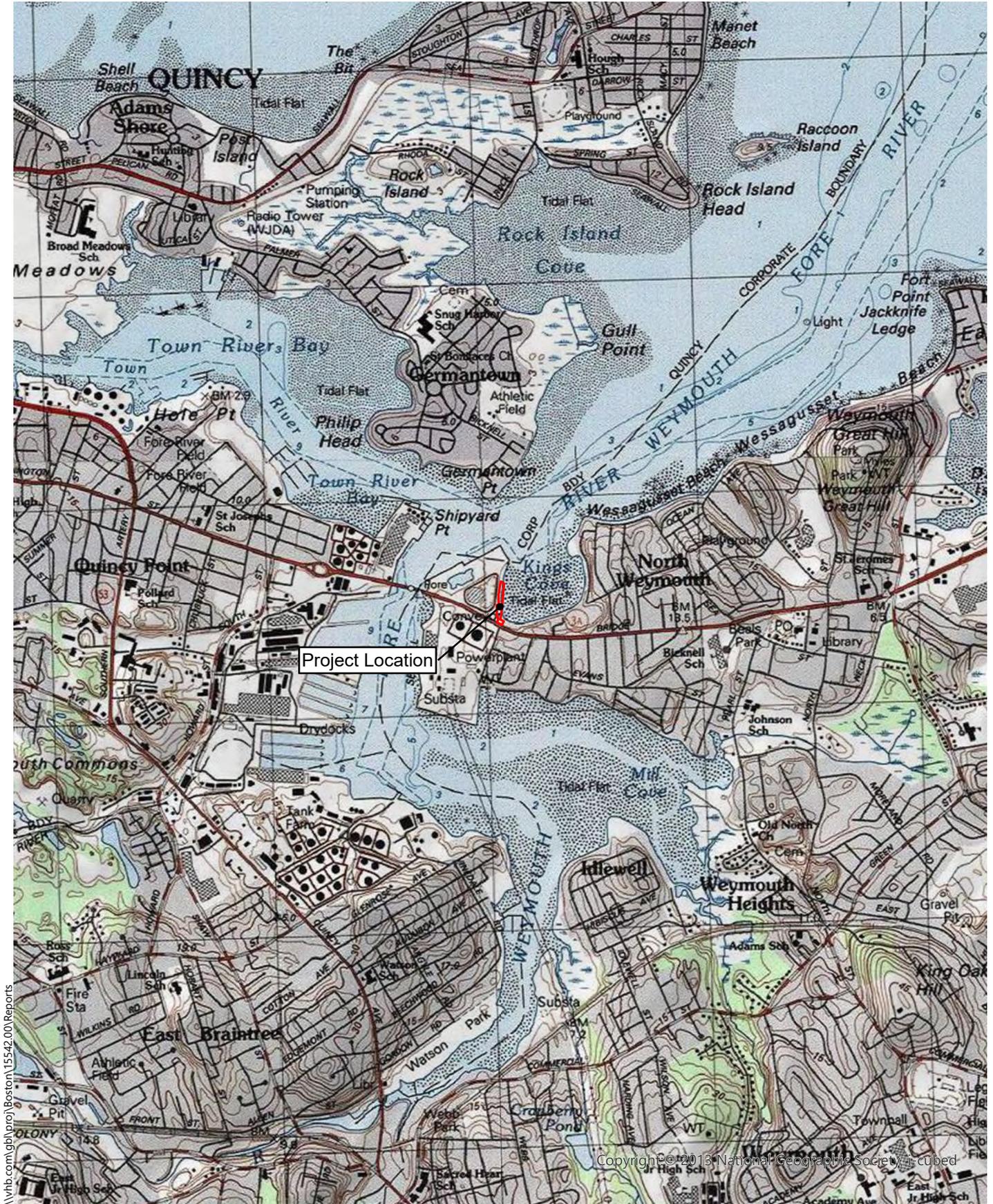
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Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend
 Limit of Work

Figure 1 - USGS Locus Map
Source Info: USGS, MassGIS, VHB



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Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

 Limit of Work

Figure 2 - Aerial Map
Source Info: USGS, MassGIS, VHB



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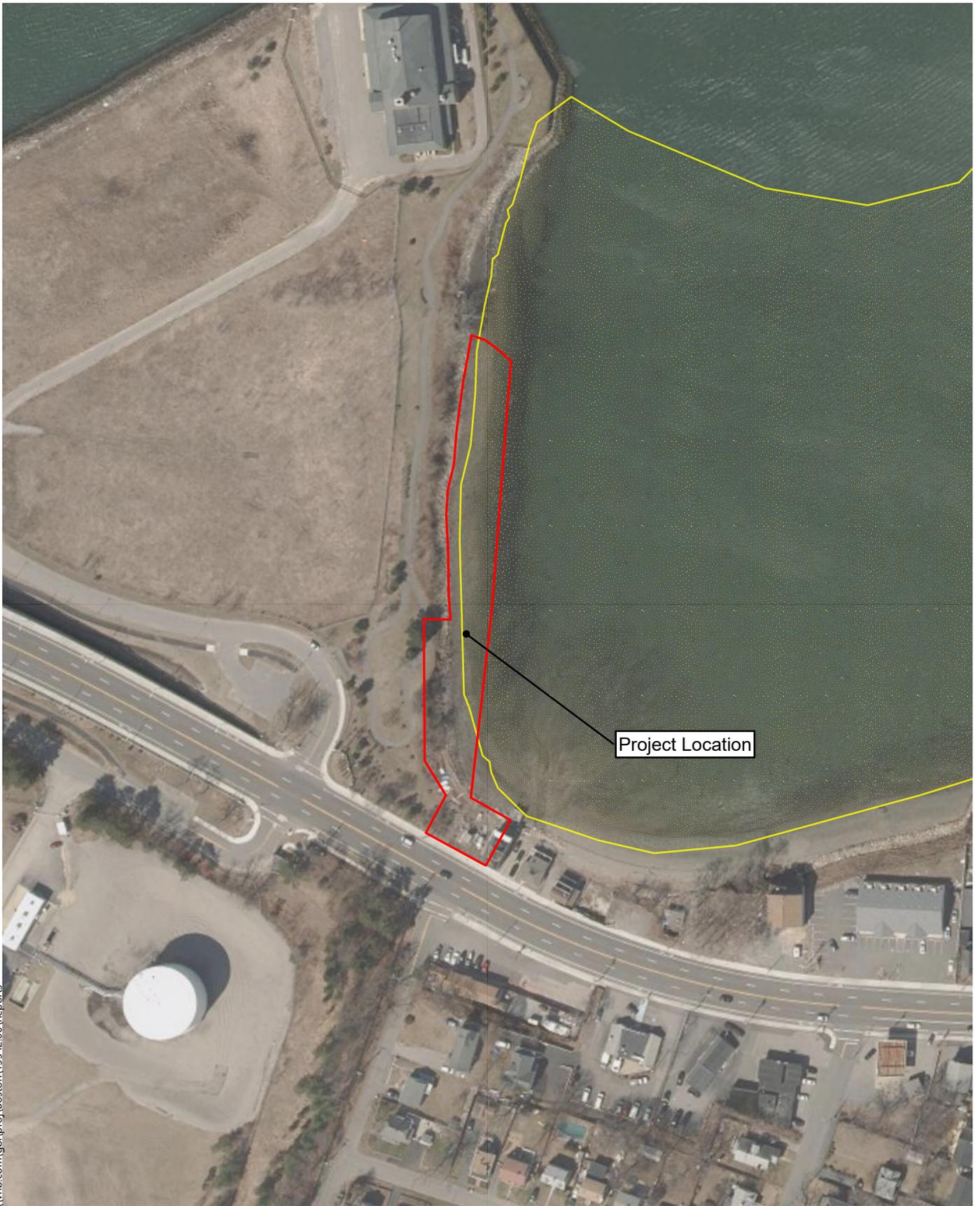
Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

-  Limit of Work
-  Areas of Critical Environmental Concern - None Present
-  NHESP Estimated Habitats of Rare Wildlife - None Present
-  NHESP Priority Habitats of Rare Species - None Present
-  NHESP Certified Vernal Pools - None Present
-  NHESP Potential Vernal Pools - None Present

Figure 3 - NHESP Map

Source Info: USGS, MassGIS, VHB



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Kings Cove Conservation Restriction Area Remediation | Weymouth, MA

Legend

Limit of Work
 Limit of Work

Shellfish Suitability
Common Name
 Soft-shell clam

Figure 4 - Shellfish Suitability Areas

Source Info: USGS, MassGIS, VHB



Water Quality Certification Project Narrative

On behalf of Algonquin Gas Transmission, LLC (Algonquin; the Applicant), Vanasse Hangen Brustlin, Inc. (VHB) is submitting this application for a joint Minor Dredge and Major Fill Project Water Quality Certification (WQC; BRP WW 08 and BRP WW 10) to the Massachusetts Department of Environmental Protection (DEP) pursuant to the Massachusetts Regulations for 401 Water Quality Certification for Dredging and Fill in Waters of the United States of the Commonwealth (314 CMR 9.00) respecting the Kings Cove Conservation Restriction Area (KCCRA) Response Action (the Project) pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, Massachusetts General Laws Chapter 21E, and the regulations promulgated thereunder known as the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000).

1.1 Introduction

The KCCRA is owned by Calpine Fore River Energy Corporation and is subject to a Conservation Restriction held by the Town of Weymouth. Hazardous Materials, as defined in the MCP, are present in the fill used to create the KCCRA. The MCP Disposal Site including the KCCRA is identified by DEP Release Tracking Number (RTN) 4-26230. Completion of the Project will achieve a Permanent Solution as defined in the MCP.

Kings Cove is a Water of the U.S. within the Commonwealth subject to regulation under the U.S. Clean Water Act (CWA) and 401 WQC Regulations. The Project includes excavating and replacing approximately 600 cubic yards (CY) of intertidal fill and sediment, extending an existing rip rap revetment, and placing cobble to create a gradual surficial transition between the excavation area and the revetment. The Project proposes both onsite reuse and off-site disposal of dredged material. Dredged sediment will be managed in accordance with regulations pursuant to 314 CMR 9.07 and 310 CMR 40.0030.

The Project plans, included as Attachment A, present a detailed depiction of the Project.

1.2 Project Background

Prior to the 1900s, Kings Cove and the surrounding land areas were flowed tidelands. In 1922, a license to fill portions of Kings Cove was obtained by the Edison Electric Illuminating Company of Boston (Edison Electric) to construct the coal-fired power station located south of Bridge Street. By 1928, a north-south oriented bulkhead was approved and constructed within Kings Cove and the area behind the bulkhead was filled. Historical license plans depict the bulkhead located relatively parallel to the Mean Low Water (MLW) line in the northern portions of the peninsula and closer to the shoreline and the High Tide Line (HTL) as it nears Bridge Street. Hazardous Materials are present in the fill placed within the KCCRA in the early 1900s. The MCP submittals for the



KCCRA filed under RTN 4-26230 provide additional background regarding the historical filling that created the KCCRA¹.

1.2.1 Additional Regulatory Review

In addition to the permit application contained herein, the Project has obtained other permits and/or authorizations. Table 1 is a summary of the local, state, and federal agency environmental permits and approvals required for the Project.

Table 1 List of Permits and Approvals

Agency Name	Permit / Review / Approval	Status
Federal		
US Army Corps of Engineers (USACE)	General Permit under Section 404 Clean Water Act and Section 10 Rivers and Harbors Act	Provisional Permit received on December 29, 2025
US Fish and Wildlife Service (USFWS)	Review under Section 7 of the Endangered Species Act (ESA)	Conducted as part of General Permit review
National Marine Fisheries Service (NMFS)	Review under Section 7 of the ESA	Conducted as part of General Permit review
US Environmental Protection Agency (EPA)	National Pollution Discharge Elimination System (NPDES) General Permits for Construction Stormwater and Dewatering	Coverage would be obtained if required
State		
Executive Office of Energy and Environmental Affairs	Review under the Massachusetts Environmental Policy Act (MEPA)	Certificate #16955 issued December 15, 2025
Department of Environmental Protection (DEP)	Chapter 91 License	Application submitted on October 31, 2025
	401 Water Quality Certification for dredge and fill	Application herein
Massachusetts Historical Commission (MHC)	Review under Section 106 of the National Historic Preservation Act	Project Notification Form (PNF) submitted on June 24, 2025

¹ MassDEP Waste Site File Viewer: https://eeaonline.eea.state.ma.us/DEP/wsc_viewer/main.aspx

Note: VHB's July 2024 Phase IV Remedy Implementation Plan (RIP) refers to the "Upland area" and the "Shore area" portions of the KCCRA. The bounds of the "Upland area" defined in the Phase IV RIP include a portion of jurisdictional Waters of the U.S.

Table 1 List of Permits and Approvals

Agency Name	Permit / Review / Approval	Status
Office of Coastal Zone Management (CZM)	CZM Consistency Review	Conducted as part of General Permit review
Local		
Weymouth Conservation Commission	Wetlands Protection Act (WPA) Order of Conditions (OOC) for work within jurisdictional resource areas. Includes review by the Division of Marine Fisheries (DMF)	Order of Conditions received on September 5, 2024

1.3 Site Description

The Project Site is the southern portion of the KCCRA, north of Bridge Street in Weymouth, Massachusetts.

The KCCRA shoreline is dominated by the presence of historical fill materials emplaced in the early 1900s. At the northern limit of the Project Site, there is an existing rip rap revetment which extends north along the Kings Cove shoreline to the top of the peninsula. In the southern portion of the Project Site, where rip rap is not present and the bulkhead is no longer exposed, erosion of the bank is occurring. MLW at the Project Site is located at elevation -5.3-feet NAVD88, MHW is located at elevation 4.3-feet NAVD88, and the HTL is located at 6.8' NAVD88. Topography at the Project Site slopes steeply down to the edge of the water.

The most recently issued Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)² indicates that the Project Site is within the mapped coastal floodplain for the 100-year storm event, with a base flood elevation of 15 feet NAVD88. The Natural Resources Conservation Service (NRCS) soil survey³ has mapped the surface soils within the Project Site as Urban Land (602).

Please refer to the Photographic Log included as Attachment B for photographs of the Project Site. Jurisdictional resource areas on/near the Project Site are described below.

1.4 Waters of the U.S. Within the Commonwealth

As defined at 314 CMR 9.02, Waters of the U.S. within the Commonwealth (WOTUSC) are defined as follows:

² Federal Emergency Management Agency, National Hazard Flood Layer, Digital Flood Insurance Rate Map (DFIRM) and FEMA FIRM Panel 25021C0227F

³ Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey

Waters of the United States within the Commonwealth: Waters of the United States within the Commonwealth are navigable or interstate waters and their tributaries, adjacent wetlands, and other waters or wetlands within the borders of the Commonwealth where the use, degradation, or destruction could affect interstate or foreign commerce as determined by the Corps of Engineers.

WOTUSC within the vicinity of the Project Site include Kings Cove and the Weymouth Fore River. Kings Cove is a shallow, tidally influenced waterbody located south of the Weymouth Fore River and north of Bridge Street in Weymouth, MA. The shoreline is best characterized as gravel-sized and cobble-sized pieces of coal slag and other fill material, such as bricks mixed with small amounts of natural sand and gravel. The HTL associated with Kings Cove is depicted on the attached Project plans (Attachment A).

The portions of Kings Cove located below the HTL are jurisdictional as WOTUSC and are the subject of this application.

1.4.1 Wildlife and Fish Habitat

The Project Site does not contain any Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species regulated by the Massachusetts Natural Heritage and Endangered Species Program (NHESP; Figure 3). Portions of Kings Cove within the Project Site are mapped as a spawning/settlement area for soft-shell clam (Figure 4) and a Conditionally Restricted shellfish growing area GBH1.20⁴. However, a Stage II Environmental Risk Characterization (ERC) Report for the KCCRA⁵ revealed no populations of soft-shell clams during a shellfish abundance survey in May and June 2022. It was also noted that the fill material below MHW in the KCCRA is poor aquatic habitat. The poor habitat quality of the intertidal zone and the surrounding areas is evidenced by the low number of marine amphipods and aquatic invertebrates (including shellfish) observed in the KCCRA during the surveys. Additionally, the Stage II ERC concludes that the local soft-shell clam population is not large enough to self-seed any of these areas.

The entirety of Kings Cove is mapped as Essential Fish Habitat (EFH) by the National Oceanic and Atmospheric Administration (NOAA). The Project Site is also mapped by NOAA as Consultation Areas of Interest for several marine species protected under Section 7 of the Endangered Species Act. The species lists generated for the Project using NOAA's online EFH mapper⁶ and Section 7⁷ mapper are included as Attachment D – ESA & DMF Coordination Materials. Due to the current existing conditions and based on observations made during previous surveys, there is anticipated to be no adverse impact to the listed species. Additionally, the Project was previously reviewed by and received concurrence from the Massachusetts Division of Marine Fisheries during the Massachusetts WPA Notice of Intent (NOI) process and the MEPA Process. The Division of Marine Fisheries supports the Project as indicated in Attachment D, which includes a

⁴ Source: Massachusetts Division of Marine Fisheries website. <https://www.mass.gov/service-details/shellfish-classification-areas>.

⁵ 2022, TRC. Phase III RAP Appendix B. [Phase III Remedial Action Plan](#).

⁶ 2024, National Oceanic and Atmospheric Administration, Essential Fish Habitat Online Mapper. [EFH Mapper - Reporting Page](#).

⁷ 2022, National Oceanic and Atmospheric Administration, Section 7 Consultation Online Mapper. [ESA Section 7 Mapper](#)



copy of each of the letters provided to both the Weymouth Conservation Commission and the Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs by DMF.

1.5 Work Description

As described in the Phase IV Remedy Implementation Plan (RIP) filed by the Applicant in July 2024, the Project includes excavating and replacing fill and sediment within the Shore Portion of the Project Site, extending the rip rap revetment to the southern area of the Project Site to contain eroding fill along the bank, and placing cobble to create a gradual surficial transition between the excavation area and the revetment. The Project has been designed to minimize potential impacts to the KCCRA through construction access directly from Bridge Street rather than through the Upland Portion of the KCCRA. Additionally, the Project will adhere to a May 1st – November 1st Time-of-Year (TOY) restriction for excavation of the impacted fill and placement of clean cobble in jurisdictional WOTUSC.

Each of these components and their associated work are described in more detail below. Refer to Attachment A for Project Plans showing the proposed work.

1.5.1 Excavation

An area of fill below MHW in the Shore Portion of the Project Site contains nickel and vanadium at concentrations exceeding the site-specific ecological Apparent Effects Thresholds (AETs) for those metals. The Project includes the removal of approximately 600 CY of fill and sediment in the areas below the HTL line determined to contain such concentrations of nickel and vanadium. The excavation will occur during low tide to facilitate the excavation and contain the work area. A turbidity curtain will also be installed within Kings Cove to control the migration of suspended fine materials. Machinery will access the Shore Portion of the Project Site from Bridge Street. The excavated fill and sediment will be replaced with an equal amount of clean cobble stone to restore the excavated area to the preexisting mudline elevation.

All excavated fill and sediment will be dewatered onsite prior to a portion being transported offsite for disposal, in accordance with proper waste handling and transport procedures. Dewatering is anticipated to be complete in approximately 48 hours. Prior to being exported from the KCCRA, soil and sediment will be sampled and properly characterized to facilitate identification of an appropriate disposal/recycling facility. Hand tools will be utilized to facilitate in-situ or ex-situ (i.e., stockpile) sample collection.

A designated area has been identified (as shown on the Project plans) for staging excavated fill and sediment as needed during construction.

1.5.2 Rip Rap Revetment

The Project also includes containment and armoring of the eroding portions of the Upland Portion of the Project Site with a rip rap revetment. Further erosion in the area of eroding fill in the southeastern section of the Upland Portion of the KCCRA could expose

fill containing arsenic in the Upland Portion of the KCCRA. The construction of the revetment will occur “in the dry,” because a sandbag cofferdam will be established along the length of the Shore Portion of the Project Site between the proposed construction access at Bridge Street and the edge of the existing revetment.

In areas where backfill is required to support the revetment (landward of the rip rap revetment), fill excavated from the Shore Portion of the Project Site will be reused for that purpose. The fill reused for this purpose will be contained behind a layer of geotextile fabric, followed by a layer of clean core stone and larger armor stones.

In response to community requests, although not required under the MCP, clean cobble will be placed in the Shore Portion of the Project Site to create better transitions between that area and the Upland Portion of the Project Site.

1.5.3 Construction Sequence

The Project will consist of the following general activities:

- › Before any work begins, installing erosion and sedimentation controls according to the Project Plans (Attachment A), including controls for in-water work;
- › Excavating fill and sediment during low tide cycles and placing the excavated fill and sediment within designated stockpile areas awaiting reuse or disposal;
- › Placing clean cobble cover during low tide cycles;
- › Constructing the rip rap revetment, including placing dewatered excavated fill behind the armor stone;
- › Removal of remaining excavated fill and sediment for off-site disposal;
- › Restoration of disturbed construction access and staging areas (loaming and seeding);
- › Removing erosion and sedimentation controls.

1.5.4 Alternatives Analysis

An alternatives analysis for the Project was completed as part of the early design development process, in compliance with 314 CMR 9.07(1)(a). Intertidal excavation alternatives were evaluated during the design of the Project to minimize the overall excavation footprint and impact while still achieving the Project purpose and need.

1.5.4.1 Excavation Alternatives

The following Excavation Alternatives were evaluated in the August 2023 Phase III Remedial Action Plan (RAP) filed under RTN 4-26230:

No Fill Removal Below HTL Alternative 1 (No Action): In Alternative 1, no work below HTL would be conducted. This alternative does not meet DEP’s preference for removal of fill containing nickel and/or vanadium at concentrations exceeding the AETs. Therefore, Alternative 1 was not selected as the Preferred Remedial Action Alternative.

Fill Removal Below HTL Alternative 2 (Excavation with Offsite Disposal): In Alternative 2, the area of fill below HTL containing nickel and/or vanadium at concentrations exceeding the AETs would be excavated and filled with clean material, with excavated fill and sediment disposed of offsite at an appropriate licensed disposal facility. This alternative would reduce nickel and vanadium concentrations in the intertidal area but does not afford the beneficial reuse of excavated material and reduction of the impacts of offsite disposal.

Fill Removal Below HTL Alternative 3 (Excavation with Offsite Disposal and Onsite Beneficial Reuse - Selected Alternative): Alternative 3 is similar to Alternative 2, except that, to the extent practicable, excavated fill will be beneficially reused onsite during construction of the revetment along the bank. The existing, eroding bank would be graded to a sloped surface, dewatered excavated fill would be placed, and the area would then be reinforced with geotextile fabric and a layer of bedding stone before the rip rap/armor stones are placed. Any excavated material which could not be reused onsite would be sampled and transported to an appropriate offsite disposal facility.

While Alternatives 2 and 3 are very similar, Alternative 3 was selected due to the opportunity to beneficially reuse a certain volume of the excavated fill during onsite construction of the rip rap revetment.

1.5.4.2 Eroding Bank Alternatives

Remedial alternatives developed as part of the Phase III RAP were used to assess options which would minimize the Project's footprint and impact, while still meeting the Project purpose and need of containing impacted fill within the bank. The containment of the impacted fill is necessary since a Method 3 Risk Characterization completed as part of the MCP Phase II CSA concluded that further erosion in the area of the currently eroding bank could expose fill containing concentrations of arsenic and lead. The following alternatives were considered:

Eroding Bank Remedial Alternative 1 (Extended Stone Revetment – Selected Alternative): In Remedial Alternative 1, the existing stone revetment would be extended to the south toward Bridge Street. The eroding fill that comprises the bank would be contained behind beneficially reused excavated fill, then topped with clean fill and core stone, and armored with rip rap. An Activity and Use Limitation (AUL) would be implemented to maintain a Condition of No Significant Risk under the MCP.

Eroding Bank Remedial Alternative 2 (Sheet Pile Bulkhead and Stone Revetment): Remedial Alternative 2 would include installation of a sheet pile bulkhead on the face of the eroding fill, just below the HTL. The eroding fill would be shaped and covered with geotextile fabric, backfilled with clean, compacted fill, and topped with a concrete pile cap and fence. The top elevation of the bulkhead would be consistent with the top of the existing revetment to the north. If deemed necessary during final design, a parallel deadman would be installed 20-30 feet landward of the bulkhead and connected to the bulkhead via tie rods to provide lateral support. The deadman would likely be comprised of additional sheet piles, helical anchors, or poured concrete cylinders. To reduce wave impacts on the installed bulkhead, a stone revetment would be installed on the seaward

side and sloped to match the landside topography. An AUL would be implemented to maintain a Condition of No Significant Risk under the MCP.

Remedial Alternative 2 was not selected because the proposed subsurface work (installing the sheetpile and potential deadman) would negatively impact the KCCRA, including the Massachusetts Water Resources Authority (MWRA) facilities and utilities in the KCCRA.

Eroding Bank Remedial Alternative 3 (Complete Excavation and Replacement):

Remedial Alternative 3 consists of removing and replacing all existing fill above the HTL within the Project Site up to depths of approximately 12 feet below grade. This would involve excavation and offsite disposal of approximately 45,000 tons of fill. Due to the location and scope of the excavation, utilities which supply water, gas, electricity, and telecommunications to the nearby MWRA pumping station would need to be relocated.

This alternative was not selected because of its scale, cost and other impacts, including the elimination of the Upland Portion of the KCCRA.

Eroding Bank Remedial Alternative 4 (Soft Shoreline Solution): Though not previously evaluated as an alternative under the MCP, a soft shoreline alternative was also considered. This alternative would not be effective in preventing erosion during large storm events and Hazardous Materials in the fill would eventually be exposed, defeating the purpose of the Project. For this reason, a soft shoreline solution is not a viable alternative.

Eroding Bank Remedial Alternative 5 (No Action): While this alternative would be the least impactful to WOTUSC on the Project Site, it does not satisfy the purpose of the Project.

Remedial Alternative 1 was selected for several reasons, including its reliability in achieving a Permanent Solution under the MCP, its relative ease of implementation and its consistency with the existing armoring of the bank immediately adjacent to the Project Site.

1.6 Impact Assessment

The Project involves work within jurisdictional WOTUSC and will result in unavoidable impacts to Waters of the U.S. on the Project Site. Impacts within jurisdictional resource areas are described in more detail below, and the impact areas are shown on the attached Project Plans (Attachment A). Photographs documenting existing conditions within the impacted areas can be found in the Photography Log provided as Attachment B. Compliance with applicable performance standards for each proposed work activity is discussed in greater detail below in the Regulatory Compliance section of this narrative.

Table 2 Impacts to Waters of the U.S. of the Commonwealth

Wetland Resource Area	Areal	Dredge	Fill
Waters of the U.S. of the Commonwealth (Total)	41,670 SF	760 CY	1,010 CY
Excavation & Backfill	16,905 SF	600 CY	600 CY
Cobble Placement	6,855 SF	-	180 CY
Rip rap Revetment	1,100 SF	160 CY	230 CY
Erosion controls & site access	16,810 SF	-	-
Bank	590 LF	-	-

All square footages are approximate values as they have been rounded to the nearest value of ten (most values were rounded up).

SF = square feet; CY = cubic feet; LF = linear feet

1.6.1 Impacts to Waters of the U.S. of the Commonwealth

The Project will result in excavation (and backfill with cobble) of a total of 16,905 SF of fill, placement of 6,855 SF of cobble outside of the excavation area, and the addition of 1,100 SF of rip rap revetment. There will be 41,670 SF of total disturbance below the HTL at the Project Site but, as described in the Existing Conditions section above, the area is already disturbed and characterized by the presence of anthropogenic debris and other fill material. This work will result in 760 CY of dredge and 1,010 CY of fill below the HTL, as detailed in Table 2.

The proposed cobble will help reduce wave energy within the waterbody and intertidal areas to protect the new revetment. Once excavation and restoration work is complete, mudline elevations will be similar to existing elevations. The Project will not divert flood waters to adjacent properties.

The Project will not negatively impact shellfish productivity within the limits of the Project Site. Shellfish productivity in Kings Cove is already limited by poor water quality and substrate quality⁸. During a site visit in September 2023, VHB observed nearshore and intertidal areas and found no evidence of shellfish, consistent with the earlier findings of the Stage II ERC. Similarly, there will be no adverse impact to the marine species identified via NOAA’s EFH and Section 7 online maps as all work will occur “in the dry” through the use of sandbag cofferdams.

The Project has been designed to follow the guidance provided in the 2017 document released by DEP and CZM: *Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual for Conservation Commissions to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas*⁹ (the “Coastal Manual”).

⁸ 2022, TRC. Phase III RAP Appendix B. [Phase III Remedial Action Plan](#).

⁹ [Applying the Massachusetts Coastal Wetlands Regulations](#).

1.7 Avoidance and Minimization

The Project has been designed to avoid and minimize impacts to wetland resource areas to the maximum extent practicable. A suite of mitigation measures is proposed to prevent short- and long-term impacts to wetland resource areas, including an erosion and sedimentation control program and a TOY restriction for work in the intertidal zone.

Sediment and turbidity controls, including a turbidity curtain for intertidal work, will be utilized to prevent the spread of sediments into Kings Cove. Work in resource areas is proposed to occur “in the dry” by working during the low-tide cycles for the Project Site and/or through the establishment of sandbag cofferdams. During construction, work areas will also be sized to allow for complete excavation and backfilling of each area within one tidal cycle/one day of work. Temporarily altered resource areas within staging areas will be substantially restored to existing hydrologic and topographic conditions after the completion of work.

As recommended by DMF and conditioned by the Weymouth Conservation Commission WPA OOC (Attachment F), the Project will adhere to a May 1st – November 1st TOY restriction for excavation of the impacted fill and placement of clean cobble in jurisdictional WOTUSC. Refer to Attachment D to view a copy of the letter provided to the Weymouth Conservation Commission by DMF during the WPA NOI process.

1.7.1 Erosion and Sediment Control

An erosion and sedimentation control program will be implemented to minimize temporary impacts to wetland resource areas during the construction phase of the Project. The program incorporates Best Management Practices (BMPs) specified in guidelines developed by DEP¹⁰ and the U.S. Environmental Protection Agency¹¹ (EPA).

Implementation of the erosion and sedimentation control program will:

- › minimize exposed soil areas through sequencing and temporary stabilization;
- › establish a permanent vegetative cover or other forms of stabilization as soon as practicable.

The following sections describe the controls that will be used and practices that will be followed during the Project. These practices comply with criteria contained in the NPDES Construction General Permit (CGP) for Discharges from Large and Small Construction Activities issued by the EPA.

1.7.1.1 Structural Controls

Structural erosion and sedimentation controls to be used on the Project Site include sandbag cofferdams, a turbidity curtain, and stabilized construction exits.

¹⁰ 1997, DEP. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials*.

¹¹ 2007, EPA. *Interim Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*. Office of Water. Report EPA 833-R-060-04.



Sandbag Cofferdam

Sandbags will be utilized to create a cofferdam to protect Kings Cove. The cofferdam will also establish a work area “in the dry” for the construction of the revetment.

Turbidity Curtain

An anchored turbidity curtain with a weighted bottom will be installed seaward of the limits of excavation in the Shore Portion of the Project Site to control migration of suspended fine material. The turbidity curtain will be attached to vertical poles installed using ring connectors, which will allow vertical movement of the turbidity curtain as water levels change during tidal cycles.

Stabilized Construction Exits

Stone anti-tracking pads will be installed at the southern construction access point to the Shore Portion of the Project Site to prevent the offsite transport of sediment by construction vehicles. The stabilized construction exits will be at least forty feet long and will consist of a 4-inch-thick layer of crushed stone (1.5 inches in diameter). The stone will be placed over a layer of non-woven filter fabric. The anti-tracking pads will remain in place until the proposed work is complete.

Regulatory Compliance

As demonstrated below, the proposed work complies with applicable evaluation criteria (314 CMR 9.06 and 9.07). In addition, the Project fully complies with all applicable performance standards of the WPA, as demonstrated in the NOI for the Project and associated OOC (Attachment F).

1.8 Criteria for the Evaluation of Applications for Discharge of Dredged or Fill Material (314 CMR 9.06)

1) *No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge that would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.*

(a) Where the activity associated with the discharge does not require access or proximity to or siting within wetlands and waters to fulfill its basic purpose (i.e., is not "water dependent"), practicable alternatives that do not involve the discharge of dredged or fill material are presumed to be available, unless clearly demonstrated otherwise.

(b) The scope of alternatives to be considered shall be commensurate with the scale and purpose of the proposed activity, the impacts of the proposed activity, and the classification, designation and existing uses of the affected wetlands and waters in the Surface Water Quality Standards at 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

As discussed in the Alternatives Analysis section above, the Project avoids and minimizes resource impacts to the maximum extent practicable while best meeting the Project's purpose and need. The Project is water dependent. The purpose of the Project is to achieve a Permanent Solution as defined in the MCP. Dredging and filling is required to achieve the Project's purpose.

2) *No discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will avoid and minimize potential adverse impacts to the bordering or isolated vegetated wetlands, land under water or ocean, or the intertidal zone. However, no such project may be permitted which will have any adverse effect on specified habitat sites of Rare Species.*

The Project has been designed to avoid and minimize impacts to wetland resource areas to the maximum extent practicable using erosion controls and sequencing measures as described in the Avoidance and Minimization section above. There are no NHESP specified habitat sites of Rare Species in the vicinity of the Project Site.

3) *Except as otherwise provided in 314 CMR 9.06(3), no discharge of dredged or fill material shall be permitted to Outstanding Resource Waters.*

Kings Cove is not identified as an Outstanding Resource Water by the Massachusetts Surface Water Quality Standards or listed in the Designated Outstanding Resource Waters of Massachusetts.

4) The discharge of dredged or fill material into wetlands or waters of the Commonwealth within 400 feet of the high water mark of a Class A surface water (exclusive of tributaries) requires a variance issued by the Department pursuant to 314 CMR 9.08 unless the discharge of dredged or fill material is associated with an activity conducted by a public water system under 310 CMR 22.00: Drinking Water or by a public agency or authority for the maintenance or repair of existing public roads or railways. The discharge of dredged or fill material to a vernal pool certified by the Division of Fisheries and Wildlife requires a variance pursuant to 314 CMR 9.08.

Kings Cove is not a Class A surface water¹², nor are there any Class A surface waters within 400 feet of the Project Site.

5) No discharge of dredged or fill material is permitted for the impoundment or detention of stormwater for purposes of controlling sedimentation or other pollutant attenuation.

The Project does not propose discharge of dredged or fill material for the impoundment or detention of stormwater.

6) (a) Except as otherwise provided in 314 CMR 9.06, stormwater discharges shall be provided with best management practices to attenuate pollutants and to provide a setback from the receiving water or wetlands in accordance with the following Stormwater Management Standards as further defined and specified in the Massachusetts Stormwater Handbook...

No new stormwater discharges are proposed as part of this Project.

7) No discharge of dredged or fill material shall be permitted in the rare circumstances where the activity meets the criteria for evaluation but will result in substantial adverse impacts to the physical, chemical, or biological integrity of surface Waters of the Commonwealth.

The Project will not result in substantial adverse impacts to the physical, chemical, or biological integrity of surface Waters of the Commonwealth. The Project will generally maintain pre-existing mudline elevations and excavated areas of Hazardous Materials will be backfilled with clean cobble after the completion of work.

1.9 Criteria for the Evaluation of Applications for Dredging and Dredged Material Management (314 CMR 9.07)

1) General.

(a) No dredging shall be permitted unless appropriate and practicable steps have been taken which will first avoid, and if avoidance is not possible then minimize, or if neither avoidance or minimization are possible, then mitigate, potential adverse

¹² 2013, DEP. 314 CMR 4.06 - Massachusetts Surface Water Quality Standards Classification, Figures, and Tables.

impacts to land under water or ocean, intertidal zone and special aquatic sites. No dredging shall be permitted if there is a practicable alternative that would have less impact on the aquatic ecosystem. However, no such dredging may be permitted which will have any adverse effect on specified habitat sites of Rare Species unless the work is subject to a Conservation and Management Permit or Determination of No Take issued by the Division of Fisheries and Wildlife.

An alternatives analysis for the Project was completed as part of the early design development process and is described in the Alternatives Analysis section above. The purpose of the Project is to achieve a Permanent Solution as defined in the MCP and to satisfy DEP's preference to remove fill material containing nickel and/or vanadium at concentrations exceeding the AETs. Dredging and filling is therefore required to achieve the Project's purpose. The Project has been designed to avoid and minimize impacts to wetland resource areas to the maximum extent practicable using erosion controls and sequencing measures as described in the Avoidance and Minimization section above. There are no NHESP specified habitat sites of Rare Species in the vicinity of the Project Site.

(b) All applications, except for maintenance projects, shall include a comprehensive analysis of practicable alternatives as defined in 314 CMR 9.07(1)(a). The scope of alternatives to be considered shall be commensurate with the scale and purpose of the proposed activity, the impacts of the proposed activity, and the classification, designation and existing uses of the affected wetlands and waters in the Surface Water Quality Standards at 314 CMR 4.00: Massachusetts Surface Water Quality Standards.

Please refer to the alternatives analysis provided in this narrative.

(c) Dredging and dredged material management shall be conducted in a manner that ensures the protection of human health, public safety, public welfare and the environment.

Sediment removal will be managed in accordance with regulations pursuant to 314 CMR 9.07 and 310 CMR 40.0030. Sedimentation controls will be installed prior to dredging to minimize potential dispersion to the environment and excess sediment will be disposed at an off-site licensed facility with proper authorizations in place. Dredged material will be dewatered onsite to remove free liquids prior to a portion being transported to a licensed facility for disposal. Transport and disposal will comply with applicable state and federal handling requirements to be protective of human health, public safety, public welfare, and the environment.

(d) Applications submitted to the Department shall meet the criteria and performance standards of 314 CMR 9.07. If the project submitted by the applicant does not meet a particular provision of 314 CMR 9.07 and criteria of 314 CMR 4.00: Massachusetts Surface Water Quality Standards, the applicant shall demonstrate to the Department's satisfaction that the project will provide an equivalent level of environmental protection.

This application is intended to demonstrate that the Project as proposed meets the criteria and performance standards outlined in 314 CMR 9.07.

(e) Dredged material shall not be disposed if a feasible alternative exists that involves the reuse, recycling, or contaminant destruction and/or detoxification. An evaluation of whether such an alternative is feasible shall consider: 1. the volume and physical characteristics of the dredged material; 2. the levels of oil and/or hazardous materials present within the dredged material; 3. the relative public health and environmental impacts of management alternatives; and 4. the relative costs of management alternatives.

Reuse of some dredged fill material within the Project Site was determined to be feasible. Excavated fill will be beneficially reused behind the new revetment to the extent feasible. The eroding fill that comprises the existing bank will be contained behind the beneficially reused dredge material, then topped with clean fill and core stone, and armored with rip rap.

Recycling or contaminant destruction and/or detoxification of remaining dredged material that is not reused behind the revetment is not possible due to the physical composition of the material, the Hazardous Materials present in the material and lack of available space within the Project Site to safely contain the material and prevent future exposures.

(f) The Department may consider any additional information including but not limited to that submitted under MEPA or NEPA on impacts from the dredging activity, management of the dredged material, the alternatives available for reuse or disposal techniques, alternative sites for the various management activities, or information related to other Department programs.

The Project completed MEPA review and is being reviewed by the Army Corps of Engineers through the General Permit process, in addition to other authorizations.

(g) Dredged material management activities or facilities subject to the 401 Water Quality Certification, shall comply with the provisions of 314 CMR 9.00 and the conditions of the 401 Water Quality Certification. The Certification does not relieve the proponent of the obligation to comply with all other applicable federal, state and local statutes and regulation including without limitation the antidegradation provisions of 314 CMR 4.04(3): Protection of Outstanding Resource Waters.

Proposed dredged material management activities are in compliance with the provisions of 314 CMR 9.00 as demonstrated herein, as well as the applicable federal, state, and local regulations, including all permits and approvals listed in Table 1.

(h) Dredged material, including sediment, placed on or in the land at an upland location is subject to the release notification requirements and thresholds of 310 CMR 40.0300: Notification of Releases and Threats of Release of Oil and Hazardous Materials; Identification and Listing of Oil and Hazardous Materials and 40.1600: Massachusetts Oil and Hazardous Material List for soil, unless such placement is in accordance with the provisions of 310 CMR 40.0317(10) and 314 CMR 9.07 (4), (6), (9), (10), or (11).

The KCCRA is associated with the MCP disposal site assigned RTN 4-26230. Dredged material will be reused to the extent feasible behind the new revetment in accordance with 314 CMR 9.07(10) and the procedures indicated in the July 2024 Phase IV RIP. Remaining excess dredged material will be exported to a solid waste disposal facility in accordance with 314 CMR 9.07(11) and the Solid Waste Regulations (310 CMR 19.000).

(i) No dredging is permitted for the impoundment or detention of stormwater for purposes of controlling sedimentation or other pollutant attenuation.

The Project does not propose discharge of dredged or fill material for the impoundment or detention of stormwater.

(j) No dredging shall be permitted in the rare circumstances where the activity meets the criteria for evaluation but will result in substantial adverse impacts to the physical, chemical, or biological integrity of waters of the Commonwealth.

The Project will not result in substantial adverse impacts to the physical, chemical, or biological integrity of surface Waters of the Commonwealth. The Project will generally maintain pre-existing mudline elevations and result in an improvement in the quality of sediment in the Shore Portion of the KCCRA following removal of the area of fill containing nickel and vanadium at concentrations exceeding the AETs.

(k) Except as otherwise provided in 314 CMR 9.07(1)(k)1. through 5., no dredging shall be permitted in Outstanding Resource Waters...

Kings Cove is not identified as an Outstanding Resource Water by the Massachusetts Surface Water Quality Standards or listed in the Designated Outstanding Resource Waters of Massachusetts.

2) Sampling and Analysis Requirements. *The applicant shall submit the results of all relevant sampling with the application, unless an alternative schedule is specifically authorized by the Department in writing. As part of sampling and analysis, the applicant shall perform a "due diligence" review to determine the potential for the sediment proposed to be dredged to have concentrations of oil or hazardous materials, as defined in 310 CMR 40.0000: Massachusetts Contingency Plan... Sampling that was conducted in accordance with the MCP as a part of site assessment activities or a remedial action shall be supplemented as necessary to comply with 314 CMR 9.07.*

Unless a project is specifically exempted by the Department from the requirement for chemical analyses, sampling and analysis for upland reuse or disposal of dredged material, as set out in 314 CMR 9.07(2)(a), shall be carried out as follows:

(a) No chemical testing shall be required if the sediment to be dredged contains less than 10% by weight of particles passing the No. 200 U.S. Standard Series Testing Sieve (nominal opening 0.0029 inches), and if the required "due diligence" review demonstrates, to the Department's satisfaction, that the area is unlikely to contain anthropogenic concentrations of oil or hazardous materials.

(b) In all other instances, chemical and physical testing shall be conducted and the information provided in writing to the Department. When characterizing dredged material, the applicant shall:

- 1. Consider available analytical information from prior dredging projects conducted at, or locations proximal to, the area proposed to be dredged.*
- 2. Select sampling locations in a manner that ensures that representative information is obtained about the volume, potential contamination, grain-size distribution and total organic carbon of the sediment to be dredged.*
- 3. Evaluate and delineate areas of potentially elevated contamination, based on proximity to outfalls, tributaries, industrial discharges or sources, boat-maintenance activities or historical spills of oil or hazardous materials. In such areas, samples shall not be composited but analyzed separately.*
- 4. For projects up to 10,000 cubic yards, one core for every 1000 cubic yards of dredged material shall be collected. Up to three cores may be composited to create a single sample, provided:*
 - a. The grain-size distribution and likelihood of contamination are similar based on depositional characteristics, spill history, and location of point source discharges;*
 - b. Cores are composited from the same reach; and*
 - c. Samples collected for analysis of volatile compounds are obtained from an individual core and not composited from multiple cores.*

For all projects, a minimum of two representative samples shall be characterized physically and chemically.

5. For projects over 10,000 cubic yards and Ecological Restoration Projects involving over 100 cubic yards or dredging in an Outstanding Resource Water, the applicant shall develop a project-specific sampling and analysis plan, taking into account the likely requirement for the alternative(s) being considered for management of the dredged materials. This plan shall be submitted in draft form to the Department for review and comment as part of the pre-application process.

6. At a minimum, sediment shall be analyzed for the ... parameters [established under 314 CMR 9.07(2)(b)(6)] unless specifically exempted by the Department.

7. The Department may allow or require, at its discretion, analyses for additional parameters not listed in 314 CMR 9.07(2)(b)6. when dredging is proposed to be performed in areas where current or historic uses indicate that such contaminants are likely to be present.

8. The chemical analyses of sediment, included as part of an application for dredging, shall have been performed within three years of the date of submission of the application.

Environmental due diligence in preparation for sediment sampling and analysis has been performed and documented in MCP submittals filed under RTN 4-26230. Please refer to the memorandum that is Attachment E for additional information regarding sampling and analysis of the sediment to be dredged as part of the Project.

Based on the results of the 50 sediment samples, an area of fill below MHW containing nickel or vanadium at concentrations exceeding the AETs was identified for removal as part of the MCP Response Action. Fourteen (14) of the discrete sediment samples collected in 2020 and 2022 are representative of the sediment to be dredged under this Application.

In summary, the sediment to be dredged contains anthropogenic fill materials such as bricks, clinkers, and coal. Results of sediment sampling indicate that detectable concentrations of PAHs and select metals are present within the sediments to be dredged. Nickel and vanadium exceed the AETs in the area to be dredged, and DEP has expressed a preference to remove this material as part of the MCP Response Action. Benthic activity typically takes place in the top 6 inches of saturated material but for the purposes of the MCP Response Action, the top 12 inches will be dredged.

Copies of figures showing the sediment sampling locations, summary analytical tables, and laboratory analytical reports are included as Attachment E.

3) Dredging Performance Standards. *Dredging shall be planned and conducted to minimize short-term, long-term, and cumulative impacts on the aquatic ecosystem and to provide protection to human health.*

(a) The resuspension of silt, clay, oil and grease and other fine particulate matter shall be minimized to protect aquatic life and other existing and designated uses of waters of the Commonwealth.

As described in the Avoidance and Minimization section of this narrative, sediment and turbidity controls will be utilized to prevent the spread of sediments into Kings Cove. Work in resource areas is proposed to occur “in the dry” by working during the low-tide cycles for the Project Site and/or through the establishment of sandbag cofferdams. Turbidity curtains will also be utilized as necessary for intertidal work that cannot occur during low-tide cycles. During construction, work areas will also be sized to allow for complete excavation and backfilling of each area within one tidal cycle/one day of work. Temporarily altered resource areas within staging areas will be substantially restored to existing hydrologic and topographic conditions after the completion of work. As recommended by DMF and conditioned by the Weymouth Conservation Commission, the Project will adhere to a May 1st – November 1st TOY restriction for excavation of the impacted fill and placement of clean cobble in jurisdictional Waters of the U.S. of the Commonwealth.

(b) Improvement dredging activities shall minimize and, to the maximum extent possible, avoid affecting areas of ecological importance including but not limited to vegetated wetlands, shellfish habitat, spawning habitat, Rare Species Habitat, salt marsh, intertidal zone, riffles and pools, and vegetated shallows.

Improvement dredging is not proposed within vegetated wetlands, NHESP specified habitat sites of Rare Species, salt marsh, riffles and pools, or vegetated shallows. The dredging area is mapped as a shellfish suitability area for soft-shell clam (Figure 4) and does include areas within the intertidal zone. However, the Stage II ERC of the KCCRA¹³ identified no populations of soft-shell clams. The Stage II ERC also concludes that the fill material below MHW in the KCCRA is poor aquatic habitat. The poor habitat quality of the intertidal zone and the surrounding areas is evidenced by the low number of marine amphipods and aquatic invertebrates (including shellfish) observed in the KCCRA during the surveys. Additionally, the Stage II ERC concludes that the local soft-shell clam population is not large enough to self-seed any of these areas.

(c) Where feasible, a minimum of 25-feet shall remain unaltered between the edge of vegetated wetlands, salt marsh or vegetated shallows, and waterward edge of the top of the slope of the dredging area.

There are no vegetated wetlands, salt marsh or vegetated shallows within the Project Site or adjacent to the dredging area.

(d) Dredging shall not be undertaken during migration, spawning or juvenile development periods of finfish, shellfish, crustaceans or merostomatans in locations where such organisms may be affected, except as specifically approved by the Department. Restricted time periods for dredging, or in-water sediment management, will be established by the Department after consultation with Massachusetts Division of Marine Fisheries or Division of Fisheries and Wildlife.

As recommended by DMF and conditioned by the Weymouth Conservation Commission, the Project will adhere to a May 1st – November 1st TOY restriction for excavation of the impacted fill and placement of clean cobble in jurisdictional WOTUSC. Refer to Attachment D to view a copy of the letter provided to the Weymouth Conservation Commission by DMF during the WPA NOI process and to the Executive Office of Energy and Environmental Affairs during the MEPA process.

(e) In evaluating the potential effects of suspension of contaminated sediment on aquatic organisms, the Department may compare the bulk sediment chemistry with recognized guideline values (e.g., Long et al. (1995), Ingersoll et al. (2000), etc.). The Department reserves the right to request additional sampling and analyses to evaluate the effects of suspension of contaminated sediment on aquatic organisms and/or water quality.

Copies of figures showing the sediment sampling locations, summary analytical tables, and laboratory analytical reports are included as Attachment E. Additional studies on the effect of the sediments on aquatic organism are included in the Stage II ERC¹⁴ performed for the KCCRA provided in the Phase III RAP.

4) Intermediate Facilities. *Placement of dredged material at an intermediate facility shall be governed by the 401 Water Quality Certification under 314 CMR 9.07(4) unless waived*

¹³ 2022, TRC. Phase III RAP Appendix B. [Phase III Remedial Action Plan](#).

¹⁴ 2022, TRC. Phase III RAP Appendix B. [Phase III Remedial Action Plan](#).

in writing by the Department. The Department may impose specific conditions to ensure that activities at these facilities are conducted in compliance with 314 CMR 9.07(4):

(a) Dredged material shall be placed in a secure manner to minimize exposure to humans and the environment, and activities shall be carried out in a manner that does not create a nuisance or a threat to public health or the environment.

Stockpiles containing sediment excavated from the KCCRA will be placed entirely on a base composed of an impermeable material and shall be covered with the same material or other suitable material to minimize the infiltration of precipitation, volatilization of contaminants, and erosion of the stockpile. Any cover material used shall be properly secured and possess the necessary physical strength to resist tearing by the wind. If the soil or sediment has free-draining liquids, a bermed stockpile area will be constructed by placing straw wattles beneath the polyethylene.

Should sediment instead be placed in a roll-off container, the top of the container will be covered with polyethylene sheeting or other suitable material.

Any failure of materials or procedures used in employing the base layer or cover for stockpiled/contained impacted soil/sediments shall be immediately repaired, replaced, or re-secured so as to minimize precipitation infiltration, volatilization, and erosion/runoff of the contaminated media or contaminated debris. In addition, erosion and sediment controls will be in place for the duration of the Project. The proposed method of sediment storage will not create a nuisance or a threat to public health or the environment.

(b) All activities shall minimize runoff and soil loss through erosion. Any runoff or erosion that does occur shall be remediated and corrective action and/or additional controls shall be immediately implemented to prevent future occurrences. If other permits or approvals are required to conduct the remediation and/or corrective action, then those must be obtained.

Structural erosion and sedimentation controls to be used in the KCCRA during construction include sandbag cofferdams, a turbidity curtain, and stabilized construction exits. As noted above, stockpiles will be underlain and overlain with poly sheeting so as to prevent erosion. Permits or approvals to conduct the MCP Response Action are being obtained by the Applicant.

(c) Unless approved by the Department, dredged material contaminated above RCS-1 criteria, as defined in 310 CMR 40.0933: Identification of Applicable Soil Categories and 40.1600: Massachusetts Oil and Hazardous Material List, which is stored for more than 24 hours at the site shall be placed in watertight containers or entirely on a base composed of an impermeable material. The dredged material shall be immediately covered with the same material or other suitable material so as to minimize the infiltration of precipitation, volatilization of contaminants, and erosion. Any cover material used shall be properly secured and possess the necessary physical strength to resist tearing by the wind. Any failure of materials or procedures used in the base layer or cover layer shall be immediately repaired, replaced, or re-secured so as to minimize precipitation infiltration, volatilization, and erosion or runoff of the dredged material.

As noted previously, this procedure will be adhered to during construction of the Project.

(d) *An Intermediate Facility shall not be located:*

1. within a Current Drinking Water Source Area or a Potential Drinking Water Source Area as defined in 310 CMR 40.0006: Terminology, Definitions and Acronyms;

The intermediate facility will not be located within a Current or Potential Drinking Water Source Area.

2. within a 500-foot radius of a Private Water Supply Well as defined in 310 CMR 40.0006: Terminology, Definitions and Acronyms;

The intermediate facility will not be located within a 500-foot radius of a private water supply well.

3. less than ¼ mile upgradient of a surface drinking water supply as defined by groundwater flow or surface water drainage;

The intermediate facility will not be located less than ¼-mile upgradient of a surface drinking water supply.

4. less than 250 feet downgradient of a surface drinking water supply as defined by groundwater flow or surface water drainage;

The intermediate facility will not be located less than 250 feet downgradient of a surface drinking water supply.

5. within 500 feet of a health care facility, prison, elementary school, middle school or high school or children's pre-school, licensed day care center, senior center or youth center, excluding equipment storage or maintenance structures;

The intermediate facility will not be located within 500 feet of a health care facility, prison, elementary school, middle school or high school or children's pre-school, licensed day care center, senior center, or youth center.

6. where traffic impacts from the facility operation would constitute an unacceptable impact to the public;

The intermediate facility will not be located within a roadway and will not impact roadway traffic.

7. where it would have a permanent adverse impact on Rare Species Habitat listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife, an Ecologically Significant Natural Community as documented in writing by the Natural Heritage and Endangered Species Program, the wildlife habitat of any state Wildlife Management Area, or an ACEC;

The intermediate facility will not be located within an NHESP specified habitat site of Rare Species, an ecologically significant natural community, the wildlife habitat of any state Wildlife Management Area, or an ACEC (Figure 3).

8. in a location where the anticipated emissions from facility operations would not meet required state and federal air quality standards or criteria or the Department determines that it would otherwise constitute an unacceptable risk to the public health, safety or the environment, taking into consideration;

Dredged material stockpiles will be covered when not actively being worked, and contaminants of concern within the sediments are of low volatility. Therefore, the stockpiles are not expected to release any emissions. Some water evaporation during the dewatering process is anticipated.

5) Transportation.

(a) All dredged material, when transported upon public roadways, shall have no free liquid as determined by the Paint Filter Test or other suitably analogous methodology acceptable to the Department and be covered to minimize fugitive dust (unless transported in vehicles specifically designed to haul liquid materials).

The contractor will ensure that the Paint Filter Test or suitably analogous method is performed and the material passes prior to transport.

(b) Truck tire and undercarriage washing (or equally effective mitigation measures) shall be employed to minimize tracking of sediment onto public roadways. Such activities shall be performed in a manner that avoids siltation into wetland resources.

Stone anti-tracking pads will be installed at the construction access point to the work area to prevent the offsite transport of sediment by construction vehicles. All trucks that enter the site and later exit on an asphalt surface will be subject to wheel cleaning as the vehicle exits the site, as necessary. This will entail hosing down the truck wheels while the truck is on the gravel tracking pad, just before the truck exits the KCCRA property. Wash water will not be permitted to create siltation into wetland resources. Construction trucks hauling materials to and from the KCCRA will have their loads securely covered.

(c) Dredged material shall be transported using a Dredged Material Tracking Form (DMTF) available from the Department.

See (d) below.

(d) Use of a Dredged Material Tracking Form shall not be required when the dredged material requires shipment: 1. Using a Hazardous Waste Manifest pursuant to 310 CMR 30.000: Hazardous Waste; or 2. Using a Bill of Lading under 310 CMR 40.0030: Management Procedures for Remediation Waste.

All dredged sediments transported to a licensed disposal facility will be accompanied by a DEP Bill of Lading signed by a LSP pursuant to 310 CMR 40.0034 and 40.0035.

6) Beach Nourishment. *All projects designed to nourish beach, dune or near-shore areas of land under ocean, utilizing dredged-sediment as source material, shall be carried out in accordance with the Best Management Procedures for Beach or Dune Nourishment and any procedures developed by the Massachusetts Office of Coastal Zone Management and in accordance with M.G.L. c. 131, § 40 (the Wetland Protection Act) and relevant portions of*

310 CMR 10.00: Wetlands Protection and M.G.L. c. 91 and 310 CMR 9.00: Waterways and M.G.L. c. 132A and 302 CMR 5.00: Ocean Sanctuaries.

Not applicable; the Project does not propose beach, dune, or near-shore area nourishment.

7) Unconfined Open Ocean Disposal.

Not applicable; the Project does not propose unconfined open water disposal.

8) Confined Disposal.

Not applicable; the Project does not propose confined open water disposal.

9) Shoreline Placement and Upland Material Reuse Under a 401 Certification. *In accordance with a 401 Certification pursuant to 314 CMR 9.07 the Department may permit:*

(a) Shoreline Placement of dredged material at a location proximal to the dredging activity that lies within the 100-year floodplain or buffer zone as defined in 310 CMR 10.00: Wetlands Protection, whichever is greater. Proposals to reuse dredged material shall comply with the regulatory standards of 310 CMR 10.00: Wetlands Protection and 310 CMR 9.00: Waterways. Material reuse may include, but is not limited to, use as fill behind bulkheads, or to maintain or improve existing filled areas.

The Project proposes limited reuse of dredged material as fill behind the proposed revetment, in accordance with the applicable regulatory standards of 310 CMR 9.00 and 10.00.

(b) Upland Placement of dredged material in any upland area as fill or for other reuse activities, provided the concentrations of oil and hazardous material in the dredged material are less than the S-1 soil standards applicable at the receiving location as specified in 310 CMR 40.0975: Identification of Applicable Soil Standards in Method 1, that the material is not otherwise a hazardous waste and will not adversely affect an existing public or private potable water supply, provided that:

Not applicable; the Project does not propose reuse in upland areas.

(c) Reuse under a Dredged Material Reuse Decision at any upland area not authorized under 314 CMR 9.07(9)(a) or (b), provided the applicant obtains a prior written approval of dredged material reuse from the Department...

Not applicable; the Project does not propose reuse under a Dredged Material Reuse Decision.

10) Management of Dredged Material at Disposal Sites Pursuant to M.G.L. c 21E and 310 CMR 40.0000: Massachusetts Contingency Plan.

(a) The dredging, management, and placement of dredged material generated at a disposal site at which response actions are being conducted pursuant to 310 CMR 40.0000: Massachusetts Contingency Plan, the Massachusetts Contingency Plan, shall be performed pursuant to the provisions of 310 CMR 40.0000 and 314 CMR 9.00. A copy of the remedial action plan under 310 CMR 40.0000, e.g., Immediate Response

Action Plan, Release Abatement Measure Plan, Remediation Implementation Plan in which the activity is being conducted and the appropriate transmittal form shall be included with the application for the 401 Water Quality Certification, unless specifically exempted by the Department in writing or in these regulations.

A copy of the Phase IV RIP prepared for the Project is included as Attachment H.

(b) The dredging, management at an Intermediate Facility, and placement at a Confined Disposal Facility or Confined Aquatic Disposal Facility of dredged material generated at a disposal site as part of a remedial action pursuant to 310 CMR 40.0000: Massachusetts Contingency Plan shall also be subject to the provisions of 314 CMR 9.00 and a 401 Water Quality Certification. In addition, dredged material generated at a disposal site as part of remedial action under 310 CMR 40.0000 shall be managed in accordance with 310 CMR 40.0000: Massachusetts Contingency Plan, including but not limited to the provisions of 310 CMR 40.0030: Management Procedures for Remediation Waste.

The sediment to be dredged will not be placed at a Confined Disposal Facility or Confined Aquatic Disposal Facility.

(c) Dredged material containing oil and/or hazardous materials and that is not otherwise a hazardous waste may be brought from another location to a disposal site and utilized as part of a comprehensive remedial action pursuant to 310 CMR 40.0800: Comprehensive Response Actions, provided that:

1. *The material is dewatered prior to transportation to the disposal site;*

Dredged sediment will be dewatered in a laydown area prior to placement.

2. *The material is not reused at a location where:*
 - a. *the nature of the contaminants (evaluated as chemical families such as metals, PAHs, petroleum hydrocarbons, halogenated volatile organic compounds, halogenated pesticides, PCBs, and dioxin-like compounds) in the dredged material is different than that at the receiving location; and*
 - b. *the concentration(s) of oil and hazardous materials in the soil at the receiving location are significantly lower than the levels of those oil and hazardous materials present in the material;*

The dredged material is within the disposal site. The nature of contaminants (metals, PAHs) in the dredged material is similar to that in the remainder of the disposal site. The average contaminant concentrations within the sediment to be dredged and the receiving location are comparable.

3. *It has been demonstrated that it is not feasible to reduce or approach the level of oil or hazardous material at the site of reuse to background in accordance with 310 CMR 40.850: Phase III - Identification, Evaluation and Selection of Comprehensive Remedial Action Alternatives;*



The Phase III RAP summarizes the feasibility evaluation conducted for the disposal site. Approaching or achieving background is not feasible.

- 4. The reuse of the material does not extend beyond the boundary of the area of contaminated soil at the disposal site;*

The reuse area does not extend beyond the boundary of the disposal site.

- 5. The reuse of the material does not result in a condition of Significant Risk as defined in 310 CMR 40.0000: Massachusetts Contingency Plan;*

The completion of the MCP Response Action and implementation of an AUL will result in a Condition of No Significant Risk.

- 6. The material substitutes for a material that is otherwise required for and integral to the remedial action at the disposal site unless otherwise authorized by 314 CMR 9.07(c);*

The fill to be used behind the revetment will substitute for imported fill material and provide necessary backfill for this protective feature.

- 7. Unless otherwise approved by the Department in writing, the remedial action is conducted under a Phase IV – Remedy Implementation Plan developed pursuant to 310 CMR 40.0870: Phase IV - Implementation of the Selected Remedial Action Alternative that provides for the use of the material at the disposal site.*

The Project will be conducted in accordance with the Phase IV RIP submitted to DEP.

- 8. The material is taken to a 21E site within a designated port area as defined in 310 CMR 9.00: Waterways where practicable.*

The material will not be used within a designated port area. The portion of Kings Cove and the adjacent shoreline which is below the MHW line is defined as part of the Weymouth Fore River Designated Port Area, but no reuse of the dredged fill material will occur below the MHW line.

11) Management of Dredged Material Under the Solid Waste Regulations Pursuant to 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities and 19.000: Solid Waste Management. *Dredged material placed at upland locations other than under 314 CMR 9.07(6), (9) and (10) shall be managed subject to provisions of the Solid Waste Regulations at 310 CMR 16.00 and 19.000 and relevant Guidelines and Policies.*

Excess dredged materials will be disposed of at a licensed receiving facility in accordance with the Interim Policy COMM-94-007: Dredged Sediment Reuse or Disposal, which applies to all dredged sediments evaluated for individual WQC and proposed to be reused or disposed at landfills.

12) Applicability of M.G.L. c.21C and 310 CMR 30.000: Hazardous Waste. *Dredged material when temporarily stored at an intermediate facility pursuant to 314 CMR 9.07(4), or when placed in confined disposal pursuant to 314 CMR 9.07(8) shall not be subject to*

regulation as a hazardous waste under 310 CMR 30.000: Hazardous Waste, provided it is managed in accordance with the following:

(a) the material is managed in accordance with requirements established in a Clean Water Act (33 U.S.C. 1344) § 401 certification, specifically covering the intermediate facility or the confined disposal; and

(b) the material is managed in accordance with requirements included in a permit issued under § 404 of the Clean Water Act, specifically covering the intermediate facility or the confined disposal;

(c) this exemption shall not apply:

1. to any facility or activity that is not subject to regulation under § 404 of the Clean Water Act;
2. to any facility or activity for which 401 certification requirements have been waived by the Department;
3. to any facility or activity regarding which all 401 certification requirements established by the Department have not been included in a 404 permit; or
4. if the Department determines that compliance with some or all of the provisions of 310 CMR 30.000: Hazardous Waste is required.

The material dredged at the Project Site will be managed in accordance with a Section 401 Water Quality Certification and in accordance with the applicable Section 404 General Permit.

Summary

The Applicant is seeking authorization to remove sediment which contains nickel and vanadium at concentrations exceeding the site-specific AETs from the KCCRA and achieve a Permanent Solution as defined in the MCP.

Kings Cove is a WOTUSC subject to regulation under the U.S. CWA and 401 WQC Regulations. The Project includes excavating and replacing intertidal fill and sediment, extending an existing rip rap revetment, and placing cobble to create a gradual surficial transition between the excavation area and the revetment. The Project proposes disposal of excess dredged material at an off-site licensed receiving facility. Sediment removal will be managed in accordance with regulations pursuant to 314 CMR 9.07 and 310 CMR 40.0030.

Areas of disturbance have been minimized to the extent practicable and BMPs will be in place during construction to protect Water of the U.S. within the Commonwealth from impacts during construction.

The Project has been designed in compliance with the criteria and performance standards of 314 CMR 9.06 and 9.07.



The Applicant respectfully requests that the Department find these measures adequately protective of the chemical, physical and biological integrity of the water resources of the Commonwealth as shown on the accompanying plans and issue a Water Quality Certification allowing the Project to proceed as proposed.



Attachment A
Project Plans (Bound Separately)



Attachment B
Photographic Log

© VHB

Photography Log

PROJECT NUMBER

16105.00

CLIENT

Algonquin Gas Transmission, LLC

890 Winter Street, Suite 300

Waltham, Massachusetts 02451

LOCATION

82-90 Bridge Street

Weymouth, Massachusetts



NO. 1 / 9.8.2023

DESCRIPTION

View looking north at the shoreline of Kings Cove. The existing revetment (light-colored stones) can be seen in the background of the photo.



NO. 2 / 9.8.2023

DESCRIPTION

View looking west/northwest at the Coastal Bank of Kings Cove. Vegetation is present along the upper limits of the Coastal Bank.



NO. 3 / 9.8.2023

DESCRIPTION

View looking north at the southern end of the existing revetment.



NO. 4 / 9.8.2023

DESCRIPTION

Looking northeast at Kings Cove and the associated Coastal Beach area.



NO. 5 / 9.8.2023

DESCRIPTION

View looking southeast at the shoreline of Kings Cove from the southern edge of the Project Site. Construction access for the Project will be from property owned by the applicant.



NO. 6 / 9.8.2023

DESCRIPTION

View of the gravel sediment, coal slag, and bricks which comprise the Coastal Bank and Coastal Beach area.



NO. 7 / 9.8.2023

DESCRIPTION

View of the gravel sediment, coal slag, and bricks which comprise the Coastal Bank and Coastal Beach area.



NO. 8 / 9.8.2023

DESCRIPTION

View of exposed root systems from a mature tree within the eroding Coastal Bank, present along the unarmored portion of the site.



NO. 9 / 9.8.2023

DESCRIPTION

Looking north along the Project Site at the top of Coastal Bank. Above the Bank, the site transitions to the Kings Cove Park.



NO. 10 / 9.8.2023

DESCRIPTION

View looking east at the designated footpath used to access Kings Cove from Kings Cove Park.



Attachment C
Public Notice

Public Notice

Massachusetts Department of Environmental Protection
Division of Wetlands and Waterways
MassDEP Boston Office
100 Cambridge Street, Suite 900
Boston, MA 02114

Pursuant to 33 U.S.C. 1341 and M.G.L. c. 21 §§ 26 - 53 and 33 U.S.C. 1341 and M.G.L. c. 21 §43, notice is given of a 401 Water Quality Certification application for dredge and fill associated with the proposed Kings Cove Conservation Restriction Area (KCCRA) Massachusetts Contingency Plan (MCP) Response Action in Weymouth, Massachusetts, by Algonquin Gas Transmission, LLC. The Project will result in the excavation of fill and replacement with cobble within Kings Cove, and an extension of the existing rip rap revetment within the KCCRA to contain eroding bank materials. The Project is proposed in response to the presence of oil and/or hazardous materials (OHM) in accordance with the MCP (310 CMR 40.0000). Additional information may be obtained from VHB, the applicant's representative, at 617-607-6310 or tdonovan@vhb.com. Written comments should be sent to the MassDEP Boston Office, Division of Wetlands and Waterways, 100 Cambridge Street, Suite 900, Boston, MA 02114 within twenty-one days of this notice.

Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.



Attachment D

ESA & DMF Coordination Materials

- › DMF Correspondence - MEPA
- › DMF Correspondence - NOI
- › EFH Mapper Report
- › ESA Section 7 Map Report
- › IPaC Technical Assistance Letter



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
Governor

KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

June 23, 2025

Rebecca Tepper
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Eva Vaughan
100 Cambridge Street, suite 900
Boston, Ma 02114

RE: EEA# 16955 Kings Cove Conservation Restriction Area MCP Response Action

Dear Secretary Tepper:

The Massachusetts Division of Marine Fisheries (DMF) has reviewed the Expanded Environmental Notification Form (EENF) for the Kings Cove Conservation Restriction Area MCP Response Action, EEA# 16955, located along Kings Cove at 82-90 Bridge Street in Weymouth, MA proposed by Algonquin Gas Transmission, LLC. The project includes dredging of 630 CY of sediment/impacted fill, extending the rip rap revetment to contain eroding impacted fill, and placing clean cobble to restore the dredged area to the preexisting mudline elevations and create a gradual transition between the dredging area and the revetment.

Kings Cove is mapped as shellfish habitat by DMF for soft-shell clams (*Mya arenaria*) within shellfish growing area GBH9.2 classified as Conditionally Restricted for harvest. Shellfish surveys of the site conducted by contractors of the proponent in May and June of 2022 and September 2023 did not report soft-shell clams present in the project area. Intertidal areas of Kings Cove provide forage, spawning, shelter, and juvenile development habitat for numerous species of shore-zone fishes including Atlantic silverside (*Menidia menidia*), pipefish (*Syngnathus fuscus*), mummichog (*Fundulus heteroclitus*), and sand lance (*Ammodytes americanus*) [1]. These species also constitute forage for other species including bluefish (*Pomatomus saltatrix*), striped bass (*Morone saxatilis*), and summer flounder (*Paralichthys dentatus*) [1].

Based on the information provided in the EENF, we offer the following recommendations and comments:

- DMF concurs with proponent's plan to sequence the proposed dredging and fill to occur in the dry during low tide, use a turbidity curtain seaward of the dredge limits, and construct the proposed revetment in the dry behind a cofferdam to minimize turbidity and sedimentation impacts to the surrounding waters of Kings Cove and the Fore River.

- DMF concurs with the proponent's intent to adhere to our recommended time of year (TOY) restriction for the proposed dredging and placement of the clean cobble fill from May 1st to November 1st. Impacts from disturbance of the shore-zone to shore-zone fishes will be minimized by sequencing this work to occur in the late fall and winter when the shore-zone is less biologically active [1].

Thank you for considering our comments. If you have questions about this review, please email Forest Schenck at Forest.Schenck@mass.gov.

Sincerely,



Daniel J. McKiernan
Director

DM/fs/sd

cc.

P. Maniccia, USACE

J. Yelen, CZM

A. Cacacie, NMFS

B. Dejadon, DMF

E. Johnson, VHB, Inc.

References:

[1] Evans, NT, KH Ford, BC Chase and JJ Sheppard (2011). Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Technical Report DMF TR-47.



The Commonwealth of Massachusetts

Division of Marine Fisheries

(617) 626-1520 | www.mass.gov/marinefisheries



MAURA T. HEALEY
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KIMBERLEY DRISCOLL
Lt. Governor

REBECCA L. TEPPER
Secretary

THOMAS K. O'SHEA
Commissioner

DANIEL J. MCKIERNAN
Director

July 29, 2024

Weymouth Conservation Commission
Attn: Mr. John Reilly, Chair
Town Hall, 75 Middle Street
Weymouth, Massachusetts 02186

Dear Conservation Commissioners:

The Massachusetts Division of Marine Fisheries (DMF) has reviewed the Notice of Intent (NOI) submitted by Algonquin Gas Transmission, LLC for the implementation of the preferred Remedial Action Alternative under the Massachusetts Contingency Plan at the Kings Cove Conservation Restriction Area, 82-90 Bridge Street in Weymouth, MA. The project includes dredging of 630 CY of sediment/impacted fill, extending the rip rap revetment to contain eroding impacted fill, and placing clean cobble to restore the dredged area to the preexisting mudline elevations and create a gradual transition between the dredging area and the revetment.

Kings Cove is mapped as shellfish habitat by DMF for soft-shell clams (*Mya arenaria*) within shellfish growing area GBH9.2 classified as Conditionally Restricted for harvest. Shellfish surveys of the site conducted by contractors of the proponent in May and June of 2022 and September 2023 did not report soft-shell clams present in the project area. Intertidal areas of Kings Cove provide forage, spawning, shelter, and juvenile development habitat for numerous species of shore-zone fishes including Atlantic silverside (*Menidia menidia*), pipefish (*Syngnathus fuscus*), mummichog (*Fundulus heteroclitus*), and sand lance (*Ammodytes americanus*) [1]. These species also constitute forage for other species including bluefish (*Pomatomus saltatrix*), striped bass (*Morone saxatilis*), and summer flounder (*Paralichthys dentatus*) [1].

Based on the information in NOI DMF offers the following recommendations and comments:

- DMF concurs with proponent's plan to sequence the proposed dredging and fill to occur in the dry during low tide, use a turbidity curtain seaward of the dredge limits, and construct the proposed revetment in the dry behind a cofferdam to minimize turbidity and sedimentation impacts to the surrounding waters of Kings Cove and the Fore River.
- DMF recommends a time of year (TOY) restriction for the proposed dredging and placement of the clean cobble fill from May 1st to November 1st. Impacts from disturbance of the shore-zone to shore-zone fishes will be minimized by sequencing this work to occur in the late fall and winter when the shore-zone is less biologically active [1].

Thank you for considering our comments. If you have questions about this review, please email Forest Schenck at dmf.envreview-north@mass.gov.

Sincerely,



Forest Schenck
Marine Fisheries Habitat Specialist

FS

Cc.

P. Maniccia, USACE

J. Yelen, CZM

S. Duffy, CZM

B. Dejadon, DMF

K. Shaw, NMFS

T. Donovan, VHB, Inc.

References:

[1] Evans, N.T., K.H. Ford, B.C. Chase, and J. Sheppard. 2011. Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47. <https://www.mass.gov/doc/time-of-year-recommendations-tr-47/download>

EFH Mapper Report

EFH Data Notice

Essential Fish Habitat (EFH) is defined by textual descriptions contained in the fishery management plans developed by the regional fishery management councils. In most cases mapping data can not fully represent the complexity of the habitats that make up EFH. This report should be used for general interest queries only and should not be interpreted as a definitive evaluation of EFH at this location. A location-specific evaluation of EFH for any official purposes must be performed by a regional expert. Please refer to the following links for the appropriate regional resources.

[Greater Atlantic Regional Office](#)
[Atlantic Highly Migratory Species Management Division](#)

*** WARNING ***

Please note under "Life Stage(s) Found at Location" the category "ALL" indicates that all life stages of that species share the same map and are designated at the queried location.

EFH

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		American Plaice	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Atlantic Butterfish	Adult, Eggs, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Cod	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Atlantic Herring	Adult, Juvenile, Larvae	New England	Amendment 3 to the Atlantic Herring FMP
		Atlantic Mackerel	Adult, Eggs, Juvenile, Larvae	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Atlantic Surfclam	Adult, Juvenile	Mid-Atlantic	Surfclam and Ocean Quahog
		Atlantic Wolffish	ALL	New England	Amendment 14 to the Northeast Multispecies FMP
		Black Sea Bass	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Bluefin Tuna	Adult	Secretarial	Amendment 10 to the 2006 Consolidated HMS FMP: EFH
		Bluefish	Adult, Juvenile	Mid-Atlantic	Bluefish
		Little Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Longfin Inshore Squid	Adult, Juvenile	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Northern Shortfin Squid	Adult	Mid-Atlantic	Atlantic Mackerel, Squid,& Butterfish Amendment 11
		Ocean Pout	Adult, Eggs, Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Pollock	Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Red Hake	Adult, Eggs/Larvae/Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
		Scup	Adult, Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
		Silver Hake	Adult, Eggs/Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Spiny Dogfish	Adult Female, Adult Male, Sub-Adult Female	Mid-Atlantic	Amendment 3 to the Spiny Dogfish FMP
		Thorny Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		White Hake	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Windowpane Flounder	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP
		Winter Flounder	Eggs, Juvenile, Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP

Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
		Winter Skate	Adult, Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
		Yellowtail Flounder	Adult, Eggs, Juvenile, Larvae	New England	Amendment 14 to the Northeast Multispecies FMP

Pacific Salmon EFH

No Pacific Salmon Essential Fish Habitat (EFH) were identified at the report location.

Atlantic Salmon

No Atlantic Salmon were identified at the report location.

HAPCs

No Habitat Areas of Particular Concern (HAPC) were identified at the report location.

EFH Areas Protected from Fishing

No EFH Areas Protected from Fishing (EFHA) were identified at the report location.

Spatial data does not currently exist for all the managed species in this area. The following is a list of species or management units for which there is no spatial data.

****For links to all EFH text descriptions see the complete data inventory: [open data inventory -->](#)**

All EFH species have been mapped for the Greater Atlantic region,

Atlantic Highly Migratory Species EFH,

Bigeye Sand Tiger Shark,

Bigeye Sixgill Shark,

Caribbean Sharpnose Shark,

Galapagos Shark,

Narrowtooth Shark,

Sevengill Shark,

Sixgill Shark,

Smooth Hammerhead Shark,

Smalltail Shark



Drawn Action Area & Overlapping S7 Consultation Areas

Area of Interest (AOI) Information

Area : 2.22 acres

Dec 31 2024 11:53:01 Eastern Standard Time



- Atlantic Sturgeon
- Sea Turtles
- Shortnose Sturgeon
- Atlantic Large Whales



Summary

Name	Count	Area(acres)	Length(mi)
Atlantic Sturgeon	2	4.38	N/A
Shortnose Sturgeon	1	2.19	N/A
Atlantic Salmon	0	0	N/A
Sea Turtles	4	8.75	N/A
Atlantic Large Whales	4	8.75	N/A
In or Near Critical Habitat	0	0	N/A

Atlantic Sturgeon

#	Feature ID	Species	Lifestage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	ANS_C50_ADU_MAF	Atlantic sturgeon	Adult	Migrating & Foraging	N/A	01/01	12/31	N/A	N/A	2.19
2	ANS_C50_SUB_MAF	Atlantic sturgeon	Subadult	Migrating & Foraging	N/A	01/01	12/31	N/A	N/A	2.19

Shortnose Sturgeon

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	SNS_C50_ADU_MAF	Shortnose sturgeon	Adult	Migrating & Foraging	N/A	04/01	11/30	N/A	N/A	2.19

Sea Turtles

#	Feature ID	Species	Life Stage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	GRN_STN_AJV_MAF	Green sea turtle	Adults and juveniles	Migrating & Foraging	Maine to Massachusetts (N of Cape Cod)	6/1	11/30	No Data	No Data	2.19
2	KMP_STN_AJV_MAF	Kemp's ridley sea turtle	Adults and juveniles	Migrating & Foraging	Maine to Massachusetts (N of Cape Cod)	6/1	11/30	No Data	No Data	2.19
3	LTR_STN_AJV_MAF	Leatherback sea turtle	Adults and juveniles	Migrating & Foraging	Maine to Massachusetts (N of Cape Cod)	6/1	11/30	No Data	No Data	2.19
4	LOG_STN_AJV_MAF	Loggerhead sea turtle	Adults and juveniles	Migrating & Foraging	Maine to Massachusetts (N of Cape Cod)	6/1	11/30	No Data	No Data	2.19

Atlantic Large Whales

#	Feature ID	Species	Lifestage	Behavior	Zone	From	Until	From (2)	Until (2)	Area(acres)
1	RIT_WRN_AJV_FOR	North Atlantic right whale	Adults and juveniles	Foraging	Northeast (ME to Cape Cod, MA)	1/1	12/31	No Data	No Data	2.19
2	RIT_WRN_AJV_WIN	North Atlantic right whale	Adults and juveniles	Overwintering	Northeast (ME to Cape Cod, MA)	11/1	1/31	No Data	No Data	2.19
3	FIN_WFN_AJV_WIN	Fin whale	Adults and juveniles	Overwintering	Northeast (ME to Cape Cod, MA)	11/1	3/31	No Data	No Data	2.19
4	FIN_WFN_AJV_FOR	Fin whale	Adults and juveniles	Foraging	Northeast (ME to Cape Cod, MA)	1/1	12/31	No Data	No Data	2.19



United States Department of the Interior



FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 3301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104

In Reply Refer To:

09/24/2025 20:31:56 UTC

Project code: 2025-0138969

Project Name: Kings Cove Conservation Restriction MCP Response Action

Federal Nexus: yes

Federal Action Agency (if applicable): Army Corps of Engineers

Subject: Technical assistance for 'Kings Cove Conservation Restriction MCP Response Action'

Dear Taylor Donovan:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on September 24, 2025, for "Kings Cove Conservation Restriction MCP Response Action" (here forward, Project). This project has been assigned Project Code 2025-0138969 and all future correspondence should clearly reference this number.

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into the IPaC must accurately represent the full scope and details of the Project. Failure to accurately represent or implement the Project as detailed in IPaC or the Northeast Determination Key (Dkey), invalidates this letter. **Answers to certain questions in the DKey commit the project proponent to implementation of conservation measures that must be followed for the ESA determination to remain valid.**

To make a no effect determination, the full scope of the proposed project implementation (action) should not have any effects (either positive or negative effect(s)), to a federally listed species or designated critical habitat. Effects of the action are all consequences to listed species or critical habitat that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action. (See § 402.17). Under Section 7 of the ESA, if a federal action agency makes a no effect determination, no further consultation with, or concurrence from, the Service is required (ESA §7). If a proposed Federal action may affect a listed species or designated critical

habitat, formal consultation is required (except when the Service concurs, in writing, that a proposed action "is not likely to adversely affect (NLAA)" listed species or designated critical habitat [50 CFR §402.02, 50 CFR§402.13]).

The IPaC results indicated the following species is (are) potentially present in your project area and, based on your responses to the Service’s Northeast DKey, you determined the proposed Project will have the following effect determinations:

Species	Listing Status	Determination
Roseate Tern (<i>Sterna dougallii dougallii</i>)	Endangered	May affect

To complete consultation for species that have reached a “May Affect” determination and/or species may occur in your project area and are not covered by this conclusion, please visit the “New England Field Office Endangered Species Project Review and Consultation” website for step-by-step instructions on how to consider effects on these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

Consultation with the Service is not complete. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect”. Please contact our New England Ecological Services Field Office to discuss methods to avoid or minimize potential adverse effects to those species or designated critical habitats.

Other Species and Critical Habitat that May be Present in the Action Area

In addition to the species listed above, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To complete consultation for species that have reached a “May Affect” determination and/or species may occur in your project area and are not covered by this conclusion, please visit the “New England Field Office Endangered Species Project Review and Consultation” website for step-by-step instructions on how to consider effects on these listed species and/or critical habitats, avoid and minimize potential adverse effects, and prepare and submit a project review package if necessary: <https://www.fws.gov/office/new-england-ecological-services/endangered-species-project-review>

Please Note: If the Action may impact bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act (BGEPA) (54 Stat. 250, as amended, 16 U.S.C. 668a-d) by the prospective permittee may be required. Please contact the Migratory Birds

Permit Office, (413) 253-8643, or PermitsR5MB@fws.gov, with any questions regarding potential impacts to Eagles.

If you have any questions regarding this letter or need further assistance, please contact the New England Ecological Services Field Office and reference the Project Code associated with this Project.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Kings Cove Conservation Restriction MCP Response Action

2. Description

The following description was provided for the project 'Kings Cove Conservation Restriction MCP Response Action':

The Project proposes to remove and replace sediment within Kings Cove and the adjacent shoreline in response to the presence of oil and/or hazardous materials (OHM) in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000) (MCP) at the Kings Cove Conservation Restriction Area in Weymouth, Massachusetts. The Project will also extend the existing rip rap revetment along the shoreline to aid in stabilizing the sediments contained within the bank.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@42.24412015,-70.96202159774634,14z>



QUALIFICATION INTERVIEW

1. As a representative of this project, do you agree that all items submitted represent the complete scope of the project details and you will answer questions truthfully?

Yes

2. Does the proposed project include, or is it reasonably certain to cause, intentional take of listed species?

Note: This question could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered, or proposed species.

No

3. Is the action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Note: for projects in Pennsylvania: Projects requiring authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act would be considered as having a federal nexus. Since the U.S. Army Corps of Engineers (Corps) has issued the Pennsylvania State Programmatic General Permit (PASPGP), which may be verified by the PA Department of Environmental Protection or certain Conservation Districts, the need to receive a Corps authorization to perform the work under the PASPGP serves as a federal nexus. As such, if proposing to use the PASPGP, you would answer 'yes' to this question.

Yes

4. Are you including in this analysis all impacts to federally listed species that may result from the entirety of the project (not just the activities under federal jurisdiction)?

Note: If there are project activities that will impact listed species that are considered to be outside of the jurisdiction of the federal action agency submitting this key, contact your local Ecological Services Field Office to determine whether it is appropriate to use this key. If your Ecological Services Field Office agrees that impacts to listed species that are outside the federal action agency's jurisdiction will be addressed through a separate process, you can answer yes to this question and continue through the key.

Yes

5. Are you the lead federal action agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

No

6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)?

No

7. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

8. Is the lead federal action agency the Natural Resources Conservation Service?

No

9. Will the proposed project involve the use or storage of herbicide?

No

10. Will the proposed project involve herbaceous native vegetation removal (including prescribed fire that would result in burning of plants) or mowing?

No

11. Will all activities occur within an area that is currently paved, graveled, routinely maintained lawn, and/or inside a structure?

No

12. Will the proposed project involve demolition, rehabilitation, property elevation, renovation, and/or rebuilding of one or more existing buildings (e.g., residential, commercial and industrial buildings, or utilities)? Note: if project activities include modification of bridges and/or culverts, answer this question "No".

No

13. Does the project area intersect the boundary of VAFO?

Automatically answered

No

14. Does any component of the project associated with this action include activities or structures that may pose a collision risk to **birds** (e.g., plane-based surveys, land-based or offshore wind turbines, new or enlarged communication towers or broadcast towers, high voltage transmission lines, any type of towers with or without guy wires)?

No

15. Will the proposed project involve earth moving or other ground disturbance that could cause erosion and sedimentation, and/or contamination within 300 feet of a freshwater wetland or along a stream?

Note: Answer "Yes" to this question if erosion and sediment control measures will be used.

No

16. Will the proposed project impact streams or tributaries of streams where listed species may be present through activities such as, but not limited to, valley fills, large-scale vegetation removal that could result in ground destabilization, and/or change in site topography?

No

17. Will the proposed project involve vegetation removal within 300 feet of a perennial stream bank where aquatic listed species may be present?

No

18. Will erosion and sedimentation control Best Management Practices (BMPs) associated with applicable state and/or Federal permits, be applied to the project?

Note: If BMPs have been provided by and/or coordinated with and approved by the appropriate Ecological Services Field Office, answer "Yes" to this question.

Yes

19. Is the project being funded, lead, or managed in whole or in part by U.S Fish and Wildlife Restoration and Recovery Program (e.g., Partners, Coastal, Fisheries, Wildlife and Sport Fish Restoration, Refuges)?

No

20. Will the proposed project result in changes to beach dynamics that may modify formation of habitat over time? **Note:** Examples of projects that result in changes to beach dynamics include 1) construction of offshore breakwaters, bulkheads, revetments, and groins; 2) mining of sand from an updrift ebb tidal delta; 3) removing or adding beach sands; and 4) projects that stabilize dunes (including placement of sand fences or planting vegetation).

No

21. Will the proposed project involve dredging within 0.5 mile of the Mean Lower Low Water line?

Yes

22. Will the proposed project involve oil, gas and other energy development, production, or large-scale transport or storage of petroleum products and/or spill response planning?

No

23. [Hidden Semantic] Is the project area located within the roseate tern species list area?

Automatically answered

Yes

24. Do you have any other documents that you want to include with this submission?

No

PROJECT QUESTIONNAIRE

1. Approximately how many acres of trees would the proposed project remove?

0

2. Approximately how many total acres of disturbance are within the disturbance/ construction limits of the proposed project?

1

3. Briefly describe the habitat within the construction/disturbance limits of the project site.

The Kings Cove shoreline is dominated by the presence of historical fill materials emplaced in the early 1900s. The shoreline is best characterized as gravel-sized and cobble-sized pieces of coal slag and other hazardous fill material, such as bricks mixed with small amounts of natural sand and gravel. At the northern limit of the Project Site, there is an existing rip rap revetment which extends north along the Kings Cove shoreline to the top of the peninsula. In the southern portion of the Project Site where rip rap is not present, erosion of the Coastal Bank is occurring. Topography at the Project Site slopes steeply down to the edge of the water, and vegetation is limited to the perimeter of the site.

Considering the overall lack of vegetation and the steep slopes along the shoreline, the Project Site is not believed to support nesting habitat for roseate terns. The area may support foraging habitat, which would only be temporarily impacted during construction.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Taylor Donovan
Address: 260 Arsenal Place #2, PO Box 9151
City: Watertown
State: MA
Zip: 02471
Email: tdonovan@vhb.com
Phone: 6176076310

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Army Corps of Engineers



Attachment E
Sediment Sampling Reports
(Bound Separately)



Attachment F
Order of Conditions

Bk 42034 Pg 43 #65645
10-04-2024 @ 11:55a

RECEIVED AND RECORDED
NORFOLK COUNTY
REGISTRY OF DEEDS
DEDHAM, MA

CERTIFY

William P. O'Donnell
WILLIAM P. O'DONNELL, REGISTER



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
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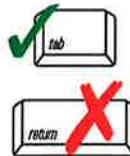
Provided by MassDEP:
81-1320
MassDEP File #
eDEP Transaction #
Weymouth
City/Town

A. General Information

Please note:
this form has been modified with added space to accommodate the Registry of Deeds Requirements

- 1. From: Weymouth
Conservation Commission
- 2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
- 3. To: Applicant:

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



- a. First Name Algonquin Gas Transmission LLC
- b. Last Name _____
- c. Organization 890 Winter Street, Suite 300
- d. Mailing Address Waltham
- e. City/Town MA
- f. State 02451
- g. Zip Code

4. Property Owner (if different from applicant):

- a. First Name Calpine Fore River Energy
- b. Last Name _____
- c. Organization P.O. Box 3288
- d. Mailing Address Huston
- e. City/Town TX
- f. State 02451
- g. Zip Code

5. Project Location:

- a. Street Address 82-90 Bridge Street
- b. City/Town Weymouth
- c. Assessors Map/Plat Number Map 6
- d. Parcel/Lot Number Block 63, Lot 3
- Latitude and Longitude, if known: d m s d m s
- d. Latitude d m s
- e. Longitude d m s



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Norfolk
 a. County _____ b. Certificate Number (if registered land) _____
 34726 _____ 482 _____
 c. Book _____ d. Page _____

7. Dates: 07/12/2024 08/27/2024 09/05/2024
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

KING'S COVE - COASTAL RESTORATION PLAN 82-90 BRIDGE STREET, WEYMOUTH NORFOLK COUNTY, MASSACHUSETTS

VHB _____ Mark A Costa PE _____
 b. Prepared By c. Signed and Stamped by
 07/10/2024 _____ 1"=20' _____
 d. Final Revision Date e. Scale

Notice of Intent: Kings Cove Conservation Restriction Area MCP _____ 07-11-2024
 Response Action _____ g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	37105 a. square feet	37105 b. square feet	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	590 a. linear feet	590 b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	37105 a. square feet	37105 b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	46385 a. square feet	46385 b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on _____ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number 81-1320 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Conditions #22-48

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Weymouth Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.
 - b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Town of Weymouth Code of Ordinances, Chapter 7, Section 301	
1. Municipal Ordinance or Bylaw	2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
 The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Conditions #21-48

APPLICANT: Algonquin Gas Transmission, LLC
LOCATION: 82-90 Bridge St
DEP FILE #: 81-1320

Additional Findings

This Notice of Intent submitted by Algonquin Gas Transmission, LLC is to address contaminated and hazardous materials in accordance with the Massachusetts Contingency Plan (MCP) at the Kings Cove Conservation Restriction Area. The Kings Cove Conservation Area consists of the beach and shoreline of Kings Cove and includes a walking path. The area is owned by Calpine but under a Conservation Restriction held by the Weymouth Conservation Commission. The area contains contaminated fill from prior industrial activities on the site. The unarmored portion of the eroding coastal bank contains arsenic and lead and the beach contains elevated levels of Nickel and Vanadium.

The project involves dredging 630 cubic yards from the beach that contain Nickel and Vanadium. Contaminated sediment will be removed down to a depth of 12" and replaced with appropriately sized clean cobbles. The dredged material will be either disposed of offsite or placed behind the proposed revetment along the eroding bank. The 200 feet of eroding bank with arsenic and lead is proposed to be armored with a geotextile material and stone revetment to contain contaminated sediments. The proposed toe of slope for the new revetment will be further out than the existing to preserve existing vegetation on top the coastal bank and to provide some capacity for the fill removed from the beach. A cobble berm is proposed continuing from the dredge area to the toe of the new revetment.

This project is being approved as a limited project meeting the requirements under 310 CMR 10.24(7)(c)(6). This project does not meet the performance standards for wetland resource areas including Coastal Bank under the Wetland Protection Act and the Weymouth Wetland Protection Ordinance. A waiver to these performance is being granted under the limited project provision.

APPLICANT: Algonquin Gas Transmission, LLC
LOCATION: 82-90 Bridge St
DEP FILE #: 81-1320

General Conditions

21. The Commission's actions on this project are taken under the Weymouth Code of Ordinances Chapter 7, subject to compliance with the conditions and limitations imposed herein, and any work authorized hereafter shall be completed within three (3) years from the date of issuance of this Order. This Order may be extended by the Weymouth Conservation Commission in accordance with Weymouth Code of Ordinances, Chapter 7, Section 301(k). A request for extension shall be made, in writing, not less than thirty (30) days before the expiration of this Order. An appeal of an Order issued under Weymouth Code of Ordinances Chapter 7, Section 301 may be taken in Superior Court.
22. No work may begin until the Commission has received certification from the Registry of Deeds or the Land Court or both, as appropriate, that this Order has been recorded in the line of title of the property.
23. A copy of this Order shall be kept on the work site at all times during construction. The applicant is responsible for providing a copy to all contractors and subcontractors, informing them of its requirements, and assuring that they comply with those requirements.
24. These Conditions are intended solely as a permit to perform work within areas of the Commission's jurisdiction, and nothing contained herein shall be construed as pre-empting or precluding any other bylaw, ordinance or local regulation.
25. Members and agents of the Commission have the right to enter and inspect the property, as per M.G.L. Ch. 131, §40, and Weymouth Town Code of Ordinances, Chapter 7, in order to evaluate and enforce compliance with this Order. The applicant shall submit data or information that the Commission deems necessary for that evaluation.
26. Before making any change in the project as designed in the plans listed above, with the exception of adding additional detail to make construction easier for the contractor, or as specified in this Order, the applicant shall inquire of the Commission, in writing, whether the change is so substantial as to require the filing of a new Notice, may be permitted as an amendment to this Order, or may be carried out under these Conditions as issued.
27. The Commission reserves the right to impose additional conditions or require the submission of additional information as necessary to protect the interests of the State and Local Wetland Protection Act.

APPLICANT: Algonquin Gas Transmission, LLC
LOCATION: 82-90 Bridge St
DEP FILE #: 81-1320

Pre-Construction Conditions

28. All required local, state and federal permits shall be obtained before construction begins.
29. If construction drawings are prepared for the project that differ from the set of plans approved by the Commission under this Order, with the exception of adding additional detail to make construction easier for the contractor, the applicant shall provide the Commission with the drawings and a description of changes within the Commission's jurisdiction. If changes are proposed from the approved plans cited by this Order, the applicant shall notify the Commission and shall follow the procedures as described in Condition #26.
30. Prior to the start of work, the Applicant or Contractor shall provide the Commission with the name, business phone number, email address, and mailing address of the person responsible for ensuring on-site compliance with this Order, and his or her alternate. This person shall be the Environmental Monitor for the site and shall be given the authority to stop construction for erosion control or other environmental purposes.
31. Prior to the start of work, the Applicant and/or Contractor shall submit a construction sequence and anticipated schedule for major project elements.
32. Prior to the start of work, **the applicant and/or the project manager and the contractor shall meet on the site with the Conservation Administrator** to review the Order of Conditions issued for this project.
33. The Conservation Commission shall be notified 48 hours prior to the start of active work at the site.

Construction-Related Conditions

34. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include coffer dam sandbags, turbidity curtains as noted in the Notice of intent.
35. Erosion and sedimentation control measures shall be taken as described in the Notice of Intent and shall include turbidity curtains around the limits of beach excavation and a coffer dam around the revetment work.
36. Work in Coastal Wetland Resource Areas shall follow the narrative in the Notice of Intent, and include the following:

APPLICANT: Algonquin Gas Transmission, LLC

LOCATION: 82-90 Bridge St

DEP FILE #: 81-1320

- a. all work below Mean High Water to be completed during low tide conditions
 - b. all equipment to be removed from the beach at the close of work each day
37. Site entry and exit locations shall be maintained in a condition that will prevent tracking or flowing of sediment onto the public roadway. Street sweeping shall be performed as needed to remove sediments that have entered the roadway.
38. A Time-of-Year (TOY) restriction for excavation of contaminated sediments from the beach and placement of clean cobble shall be observed from **May 1st** – **November 1st**, as recommended in the DMF review letter dated July 29th 2024.
39. As shown on the approved plan, clean cobble shall be placed between the revetment and sediment removal work to further contain residual slag on the shallow portions of the Coastal Beach. Replacement cobble shall be rounded and of similar size as that removed.
40. All work related to contaminated materials, including dewatering, shall be overseen by a licensed site professional (LSP) as specified in the Massachusetts Contingency Plan (310 CMR 40.0000).
41. Dewatering is anticipated for sediments removed from the beach. Dewatering shall be conducted in the location shown on the approved plan and shall be conducted in a manner that prevents discharge of turbid water to wetland resource areas.
42. All work areas, including site access areas, shall be stabilized and restored in accordance with the Notice of Intent and this Order of Conditions. Upland areas shall be loamed and seeded. If shrubs or trees are removed for this project they shall be replaced in kind or with an approved substitute, in consultation with the Conservation Administrator.
43. Measures shall be taken to ensure that work will not contribute to the spread of invasive plant species. Invasive plant species nearby the work area include the invasive plants: common reed (*Phragmites australis*) and Japanese knotweed (*Fallopia japonica*). If invasive plant species are within the limit of work, then the plants shall be cut at ground level and the plant material bagged and taken off site for disposal as solid waste. Upon completion of the project, the site shall be monitored and managed for invasive species for two years.
44. If unforeseen problems occur during construction which may affect the statutory interest of the Wetlands Protection Act or the Town of Weymouth's Wetlands Protection Ordinance, upon discovery by either the Conservation Commission, its agent, or the applicant, the Commission shall immediately be notified, and an

APPLICANT: Algonquin Gas Transmission, LLC

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immediate meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. The applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity, resulting actions and timeframes shall be documented in writing.

45. As soon as possible during construction, all disturbed upland areas shall be brought to final finished grade and either (a) loamed and seeded in accordance with USDA Soil Conservation Service Guidelines for permanent stabilization, or (b) stabilized in another way approved by the Conservation Commission. Bare ground that cannot be permanently stabilized within 30 days shall be stabilized by temporary measures acceptable to the Commission.
46. Overnight storage and servicing of equipment (including, but not limited to, fueling, changing, adding or applying lubricants or hydraulic fluids) shall be done as far as possible from the delineated resource areas as shown on the plans referenced herein. Such equipment must be maintained to prevent leakage or discharge of pollutants. A spill kit shall be kept on site for response to accidental spills or leakage.

Post-Construction Conditions

47. Upon completion of the project, the project site shall be monitored for two years for the establishment native cover in disturbed areas, survival of any shrubs or trees planted and the management of invasive species. The applicant shall be eligible for a Final Certificate of Compliance after the two years and upon submission of a monitoring report from a wetland professional demonstrating compliance with this condition.
48. Upon completion of the project, the applicant shall request a Certificate of Compliance. The applicant may request a Partial Certificate of Compliance upon completion of any discrete phase of the project. All Conditions in the Order must be complied with prior to the issuance of a Final Certificate. The request shall be accompanied by the following items:
 - a. A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the Notice of Intent, the approved plans, and this Order of Conditions and setting forth what deviations exist, if any;
 - b. Two sets of as-built site plans prepared by a registered professional engineer showing those activities for which the Certificate of Compliance is sought. The as-built plans shall include the location and elevations of major project elements including the sediment removal from the beach and stone revetment. The as-built plan shall provide sufficient detail of the

APPLICANT: Algonquin Gas Transmission, LLC

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revetment, including toe of slope, cross-sections, and materials, to document compliance with the approved plan. Coastal wetland resource areas must also be shown on the final as-built plan.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 81-1320
 MassDEP File # _____
 eDEP Transaction # _____
 Weymouth
 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

09/05/2024

1. Date of Issuance

Please indicate the number of members who will sign this form.

5

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

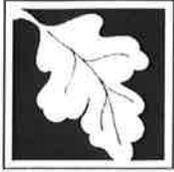
Signature		Alexander Donovan Printed Name
Signature		Scott Dowd Printed Name
Signature		George Lorring Printed Name
Signature		Charles McCrosson Printed Name
Signature		Frank Singleton Printed Name
Signature	_____	Printed Name
Signature	_____	Printed Name
Signature	_____	Printed Name

by hand delivery on

by certified mail, return receipt requested, on

Date

09/05/2024
Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP;

81-1320

MassDEP File #

eDEP Transaction #

Weymouth

City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 81-1320
 MassDEP File # _____
 eDEP Transaction # _____
 Weymouth
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Weymouth
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location _____ MassDEP File Number _____

Has been recorded at the Registry of Deeds of:

County _____ Book _____ Page _____

for: _____
 Property Owner

and has been noted in the chain of title of the affected property in:

Book _____ Page _____

In accordance with the Order of Conditions issued on:

Date _____

If recorded land, the instrument number identifying this transaction is:

Instrument Number _____

If registered land, the document number identifying this transaction is:

Document Number _____

Signature of Applicant _____

Mark Costa

VH1B

260 Arsenal Place

Po Box 9151

Watertown mass

02471



Attachment G
MEPA Final Certificate



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs

100 Cambridge Street, Suite 900, Boston, MA 02114
www.Mass.gov/EEA | **Tel:** (617) 626-1000 | **Fax:** (617) 626-1081

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

December 15, 2025

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

Project Name : KCCRA MCP Response Action
Project Municipality : Weymouth
Project Watershed : Boston Harbor
EEA Number : 16955
Project Proponent : Algonquin Gas Transmission, LLC
Date Noticed in Monitor : November 7, 2025

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 several measures (the “Response Action”) at the Kings Cove Conservation Restriction Area (KCCRA) to address existing, historic contamination on-site. In July 2016, Release Tracking Number (RTN) 4-26230 was issued following the identification of evidence of a historical release of petroleum in soil at the Compressor Station north of the project site (the “Disposal Site”). The proposed project, as specified in the Phase IV Remedy Implementation Plan (RIP) developed for the site in accordance with the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000), includes the removal and replacement of 630 cubic yards (cy) of sediment/impacted fill within the intertidal area, the extension of an existing rip rap revetment in the northern area of the site, and the placement of cobble between the excavated area and the revetment.

As previously described in the Expanded Environmental Notification Form (EENF), prior to the 1900s, Kings Cove and what are now surrounding land areas were flowed tidelands. In 1922, a license to fill portions of Kings Cove was obtained by the Edison Electric Illuminating Company of Boston (Edison Electric) in order to construct a coal-fired power station located south of Bridge Street. By 1928, a north-south oriented bulkhead was approved and constructed

within Kings Cove and the area behind the bulkhead was filled. The bulkhead is now obsolete (photographs indicate that it was no longer in place by 1955), and the fill has migrated onto the intertidal area. Hazardous Materials, as defined in the MCP, are present in this fill. An area of the fill, now located below the mean high water (MHW) line, contains nickel and vanadium at concentrations exceeding the site-specific ecological apparent effects thresholds (as defined by the MCP) for those metals. To address contaminants within the intertidal area, approximately 630 cy of sediment below MHW will be excavated and then disposed of off-site, if necessary (based on additional testing during construction), with some fill remaining on site for beneficial use in the extension of the revetment in the upland portion of the site as described below. The excavation will occur during low tide, and a turbidity curtain will be installed within Kings Cove to control the migration of suspended fine materials. The excavated fill and sediment will be replaced with an equal amount of clean cobble stone to restore the excavated area to the preexisting elevation.

Arsenic and chromium have been detected in eroded fill now located within the shoreline sediments, but not at levels that present a potential Imminent Hazard, which would require remediation or other response actions in accordance with the MCP. Further erosion of the upland portion of the project site could expose fill containing higher concentrations of arsenic (associated with the use of coal ash as fill). To address the potential for contamination from the upland area, the project includes the extension of the existing stone revetment, as well as recording an Activities and Use Limitation (AUL) in the Registry of Deeds on the KCCRA site. The revetment extension is anticipated to prevent further erosion in this area (and in turn, additional release of the arsenic-contaminated fill). The construction of the revetment will occur “in the dry” through the use of a sandbag cofferdam along the length of the shoreline. In areas where backfill is required to support the revetment (landward of the rip rap revetment), fill excavated from the intertidal area will be reused for that purpose. The fill proposed to be reused will be contained behind a layer of geotextile fabric, followed by a layer of clean core stone and larger armor stones to match the design of the existing revetment proposed to be extended. Approximately 200 cy of fill will be moved as part of the upland portion of the project (in addition to the 630 cy proposed to be dredged).

As previously described in the EENF, the Human Health Risk Characterization completed as part of the Comprehensive Site Assessment (CSA) concluded that a Condition of No Significant Risk to Human Health currently exists at the KCCRA (for both the intertidal area and the upland area). The project is proposed to address the potential for ecological impacts associated with the current contamination of the site, and to prevent additional release of contaminated sediments within the KCCRA in the future. The Single EIR indicates that the implementation of the project with an AUL would achieve a Permanent Solution with Conditions without “active” operation and maintenance systems, although future routine inspections and maintenance will be required per the AUL to confirm the integrity of the revetment. As stated in the Single EIR, there have been no changes to the project design since the filing of the EENF.¹

¹ As noted in the EENF Certificate, the Proponent also owns and operates the abutting Weymouth Compressor Station. Because the MCP response actions at the KCCRA relate to contamination associated with historic industrial operations, not the operation of the compressor station, I previously found that this project is severable and not part of a common plan with the Weymouth Compressor Station project, in accordance with the anti-segmentation provisions of 301 CMR 11.01(2)(e).

Project Site

The 1.5-acre project site is located in the southern portion of the KCCRA (which is a public park), located just north of Bridge Street, a Massachusetts Department of Transportation (MassDOT) roadway, and adjacent to the Weymouth Compressor Station (which is located to the west of the site). Kings Cove lies to the east of the project site. The site includes upland portions of the park and the adjacent intertidal area. The upland portion contains both grassed and paved areas, as well as the eroding fill. The intertidal area contains gravel- and cobble-sized pieces of coal slag and other fill material, such as bricks mixed with small amounts of natural sand and gravel. As noted above, there is an existing revetment at the northern limit of the project site, which extends north between the upland portion of the KCCRA and the intertidal area along the Kings Cove shoreline to the top of the peninsula. The project site does not contain *Estimated* and *Priority Habitat of Rare Species* as delineated by the Natural Heritage and Endangered Species Program (NHESP) in the 15th Edition of the Massachusetts Natural Heritage Atlas or an Area of Critical Environmental Concern (ACEC). The site does not contain any structures listed in the State Register of Historic Places or the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth.

The project site contains areas mapped as Designated Port Areas (DPA), as well as Land Subject to Coastal Storm Flowage (LSCSF), Coastal Beach, Coastal Bank, and Land Containing Shellfish. Portions of the project site are mapped as Flood Zone VE (an area inundated during a 100-year storm, with additional hazard associated with storm waves) with a Base Flood Elevation (BFE) of elevation (el.) 15 ft NAVD88 as delineated on Federal Emergency Management Agency (FEMA) map 25021C0227F (effective date June 9, 2014). The site is located within the Weymouth Fore River, which is listed as an impaired waterbody. The disposal site regulated under the MCP that the project is proposed to address has been assigned RTN 4-26230.

The project site is not located within an Environmental Justice (EJ) population² but is located within one mile of 10 EJ populations characterized by Minority (4); Minority and English Isolation (1); Minority and Income (4); and Minority, Income, and English Isolation (1) criteria. The site is located within five miles of a total of 108 EJ populations. The Single EIR identifies the "Designated Geographic Area" (DGA) for the project as 1 mile around EJ populations.

Environmental Impacts and Mitigation

Potential environmental impacts of the project include the alteration of 0.8 acres of land and the alteration of 29,000 square feet (sf) (0.67 acres) of Designated Port Areas; 37,105 sf (0.85 acres) of Coastal Beach and Land Containing Shellfish; 590 linear feet (lf) of Coastal Bank; and 46,385 sf (1.06 acres) of LSCSF. The project will involve approximately 630 cy of dredging.

² "Environmental Justice Population" is defined in M.G.L. c. 30, § 62 under four categories: Minority, Income, English Isolation, and a combined category of Minority and Income.

The project is expected to improve existing conditions on-site through the proposed Response Action which will address historic contamination on-site. Measures to avoid, minimize, and mitigate environmental impacts during project construction include conducting the proposed dredging during low-tide, use of a turbidity curtain seaward of the dredge limits, constructing the revetment in the dry through the use of cofferdams, implementing time of year (TOY) restriction from May 1st through November 1st, and use of erosion and sedimentation controls.

Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to 301 CMR 11.03(3)(b)(1)(a), 11.03(3)(b)(1)(e), and 11.03(3)(b)(1)(a) because it requires Agency Action and will, respectively, result in the alteration of alteration of coastal dune, barrier beach, or coastal bank; New fill in a velocity zone; and the alteration of ½ or more acres of any other wetlands (LSCSF and Land Containing Shellfish). The project is required to prepare an EIR under 301 CMR 11.06(7)(b) of the MEPA regulations because it is located within one mile of one or more EJ populations. The project requires a Chapter 91 (c.91) License and 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP), a Transportation Access Permit (for construction access from Bridge Street) from MassDOT, and a Section 8(m) Permit from the Massachusetts Water Resources Authority (MWRA).

The project received an Order of Conditions from the Weymouth Conservation Commission on September 5, 2024, which was not appealed. The project requires Section 404 Pre-Construction Notification to the U.S. Army Corps of Engineers (USACE) as well as a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA).

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 required or potentially required Permits or within the area subject to a Land Transfer, and that are likely, directly or indirectly, to cause Damage to the Environment.

Review of the Single EIR

The Single EIR included a project description, existing and proposed conditions plans, estimates of project-related impacts, an update on permitting, a response to comments on the EENF, and draft Section 61 Findings. It identified changes to the project design and public outreach/coordination with Agencies conducted since the filing of the EENF. It also contained an assessment of the public health impacts of the project and information related to impacts on EJ populations as required by 301 CMR 11.07(6)(n).

Comments from Agencies do not identify any significant impacts that were not reviewed in the Single EIR or identify additional alternatives for further review, although comments from MassDEP identify additional information that should be provided in subsequent permitting (further described below).

Environmental Justice

As noted above, the project site is not located within an EJ population but is located within one mile of 10 EJ populations characterized by Minority (4); Minority and English Isolation (1); Minority and Income (4); and Minority, Income, and English Isolation (1) criteria. The site is located within five miles of a total of 108 EJ populations. Within one mile of the project site, Chinese was identified as spoken by 5% or more of residents who also identify as not speaking English very well (Limited English Proficiency (LEP) individuals). As noted above, the DGA for the project is identified as 1-mile.

As previously described in the EENF, the Proponent proactively engaged with potentially impacted communities in accordance with a site-specific Public Involvement Plan (PIP) that was developed for the site (included in the EENF as Appendix B). This included multiple public meetings associated with the assessment, remediation planning, and permitting of the project. To encourage potentially affected communities to participate in these public meetings, the Proponent arranged for bus transportation from nearby communities and provided Mandarin speaking translation during the meetings. Previous comments submitted by members of the public expressed support for the proposed project. The Single EIR states that there have been no revisions to the PIP since the filing of the EENF. Additional contacts have been added to the distribution list maintained for the project upon request.³ The distribution list will continue to be used to announce upcoming public meetings, distribute fact sheets, provide notices of public comment periods, and the availability of documents in the information repositories, and similar relevant information about the project. The Proponent will continue to maintain the mailing list and update it as necessary. The Single EIR further states that the Proponent has provided and will continue to provide translation services in Chinese, as requested, in future outreach efforts.

The Scope on the EENF requested that the Proponent provide additional information regarding project-generated truck trips and routes of travel and tree plantings. The Single EIR describes three major routes for construction trips (shown in Figure 2.1). As stated in the Single EIR, project construction is expected to occur over a maximum of 60 working days, resulting in average of one daily trip between the staging area and workspace (“Route #1,” which is less than a quarter mile), which will not pass through any EJ populations; and an average of three daily trips to and from the contractor facilities and potential disposal locations to the north (identified as Route #2) and potential disposal locations to the south (identified as Route #3), which will pass through EJ populations. The final disposal location for any sediment to be disposed of off-site will be determined during project construction, when the excavated sediment is tested. Comments from a member of the public submitted on the Single EIR express concern with Route #3 as described in the Single EIR, which would route the truck traffic next to a school (Ross School) that is located within an EJ community. In response to these comments, the Proponent has updated Route #3 such that the contractor will travel south via Washington Street to McGrath Highway to Burgin Parkway in Quincy or Quincy Avenue and Union Street in Braintree.⁴ While this revised routing still extends through EJ neighborhoods, it will avoid passing by the Ross

³ As stated in the Single EIR, any interested person may be added to the PIP distribution list by emailing the project team at WeymouthCompressorStation@vhb.com.

⁴ The updated route of travel for trips to disposal sites south of the project site was described in an email from Erika Johnson (VHB) to Eva Vaughan (MEPA Office) sent on December 3, 2025.

School. I encourage the Proponent to consider scheduling truck trips during off-peak hours and considering other measures to inform the public about construction scheduling and air quality conditions.

As described in the Single EIR, existing trees along the project shoreline will be maintained to the extent practicable and disturbed areas will be loamed and seeded after completion of the work with native cover. New tree plantings will be proposed if tree removal becomes unavoidable during construction, in which case trees damaged or removed during construction would be replaced with suitable native species in coordination with the Weymouth Conservation Commission. As required by the Order of Conditions issued by the Weymouth Conservation Commission, the site will be monitored for two years for the establishment of native cover in disturbed areas, survival of any shrubs or trees planted, and the management of invasive species. Comments received from a member of the public also request that the Proponent commit to removal of an existing barbed wire fence located along the KCCRA access road. The Single EIR states that the Proponent will remove the barbed wire fence during construction, subject to approval from the Weymouth Conservation Commission and the owner of the KCCRA.

Public Health

The Single EIR states that the project is not anticipated to result in adverse impacts to public health and is not required to obtain any permits that contain performance standards intended to protect public health. It will achieve a Permanent Solution as defined in the MCP while enhancing the KCCRA by stabilizing eroding fill along the Upland Portion of the KCCRA and improving surface conditions in the Shore Portion of the KCCRA. The EENF previously provided a preliminary baseline assessment of any existing unfair or inequitable Environmental Burden and related public health consequences impacting EJ populations in accordance with 301 CMR 11.07(6)(n)1. and the MEPA Interim Protocol for Analysis of EJ Impacts. The EENF identified one census tract (178.02) that exhibits vulnerable health EJ criteria⁵ for the childhood blood lead criterion, and two census tracts (179.01 and 227.00) that exceed the low birth weight criterion; however, census tract 228.00, which is directly adjacent to the project site, does not meet these two vulnerable health EJ criteria). As requested by the Scope on the EENF, the Single EIR clarifies that census tracts 178.02 and 179.01 are located in Quincy, and census tract 227.00 is located in Weymouth.

The Scope on the EENF also directed the Proponent to provide further details regarding the extent of fill to remain on site for beneficial reuse, given that the excavated sediment necessarily meets the “apparent effects thresholds” (as defined by the MCP) and therefore requires remediation. As described in the Single EIR, any on-site reuse of fill will comply with the MCP and MassDEP MCP guidance including the Similar Soils Provision Guidance (dated September 4, 2014),⁶ as applicable. According to the Single EIR, a formal Beneficial Use

⁵See <https://matracking.ehs.state.ma.us/Environmental-Data/ej-vulnerable-health/environmental-justice.html>.

“Vulnerable health EJ criteria” is defined in the DPH EJ Tool to include any one of four environmentally related health indicators (heart attack hospitalization, childhood asthma, childhood blood lead, and low birth weight) that are measured to be 110% above statewide rates based on a five-year rolling average.

⁶ <https://www.mass.gov/doc/wsc13-500-similar-soils-provision-guidance-0/download>

Determination (BUD) from MassDEP is not required to reuse the soil on-site, so long as the requirements of the MCP are met. The project Licensed Site Professional (LSP), together with the project engineer, will determine the suitability of any fill for reuse as it relates to the MCP and revetment design specifications. The Single EIR states that fill will only be reused if it can be accommodated behind the new revetment, and would be protected with geotextile and the revetment itself.

Prior to being exported from the KCCRA, fill and sediment will be sampled and characterized to facilitate the identification of an appropriate off-site disposal/recycling facility that is licensed, permitted, or approved to accept such materials in accordance with state and federal regulations and policies. The Single EIR states that specific disposal locations for sediment to be removed off-site have not yet been determined; however, any disposal location to the north would utilize Route #2, and any disposal location to the south would use the updated Route #3. The project includes several mitigation measures and monitoring practices to manage dust and assess air quality during construction, as detailed in the Final Phase IV RIP prepared for the site. This includes real-time particulate sampling to confirm dust concentrations generated as a result of construction (i.e., not background) do not pose a potential public health risk. Upwind and downwind dust monitoring will be performed each day. The dust and air monitoring data, as well as records of corrective actions implemented to mitigate fugitive dust, will be publicly available at the EEA Data Portal⁷ as part of the Phase IV Final Inspection Report/Completion Statement for the project.

Hazardous Waste

The EENF previously detailed previous reports/assessments associated with RTN 4-26230 from January 2022 (Phase II CSA) through July 2024 (Phase IV RIP). As requested by the Scope on the EENF, the Single EIR identifies assessments/reports undertaken in accordance with MCP prior to the Phase II CSA, beginning with a Phase I Initial Site Investigation Report and Tier Classification, dated July 2017. All reports detailed in the EENF and Single EIR can be accessed online via the EEA Data Portal (linked above). The most recent MCP submittal pertaining to the project is a Final Phase IV RIP submitted to DEP in July 2024. Since the filing of the EENF, there have been no MCP submittals associated with the KCCRA prepared or submitted to MassDEP under RTN 4-26230. Following project completion, an As-Built Construction Report and Phase IV Final Inspection Report/Completion Statement will be subject to public comment and then submitted to MassDEP. According to the Single EIR, there are no status reports required by MassDEP between the submittal of the Phase IV RIP and the submittal of the Phase IV Final Inspection Report/Completion Statement.

As requested by the Scope on the EENF, the Single EIR clarifies that RTN 4-28186 was assigned in April 2020 in response to the identification of a potential Imminent Hazard (IH) condition due to concentrations of arsenic in shallow soil in the KCCRA portion of the Disposal Site. As stated in the Single EIR, the subsequent IH evaluation concluded that these arsenic concentrations did not present an IH condition, and that the arsenic identified was associated with the use of coal ash as fill. There are currently no AULs in place on-site; however, as noted

⁷ The Data Portal for RTN 4-26230 is accessible at: <https://eeaonline.eea.state.ma.us/portal/dep/wastesite/viewer/4-0026230>

above, an AUL will be recorded as part of the project to support a Permanent Solution under the MCP. As described in the Single EIR, the AUL is anticipated to include:

- Prohibition of residential, school, or daycare uses
- Prohibition of future excavation without the development and implementation of an appropriate Health and Safety and Soil Management Plan
- Requirements for periodic inspection and maintenance of the revetment

As noted above, fill and sediment excavated in the course of the project will be reused behind the revetment to the extent practicable based on the geotechnical quality of the fill and sediment and space available. A Human Health Risk Characterization respecting the fill and sediment concluded that a Condition of No Significant Risk as defined in the MCP will be achieved following completion of the project (including reuse of fill and sediment), which was reviewed by MassDEP. The Single EIR states that the revetment and associated geotextile materials will prevent future exposure to the reused material. The revetment will be maintained and inspected as required by the AUL. The Single EIR states that reuse of fill and sediment will not require permitting or approvals other than those permits/approvals identified in the Jurisdiction and Permitting section above. Comments from MassDEP Bureau of Waste Site Cleanup (BWSC) state that the Single EIR is responsive to comments submitted on the EENF, and that the Department has no further comments on the project.

Coastal Resources and Waterways

The Single EIR confirms impacts to wetland resources areas as described in the EENF, which include the alteration of 29,000 sf (0.67 acres) of a Designated Port Area (DPA); 37,105 sf (0.85 acres) of Coastal Beach and Land Containing Shellfish; 590 linear feet (lf) of Coastal Bank; and 46,385 sf (1.06 acres) of LSCSF. The EENF identifies all alteration to coastal resources as permanent. The Single EIR states that the construction access drive is located within Coastal Bank and LSCSF but that no additional temporary impacts to coastal resources are anticipated due to the developed nature of the site; the Single EIR notes that impacts to coastal resources (as described above) are consistent with the Notice of Intent reviewed by the Weymouth Conservation Commission. As noted above, the Weymouth Conservation Commission reviewed the project for its consistency with the Wetlands Protections Act (WPA), the Wetland Regulations (310 CMR 10.00), and associated performance standards, and issued an Order of Conditions on September 5, 2024, which was not appealed. Because the project is an MCP Response Action, it qualifies as a Limited Project under the WPA (and was approved as such by the Conservation Commission).

Portions of the site above MHW are located within the Weymouth Fore River DPA. The purpose of the DPA program is to promote water-dependent industries and to prevent the loss of areas that have key characteristics for water-dependent industrial uses. Proposed activities above MHW (within the DPA) include extending the existing riprap revetment south and placing cobble stones to provide a gradual surficial transition to the Shore Portion of the KCCRA. The Single EIR states that these activities will not preempt water-dependent-industrial use within the Weymouth Fore River DPA. However, the Single EIR notes that the site is already subject to a Conservation Restriction held by the Weymouth Conservation Commission that permanently prohibits any industrial use of the site, irrespective of the project. Regardless, the project has

been designed to avoid any further restriction of future water-dependent industrial activity in the DPA.

As previously discussed in the EENF, the project site contains filled and flowed tidelands subject to the c.91 regulations; the project is expected to impact 33,768 sf of flowed tidelands and 20,199 sf of filled tidelands. As required by the Scope on the EENF, the Single EIR provides updated plans which identify the historic high water (HHW) line/delineates the tidelands present on-site (Figure 3.1). The Single EIR provides a preliminary discussion of the project's consistency with the Waterways Regulations (310 CMR 9.00). Comments from MassDEP indicate that further information will be required during the subsequent c.91 review process; however, MassDEP Waterways does not identify concerns with the proposed project, and the additional necessary details may be submitted with the c.91 application. Specifically, the c.91 application should include additional details regarding the c.91 licensing history for the site, and additional documentation demonstrating compliance with the Waterways Regulations.

The project site is comprised of tidelands subject to the provisions of An Act Relative to Licensing Requirements for Certain Tidelands (2007 Mass. Acts ch. 168) and the Public Benefit Determination (PBD) regulations (301 CMR 13.00). A PBD is required for this project as it is subject to preparation of a mandatory EIR. Comments from MassDEP state that the proposed project consists of Water-Dependent Uses pursuant to 310 CMR 9.12(2)(a)9, 11, & 14, and pursuant to 310 CMR 9.12(2)(b)7, the project also meets the definition of Water-Dependent Industrial Uses within the DPA. As a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance with 301 CMR 13.04(1). Given the public benefits associated with remediation of this contaminated site, I am issuing this Single EIR Certificate to serve as the Public Benefit Determination for the project. The Single EIR states that the purpose of the project is to achieve a Permanent Solution under the MCP respecting Hazardous Materials in fill on the site, which will provide a benefit to the environment, public health, safety, and public welfare.

Climate Change Adaptation and Resiliency

Based on the output report from the MA Resilience Design Tool previously attached to the EENF, the project has a "High" exposure rating for sea level rise/storm surge and extreme heat, and a "Moderate" exposure rating for extreme precipitation (urban flooding). It also received a "Moderate" ecosystem benefits score. As previously discussed in the Certificate on the EENF, the elevation of the revetment extension was selected to match the existing revetment that will be extended, and is expected to provide protection and scour resistance up through the 2070 100-year storm event. Based on the 50-year useful life and the self-assessed criticality of this asset, the MA Resilience Design Tool recommends a planning horizon of 2070 and a return period associated with a 50-year (2% chance) storm event when designing for sea level rise/storm surge. According to the Tool, this storm event is associated with a maximum projected water surface elevation of 9.8 ft NAVD88, and a maximum projected wave action water elevation of 12.1 ft NAVD88. The minimum projected wave action water elevation for the 2070 50-year storm event is identified as 9.8 ft NAVD88, and the average as el. 10.3 ft NAVD88.

A coastal hydraulic analysis was completed to evaluate wave impacts to the site from extreme storm events and to calculate the stone size to be used to construct the project revetment. The Single EIR states that the USACE Automated Coastal Engineering System (ACES) modeling software was used for this analysis, and incorporated site-specific survey data for bathymetry, wave height, and sea level rise (SLR) projections. Water level inputs into the modeling were based on a 100-year (1% chance) coastal storm event plus 2070 high SLR scenario (4.2 feet of SLR), resulting in a stillwater water elevation (el.) of 13.7 ft NAVD 88. The results of the modeling were used to determine the armor stone size for the revetment.

The Single EIR states that the revetment is designed with two distinct elevation levels to align with the adjacent upland topography. The northern half of the revetment extension has a crest elevation (el.) of 15 ft NAVD88, while the southern half has a crest el. of 10 ft NAVD88. The Single EIR states that both elevations surpass the current 100-year stillwater elevation of 9.5 ft NAVD88, though the southern half is below the 2070 stillwater elevation identified above as 13.7 ft NAVD88. Both elevations exceed the maximum water surface elevation reported by the MA Resilience Design Tool (9.8 ft NAVD88) for the recommended 2070 50-year storm event, though below the maximum “wave action” water elevations that take into account the effect of waves on the site. As noted above, the elevation of the revetment extension was selected to match the existing revetment on-site. The Single EIR states that, overall, the structure’s construction is focused on mitigating the impact of larger waves, thus safeguarding upland areas both now and in future projected scenarios.

Mitigation and Section 61 Findings

The Single EIR provided draft Section 61 Findings for use by Agencies and overall mitigation commitments, which are summarized below. The Section 61 Findings should be provided to Agencies to assist in the permitting process and issuance of final Section 61 Findings. As confirmed in the EENF Certificate, the project is exempt from the May 2010 MEPA Greenhouse Gas Emission (GHG) Policy and Protocol (Policy) as GHG emissions associated with the project will be limited to the construction period and are de minimis.

Environmental Justice

- Removal of fill within the site, a public park, determined to contain elevated concentrations of nickel and vanadium and prevent future erosion of contaminated fill
- Addressing historic contamination on-site to achieve a Permanent Solution as defined under the MCP
- Development of a PIP and maintenance of a project distribution list, which will be used to notify interested members of the public of upcoming public meetings, distribute fact sheets, provide notices of public comment periods, and notice the availability of documents in the information repositories
- Routing of construction traffic traveling south of the site to avoid the Ross School, located within an EJ population
- Real-time particulate sampling to confirm generated construction dust does not pose a potential risk to public health
- Use of construction BMPs (further described below) to minimize impacts associated with dust and noise

Coastal Resources

- Construction of the revetment extension in-the-dry through the use of cofferdams
- Use of sediment and turbidity controls, including a turbidity curtain, for in-water work
- Compliance with the Order of Conditions issued by the Weymouth Conservation Commission, including a TOY restriction from May 1st through November 1st for the proposed excavation and placement of cobble
- Restoration of disturbed areas through loaming and seeding with native cover
- Monitoring of disturbed areas for a period of two years for the establishment of native cover and the management of invasive species
- Conducting proposed dredging during low-tide

Waterways

- Obtaining a c.91 License from MassDEP
- Compliance with MassDEP standards for water dependent use in a DPA
- Improving safe, public access to the waterfront through the remediation of contaminated soils within the park

Adaptation and Resiliency

- Protection of existing trees during project construction, and replacement of any trees removed during project construction as necessary
- Constructing the revetment extension to provide scour resistance up through the 2070 100-year storm event
- Constructing the revetment extension to have a top crest elevation between 10 and 15 ft NAVD88, exceeding the maximum projected water surface elevation of 9.8 ft NAVD88 for the 2070 50-years storm even recommended by the MA Resilience Design Tool

Hazardous Waste

- Removal of fill determined to contain elevated concentrations of nickel and vanadium
- Preventing future exposure to fill containing Hazardous Materials, as defined by the MCP, in the Upland Portion of the site through the revetment extension
- Implementing an AUL to restrict future uses on-site, which is expected to include:
 - Prohibition of residential, school, or daycare uses
 - Prohibition of future excavation without the development and implementation of an appropriate Health and Safety and Soil Management Plan
 - Requirements for periodic inspection and maintenance of the revetment
- Achieving a Permanent Solution for the site as defined under the MCP
- Retention of an LSP during project construction
- Prior to being exported from the KCCRA, fill and sediment will be sampled and characterized to facilitate the identification of an appropriate off-site disposal/recycling facility
- Monitoring air quality during construction, and making air quality data publicly available through the EEA Data Portal⁸

⁸ The Data Portal for RTN 4-26230 is accessible at: <https://eeaonline.eea.state.ma.us/portal/dep/wastesite/viewer/4-0026230>

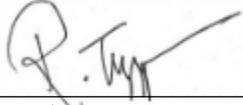
Construction Period

- Development and implementation of a Construction Management Plan
- Compliance with the Town of Weymouth noise ordinance
- Dust monitoring will be conducted during excavation activities, including during loading of soils/sediments into containers/trucks at the site
- Measures will be implemented to alleviate dust, noise, and order nuisance conditions that may occur during construction and demolition activities. All measures will comply with MassDEP’s Bureau of Air and Waste Regulations 310 CMR 7.01, 7.09, and 7.10.
- All solid waste generated during project construction will be properly managed and disposed of in accordance with 310 CMR 16.00 and 310 CMR 19.00, including 310 CMR 19.017 (waste ban). Any hazardous waste generated by earthwork activities will be properly managed and registered in accordance with 310 CMR 30.00.
- Development and implementation of a SWPPP, which will include erosion and sediment controls measures
- Use of ULSD for all trucks and construction machinery as required by the EPA
- The Proponent will comply with MGL Chapter 90, Section 16A and the Massachusetts Department of Environmental Protection (DEP) idling reduction regulation (310 CMR 7.11(1)(b)), which both prohibit unnecessary vehicle idling by stating that the engine must be shut down if the vehicle will be stopped for more than five minutes

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. As noted above, this Single EIR Certificate shall serve as the Public Benefit Determination required under M.G.L. c. 91, § 18B and 301 CMR 13.00.

December 15, 2025
Date



Rebecca L. Tepper

Comments received

- 11/15/2025 Robert Kearns
- 12/02/2025 Massachusetts Department of Marine Fisheries (DMF)
- 12/03/2025 Massachusetts Water Resources Authority (MWRA)
- 12/09/2025 Massachusetts Department of Environmental Protection (MassDEP), Southeast Regional Office (SERO)

RLT/ELV/elv

Vaughan, Eva (EEA)

From: Robert Kearns <robertvkearns@gmail.com>
Sent: Saturday, November 15, 2025 2:42 PM
To: Vaughan, Eva (EEA)
Subject: #16955 King's Cove Park Cleanup

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Eva,

I'm writing as a Quincy resident who frequents the park and strongly supports the proposed project to clean the beach and add cobbles to help stabilize and improve the shoreline at King's Cove. As you know from my previous comments, I have been following this project for many years, and thank the applicant for considering the public's comments. This work is badly needed, and I appreciate the effort to move it forward.

I do have a few requests and clarifications that I hope can be addressed in the filing. First, the materials could be clearer regarding the re-planting of native trees and shrubs, as well as the watering and maintenance plan that will ensure those plantings survive. These details are important to the long-term health of the restored area.

I also want to note that both the Weymouth Conservation Commission and Calpine have expressed support—along with many community members—for removing the barbed-wire fencing. It would be helpful to see a more explicit commitment in the filing confirming that the fence will be taken down explicitly and reaching out to these entities as part of the MEPA process formally.

Lastly, there appears to be an error in Figure 2.1 regarding the construction vehicle routes. The route from Route 3 to the Mass Pike westbound is not permitted. In addition, Hayward Street and Elm Street in Braintree prohibit commercial vehicles over 2.5 tons during school days from 8:00–9:30 AM and 2:00–3:30 PM. Ross School, located on Hayward Street, serves an environmental justice community and is a walking-only school with no buses. It is also part of MassDOT's Safe Routes to School pedestrian program. For safety and compliance, I urge Algonquin to adjust the construction route to use Washington Street to McGrath Highway to Burgin Parkway in Quincy, or Quincy Ave and Union Street in Braintree.

Thank you for the opportunity to comment and for your attention to these important community considerations.

--
Best,
Robert Kearns

www.RobertVKearns.com

Vaughan, Eva (EEA)

From: Schenck, Forest (FWE)
Sent: Tuesday, December 2, 2025 1:40 PM
To: Vaughan, Eva (EEA)
Subject: DMF Comment: SEIR EEA#16955 Kings Cove Conservation Area MCP Response Action

Follow Up Flag: Follow up
Flag Status: Completed

Hi Eva,

DMF has reviewed the SEIR for the Kings Cove Conservation Area MCP Response Action EEA# 16955. DMF has previously commented on this project during the EENF stage of the MEPA review process. Based on the scope of work as currently proposed, DMF is satisfied that the proponent has addressed our comments, concerns, and recommendations and has no further marine fisheries resource recommendations at this time. Please contact me if you have questions about our review. Thank you.

Best,
Forest

Forest Schenck, Ph.D.
Marine Fisheries Habitat Specialist
MA Division of Marine Fisheries
30 Emerson Avenue
Gloucester, MA 01930
Forest.Schenck@Mass.gov
(978) 491-6253 (office)
(978) 855-6054 (cell)
Pronouns: he, him, his





MASSACHUSETTS WATER RESOURCES AUTHORITY

Deer Island
33 Tafts Avenue
Boston, MA 02128

Frederick A. Laskey
Executive Director

Telephone: (617) 242-6000
Fax: (617) 788-4899
TTY: (617) 788-4971

December 8, 2025

Rebecca Tepper, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge St, Suite 900
MEPA Office, Eva Vaughan
Boston, MA 02114

Subject: EOEEA #16955 – Single Environmental Impact Report
Kings Cove Conservation Restriction Area MCP Response
Action, Weymouth, MA

Dear Secretary Tepper,

The Massachusetts Water Resources Authority (MWRA) appreciates the opportunity to comment on the Single Environmental Impact Report (SEIR) submitted by Algonquin Gas Transmission, LLC (the “Proponent”) for Massachusetts Contingency Plan (MCP) Remedial Action (the “Project”) selected for the Kings Cove Conservation Restriction Area (KCCRA) in Weymouth, Massachusetts. The Project consists of the Response Action specified in the Phase IV Remedy Implementation Plan (RIP) for contaminated sediments at the Kings Cove Conservation Restriction Area (KCCRA), as regulated by the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000). Specifically, the Project includes the removal and replacement of 630 cubic yards (cy) of sediment/impacted fill within an intertidal area and the extension of an existing rip rap revetment in the northern area of the project site to contain eroding impacted fill in the KCCRA. In connection with the KCCRA Response Action, clean cobble will be placed between the revetment and the area in which fill and sediment will be removed and replaced to create a gradual surficial transition.

The 1.5-acre Project Site contains the southern portion of the KCCRA, north of Bridge Street. As described in the SEIR, the sediment in this area contains elevated levels of nickel and vanadium associated with historic industrial uses at the site. The Project will involve the alteration of 37,105 square feet (sf) of Coastal Beach/Land Containing Shellfish, 590 linear feet (lf) of Coastal Bank, and 46,385 sf of LSCSF. The Project is expected to improve environmental conditions by addressing the existing contamination on-site. Appropriate mitigation measures will be implemented during project construction, including use of erosion and sedimentation controls, use of a turbidity curtain for in-water work, and restoration of disturbed areas.

MWRA previously commented on the Project Expanded Environmental Notification Form (EENF) on June 23, 2025. MWRA's comments on this SEIR continue to relate to Toxic Reduction and Control (TRAC) discharge permitting and MWRA Enabling Statute Section 8(m) permitting.

TRAC Discharge Permitting

The discharge of contaminated groundwater from the Project into the MWRA sanitary sewer system generated solely for remediation purposes is prohibited, pursuant to 360 C.M.R. 10.093(9).

The discharge of groundwater or stormwater to the MWRA sewer system from construction dewatering or draining activities is prohibited in this area pursuant to 360 C.M.R. 10.023(1), except in a combined area when permitted by the Authority and the Municipality. The Project has access to storm drains and is served by a separate municipal sewer. It is not located in a combined sewer area; therefore, the discharge of groundwater to the sanitary sewer system associated with this Project is prohibited. The Proponent instead will need to secure a USEPA-NPDES General Permit for Storm Water Discharges from its construction activities. The SEIR acknowledges this comment, stating that the coverage of the NPDES General Permit for construction stormwater and dewatering may be obtained if required. To comply with these standards during the construction period, the Project would include the installation of erosion and sedimentation controls to protect against the discharge of any sediment material into on-site drainage systems and implement a Stormwater Pollution Prevention Plan, along with additional requirements.

Section 8(m) Permitting

Section 8(m) of Chapter 372 of the Acts of 1984, MWRA's Enabling Legislation, allows the MWRA to issue permits to build, construct, excavate, or cross within or near an easement or other property interest held by the MWRA, with the goal of protecting Authority-owned infrastructure. Due to the proximity of MWRA infrastructure to the Project Site, an 8(m) permit will be required. The Proponent should coordinate with Kevin McKenna in the Operations Permitting Group at (617) 305-5956 or Kevin.McKenna@mwra.com for assistance. The SEIR acknowledges this requirement.

On behalf of the MWRA, thank you for the opportunity to provide comments on this Project. Please do not hesitate to contact Hillary Monahan of my staff at (857) 324-0554 or Hillary.Monahan@mwra.com with any questions or concerns.

Sincerely,



Colleen Rizzi, P.E.

Director

Environmental and Regulatory Affairs

cc: George Zoto, MassDEP



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

December 8, 2025

Rebecca L. Tepper
Secretary of Energy and Environment
Executive Office of Energy and
Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: SEIR Review # 16955 WEYMOUTH.
Kings Cove Conservation Restriction
Area MCP at 82 – 90 Bridge Street

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP or the Department) has reviewed the Kings Cove Conservation Restriction Area MCP at 82 – 90 Bridge Street, Weymouth, Massachusetts (EOEEA #16955). The Project Proponent provides the following information for the Project:

The Project includes excavating and replacing approximately 630 cubic yards (CY) of fill and sediment within the Shore Portion of the Project Site, extending the existing rip rap revetment to contain eroding fill in the Upland Portion of the Project Site, and placing cobble to create a gradual surficial transition between the area of the Shore Portion of the Project Site to be excavated and the revetment as extended. The volume of soil to be excavated from the Upland Portion of the Project Site during the extension of the revetment is estimated at approximately 200 CY. The Project has been designed to minimize potential impacts to the Upland area of the KCCRA through construction access directly from Bridge Street, rather than through the KCCRA. Each of these components and their associated work are described in more detail below. Refer to Figure 1.4 for the Overall Site Plan, Figure 1.5a for the Proposed Conditions Site Plan, Figure 1.5b for the Proposed Grading Plan, and Figure 1.5c for Section Details.

A suite of mitigation measures will prevent short- and long-term adverse environmental and related public health impacts of the Project. Refer to Chapter 4, Mitigation and Draft Section

61 Findings, for additional detail on proposed measures to avoid, minimize, and mitigate any adverse impacts of the Project.

As summarized in Chapter 1 of the EENF, an area of fill below the MHW line in the Shore Portion of the Project Site contains nickel and vanadium at concentrations exceeding the Site-specific ecological Apparent Effects Thresholds for those metals. The Project includes the removal of 630 CY of fill and sediment in the areas below the MHW line determined to contain elevated concentrations of nickel and vanadium.

Comments/Guidance:

MassDEP has reviewed the SEIR and has no additional comments other than those identified below and those from SERO's June 23, 2025 review of the ENF.

Bureau of Water Resources (BWR) Comments:

Wetlands: The Wetlands Program comments remain unchanged since the submittal of the EENF. An Order of Conditions has been obtained for the project, SE 081-1320, on September 05, 2024, and has not been appealed to or by the Department. The Proponent acknowledges the need for a Water Quality Certification for dredge and fill associated with the project.

Waterways/Boston: The Department of Environmental Protection Waterways Regulation Program (the "Department") has reviewed SEIR EEA No. 16955, submitted by Algonquin Gas Transmission, LLC (the "Proponent") to perform dredging, filling, and shoreline stabilization, and temporary stockpiling of materials within Filled and Flowed Tidelands of the Weymouth Fore River (King's Cove) at 0 and 6 Bridge Street, partially located in the Weymouth Fore River Designated Port Area ("DPA"), Weymouth, Norfolk County (the "Project site").

Chapter 91 Regulatory Analysis:

The SEIR does not include complete and accurate information necessary for the Department to fully review the Project with respect to all applicable Chapter 91 standards. However, staff did not identify concerns with the proposed Project, and the additional necessary details may be submitted with the Chapter 91 application, in order to provide for a comprehensive review during the application process. The comments offered below are to assist the Proponent with submittal of a complete Chapter 91 License application.

The proposed Project includes dredging, filling, and shoreline stabilization, and temporary stockpiling of materials within jurisdictional areas, which are activities that require a Chapter 91 License. These activities are Water-Dependent Uses pursuant to 310 CMR 9.12(2)(a)9, 11, & 14, and pursuant to 310 CMR 9.12(2)(b)7, also meet the definition of Water-Dependent Industrial Uses within the DPA.

The SEIR does not include details of the Chapter 91 licensing history for the site or information regarding how the proposed Project relates to existing Chapter 91 licensed areas and authorizations. The information provided as documentation of Project compliance with the standards at 310 CMR 9.32, 310 CMR 9.34(1), and 310 CMR 9.36 is not complete, and additional information will be requested in the Chapter 91 License application process. Although the SEIR asserts to have submitted documentation to address “the Project’s consistency with the Designated Port Area Master Plan (Section 3.2.1),” this does not appear to have been included, and the Department has not identified a DPA Master Plan for the Weymouth Fore River DPA. It is recommended this item be addressed in the Chapter 91 License application.

The Department notes that the WW17 Nonwater-Dependent Application Form is not applicable to this type of project and looks forward to receipt of a water-dependent application that includes all of the minimum filing requirements, including the Secretary’s final certificate on the EIR. Please be reminded that the Chapter 91 License Application (Water-Dependent Application Form WW01) is required to identify all prior c.91 authorizations, all property owners of the Project site (0 and 6 Bridge Street) and the plans are required to accurately identify all applicable Chapter 91 jurisdictional lines, including an accurate delineation of the DPA Boundary.

Please contact Frank Taormina at frank.taormina@mass.gov if there are any questions.

Bureau of Waste Site Cleanup (BWSC) Comment:

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

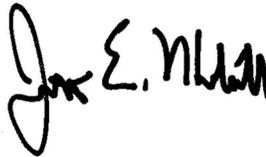
BWSC finds the Project Proponent’s responses to BWSC’s comments accurate and acceptable. No additional releases have been reported in the vicinity of the Project area since the submittal of the EENF. BWSC has no further comments or questions.

This Project is being performed under a Phase IV Remedy Implementation Plan under Release Tracking Number (RTN) 4-0026230. This RTN has been designated as a Public Involvement Plan (PIP) Site pursuant to 310 CMR 40.1404. The Weymouth Health Department has been established as a document repository for members of the community to access and review documents relevant to the RTN. Additionally, any documents related to the RTN, including the PIP, can be viewed online at <https://eeaonline.eea.state.ma.us/portal/dep/wastesite/detailviewer/4-0026230>.

Other Comments/Guidance:

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this SEIR. If you have any questions regarding these comments, please contact George Zoto at George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Gerard Martin, Regional Director
John Handrahan, Deputy Regional Director, BWSC
Brian Harrington, Deputy Regional Director, BWR
Mark Dakers, Acting Deputy Regional Director, BAW
Jennifer Viveiros, Deputy Regional Director, ADMIN
Christine Hopps, Assistant Director, Waterways, BWR/Boston
Daniel Padien, Chief, Waterways, BWR/Boston
Frank Taormina, Waterways, BWR/Boston
Brendan Mullaney, Chief, Waterways, BWR
Maissoun Reda, Chief, Wetlands, BWR
Jennifer Wharff, Acting Chief, Solid Waste, BAW
Michelle McCloud, Solid Waste, BAW
Christopher Redus, Air/New Source Review, BAW
Angela Gallagher, Chief, Site Management, BWSC
Amanda Boustany, Site Management, BWSC



Attachment H
Phase IV Remedy Implementation Plan
(Bound Separately)