

NYR 2003-068



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

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JUL 21 2003

Environmental Resources Management
399 Boylston Street, 6th Floor
Boston, MA 02116
Attn: Gregg A. Demers and John W. McTigue

Re; Chapter 91 Applicability for
Decommissioning, Yankee Nuclear Power
Station, Rowe, MA

Dear Messrs. Demers and McTigue:

Thank you for your letter of June 26, 2003 regarding the applicability of Chapter 91 to the planned activities in Sherman Reservoir. Specifically, you requested the Department determine the applicability of removing cooling water structures and sediment from the reservoir to M.G.L. c 91 and regulations 310 CMR 9.00.

The Wetlands and Waterways Program has reviewed the information submitted with the June 26, 2003 letter and has determined that the proposed work will require review and approval under the Wetlands Protection Act and regulations, 310 CMR 10.00, and the Massachusetts Clean Water Act and regulations, 314 CMR 9.00, in addition to the c 91 applicability. Please also be advised that the U.S. Army Corps of Engineers (ACOE) should be contacted with regard to jurisdiction under the federal Clean Water Act.

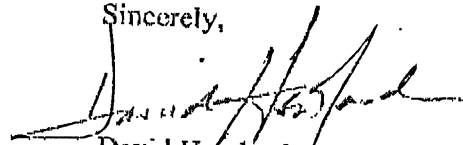
Chapter 91 would not apply to the removal of the cooling water intake and discharge structures, however, the wetlands regulations would apply to these activities. In accordance with 310 CMR 10.00, a Notice of Intent application should be filed for this work and an Order of Conditions issued by the local conservation commission prior to commencement of work. The dredging activity will require a c 91 permit under 310 CMR 9.00, a 401 Water Quality Certification in accordance with 314 CMR 9.00, as well as an Order of Conditions. The Water Quality Certification application will be reviewed and approved by staff in our Boston office. The other permit applications will be reviewed and/or approved by the regional staff in this office.

This information is available in alternate format. Call April McCabe, ADA Coordinator at 1-617-556-1171. TDD Service - 1-800-298-2207.
DEP on the World Wide Web: <http://www.mass.gov/dep>

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I hope this information is useful to you and provides the guidance that you requested. If you have any questions regarding this matter, please feel free to call Jeremiah Mew of this office at (413) 755-2265, or myself.

Sincerely,



David Howland
Regional Engineer
Western Regional Office

CC: Gerry van Noordennen, YAEC
Ken Dow, YAEC
Rowe Conservation Commission
Yvonne Unger, DEP, Boston