



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100 • FAX (413) 784-1149

MITT ROMNEY
Governor

ELLEN ROY HERZFELDER
Secretary

KERRY HEALEY
Lieutenant Governor

ROBERT W. GOLLEDGE, Jr.
Commissioner

September 8, 2004

Yankee Atomic Electric Company
49 Yankee Road
Rowe, MA 01367
Attn: Kenneth Dow

Re: Chapter 91 Waterways Permit
BRP WW 01b Application for dredging,
Yankee Nuclear Power Station, Site Closure
Project, Rowe, MA

Transmittal #W050565

Dear Mr. Dow:

The Department has completed its review of the application for a dredging permit under the Public Waterfront Act, MGL c91 and regulations 310 CMR 9.00 for proposed work in an impoundment (Sherman Reservoir) of a non-tidal river, the Deerfield River. The dredge work is one of several activities included in the decommissioning of the power station. Previously the Department had determined that the work to decommission the circulating water intake and discharge structures in the impoundment would not be subject to Chapter 91 review. The application is for dredging and excavation of approximately 2,000 yards of sediment contaminated with PCBs as a result of a release through the site's stormwater system of paint chips containing PCBs from the Vapor Container area. Of the volume referenced, approximately 1,700 yards of sediment being dredged from the reservoir is subject to this permit. The work area will be isolated by installation of a silt curtain as a containment structure. During the dredging operation continuous water quality monitoring outside the work area will be undertaken to insure against further contamination and degradation of the waterbody. The spoils will be stored, transported and disposed of in accordance with applicable state and federal laws and regulations.

The Department received no comments on this site closure project during the required public notice period or during any of the permit review processes. Based on the information submitted in the Chapter 91 application and Integrated Permit Package, the Department finds, in accordance with 310 CMR 9.33, that the project, as proposed, appears to comply with all applicable environmental regulatory programs of the Commonwealth. The Department approves

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

the dredge permit application referenced above and hereby issues the enclosed Waterways Permit authorizing you to perform certain activities pursuant to MGL c91 and regulations 310 CMR 9.00.

This Waterways permit decision may be appealed by the Permittee within twenty-one (21) days of the date of permit issuance, pursuant to 310 CMR 9.17(1)(a) and 9.17(2). The 401 WQC has a separate appeal period.

Notice of Appeal Rights:

A) Appeal Rights and Time Limits

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit: (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth, pursuant to M.G.L. c.30A, §10A, who have submitted written comments within the public comment period; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; (e) CZM, for any project in the coastal zone, if it has filed a notice of participation within the public comment period; and (f) DEM, for any project in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period. To request an adjudicatory hearing, a Notice of Claim must be made in writing and sent by certified mail or hand delivery to the Department with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form, within twenty-one (21) days of the date of issuance of this decision and addressed to:

Docket Clerk
Office of Administrative Appeals
Department of Environmental Protection
One Winter Street, 3rd Floor
Boston, MA 02108.

A copy of the Notice of Claim must be sent at the same time by certified mail or hand delivery to the applicant, the municipal official of the city or town where the project is located, and the issuing office of the DEP at:

Department of Environmental Protection
Wetlands and Waterways Program
436 Dwight Street
Springfield, MA 01103

Distribution:

REC'D SEP 13 2004 ERM Boston
Client/Location: (# if contract file)

File Folder: _____

B) Contents of Hearing Request

Under 310 CMR 1.01(6)(b), the Notice of Claim must state clearly and concisely the facts that are the grounds for the request and the relief sought. Additionally, the request must state why the decision is not consistent with applicable laws and regulations.

Pursuant to 310 CMR 9.17(3), any Notice of Claim for an adjudicatory hearing must include the following information:

- (a) the DEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "person aggrieved" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the DEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

C) Filing Fee and Address

A copy of the Notice of Claim along with a DEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

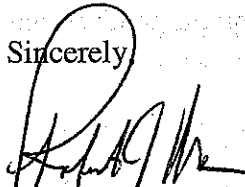
Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox, P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please note that any unauthorized project change shall render it void. Therefore, it is recommended that you contact the Department prior to performing any alterations or use modifications for review and, if necessary, approval pursuant to MGL c. 91.

If you have any questions concerning this permit, please contact Jeremiah Mew at (413) 755-2265.

Sincerely



Robert J. McCollum
Wetlands Program Chief

enclosure: permit text

cc: Rowe Board of Selectmen
Rowe Conservation Commission
Ben Lynch, Waterways Section Chief, DEP, 1 Winter St., Boston, MA 02108
USACOE, New England District, 696 Virginia Rd., Concord, MA 01742-2751
Environmental Resource Management, John McTigue
DEP WERO Wetlands file



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100 • FAX (413) 784-1149

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

PERMIT NO. 10107

Name and Address of Permittee:

Yankee Atomic Electric Company
49 Yankee Road
Rowe, MA 01367
Attn: Kenneth Dow

ISSUED: 9/8/04
EXPIRES: 9/8/09

Permission is hereby given by the Department of Environmental Protection to: perform environmental remediation dredging of approximately 1,700 cubic yards of sediment, including temporary placement of silt curtains. The work authorized herein is located off of the southern shore of the Sherman Reservoir impoundment of the Deerfield River in the community of Rowe, at the Yankee Rowe Nuclear Power Station. Dredging may be accomplished by mechanical means. Dredging, dewatering, transport and disposal methods may vary in accordance with the Department's Water Quality Certification issued 9/8/04.

All work authorized herein shall be in the location shown and to the dimensions indicated in the decommissioning and permits plans titled:

"Proposed Activity: Site Closure Project, Yankee Nuclear Power Station, 49 Yankee Road, Rowe, MA, Sherman Reservoir/Deerfield River (20 Sheets)", dated 5/7/04 prepared by Environmental Resources Management

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.
3. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his/her agent, and those persons who have filed a written request, with the Department, for such

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

notice and has afforded the Permittee a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways Permit void.

4. This Waterways Permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of a Department-approved inspector.

5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.

6. If necessary, all subsequent dredging and transportation and disposal of this dredge material, during the term of this Permit, shall conform to all standards and conditions applied to the original dredging operation performed under this Permit.

7. The Permittee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs and expenses incurred by reason thereof.

8. The Permittee shall, at least three days prior to the commencement of any dredging, give written notice to the Department of the time, location and amount of the proposed work.

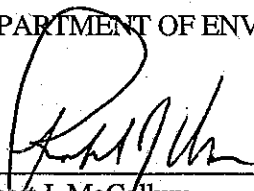
9. Whosoever violates any provisions of this Permit shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by mechanical methods, in accordance with the Department's 401 Water Quality certificate issued 9/8/04.
2. Dredging may vary in depth below subaqueous bottom grade as necessary to remove contaminated sediment.
3. All construction materials, including but not limited to dams, staging materials, ballast, anchors, silt curtains, booms and fill, shall be removed from the river when each phase of dredging is complete. Further, the Permittee shall document the removal of such materials and supply evidence of their removal when complying with condition No. 6, below.

4. Dredge material shall be transported and disposed of in accordance with the 401 Water Quality Certificate.
5. Dredging may be performed for a period of five (5) years subsequent to the date of issuance of this permit.
6. Should the Permittee discover a need for buoys or other aids to navigation as a result of the installation of the silt curtain, the Department shall be notified prior to commencement of work.
7. Activities in and occupations of the river shall be performed in a manner that does not displace any water-dependent use previously authorized pursuant to MGL Chapter 91.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Robert J. McCollum
Wetlands Program Chief

9/8/04

Date

1

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

4. The fourth part of the document is a list of names and addresses of the members of the committee.

5. The fifth part of the document is a list of names and addresses of the members of the committee.

6

7