



Projects:\5741\Exelon Mystic Station Bulkhead Repairs\NPDES

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April 30, 2020

Ms. Shauna Little
Environmental Protection Agency (OES)
5 Post Office Square, Suite 100
Boston, MA 02109-3912

Subject: National Pollutant Discharge Elimination System Notice of Intent (NOI) for Coverage under the Remediation General Permit (RGP) for Constellation Mystic Station, Everett, MA

Dear Ms. Little:

On behalf of Constellation Mystic Power, LLC ("Exelon"), Epsilon Associates, Inc. ("Epsilon") submits this Notice of Intent ("NOI") for the Constellation Mystic Station, located at 173 Alford Street, Everett, MA. The Applicant seeks coverage under the National Pollutant Discharge Elimination System ("NPDES") Remediation General Permit ("RGP"). This NOI was prepared in accordance with the general requirements of the NPDES RGP and related guidance from the U.S. Environmental Protection Agency (EPA).

The completed NOI form is provided in Attachment A.

Site Description

This NOI was prepared for construction excavation dewatering discharges associated with the repairs to a bulkhead and sinkholes at 39 Rover Street in Everett, Massachusetts (the "Site"). See Attachment B, Figures 1 and 2, USGS Locus Map and Aerial Locus Map. The project site is located downstream of the Amelia Earhart Dam. The bulkhead forms the bank of the Mystic River at the site, and work is needed to repair holes in the bulkhead which has eroded fill material from behind the bulkhead and caused sinkholes on the paved surface landward of the bulkhead.

Constellation Mystic Station is an oil/gas fired power plant along the north shore of the Mystic River and immediately to the east of the Route 99 Bridge in Everett, MA. The project site has supported electrical generating facilities for the over the last sixty-plus

years and has been upgraded and modernized over the years. The work area is not listed as a disposal site with the Massachusetts Department of Environmental Protection (“MassDEP”).

Exelon seeks to repair the bulkhead and sinkholes by excavating the area of the sinkhole to access the inboard side of the bulkhead, lagging timbers onto the bulkhead to repair the breach, installing geotextile fabric along the bulkhead, backfilling the excavation and finishing the work area with pavement to match existing adjacent grades. Refer to the Project Plans in Attachment C.

Work is proposed to occur during low tides to avoid or minimize seawater intrusion in the excavation through the damaged bulkhead. The maximum excavation footprint for the repairs will be 20 feet long x 10 wide x 14 feet deep. Although work is planned during low tide cycles, some dewatering may be required to remove seawater so that work can proceed in the dry footprint. As needed, a 2-inch pump will be utilized, and the water generated during dewatering (source water) will be pumped into a sedimentation tank (fractionation tank or “frac” tank) to remove suspended solids prior to discharge. The water from the frac tank will be discharged into the filter bag prior to release into the cooling water flume east of the work area rather than directly into the Mystic River, refer to Attachment B, Figure 3 – Project Treatment Schematic. By incorporating the filter bag, it provides a second BMP to filter finer suspended sediments. The source water (seawater) and receiving waters are the same waterbody, i.e. the Mystic River [Class SB(CSO)]. Refer to Attachment B, Figure 4 – Receiving and Discharge Map. The Best Management Practices Plan (BMMP) is located in Attachment D.

Endangered Species Act Eligibility

We reviewed the U.S. Fish and Wildlife Service (“FWS”) Information, Planning, and Conservation (IPaC) online database for the property and receiving water (“project area”). A copy of the database report is in Attachment E. According to the IPaC website and report, none of the species of concern in Massachusetts that are related to the Endangered Species Act have been identified at the Site. No critical habitats for endangered species were identified in the IPaC report (Attachment E). A second line of evidence includes review of the Massachusetts Natural Heritage and Endangered Species Program (“NHESP”) Habitat Atlas. All of the federal-listed species are also state-listed species. Review of the NHESP database shows the work area and Mystic River are not mapped as habitat for state-listed species, see Attachment B, Figure 5 – NHESP Map. Therefore, by reference the river in this location is not a habitat for federal-listed species.

Because the proposed work is located in a coastal environment, and there has been no previous consultation with the National Marine Fisheries Service (“NMFS”), we reviewed the NOAA online maps of Essential Fish Habitat (“EFH”). Twenty-five species are

identified as having EFH in the Mystic River (Attachment E). One Habitat Area of Particular Concern (“HAPC”) were identified at the site for Inshore Juvenile Cod (20m). In review of the EFH and HAPC Designation Alternatives and Environmental Impacts (dated October 25, 2017), this HAPC is sensitive to anthropogenic stresses and as such, the proposed dewatering has been designed to limit adverse effects. The source water is expected to be Mystic River seawater intrusion into the excavation through the damaged bulkhead, i.e. the water as the receiving water. To minimize potential effects on river water quality, dewatering discharges will be directed to the cooling water flume east of the work area to allow further settling of any solids in the discharge water that are not trapped in the frac tank or the filter bag.

Based on our review, the project meets FWS Criterion A (i.e. no listed species or critical habitats are within the project area) and NMFS Criterion (i.e. the project will have either no effect on or are not likely to adversely affect listed species or critical habitats under jurisdiction of the NMFS).

National Historic Preservation Requirements

We reviewed online records from the U.S. National Register of Historic Places database and the Massachusetts Cultural Resource Information System (“MACRIS”). Maps of the Property and surrounding areas obtained from both databases are included in Attachment F. Based on the review, the Property is not listed as a National Historic Place.

Coverage Under NPDES RGP

It is our opinion that the proposed discharge is eligible for coverage under the NPDES RGP based on the requirements of the NPDES RGP and our evaluation of the available site-specific information. On behalf of Constellation Mystic Power, LLC. we request coverage under the NPDES RGP for the discharge of construction dewatering effluent to the surface waters of the Mystic River.

The enclosed NOI form and supporting documentation provides required information on the general site conditions, discharge, treatment system, receiving water, and consultation with federal and state entities. For this project, Constellation Mystic Power, LLC is the owner and the project contractor, BOND Brothers, Inc., will have operational control over the construction plans and specifications, including the ability to make modifications to those plans and specifications. BOND Brothers, Inc. is the operator and will direct the personnel responsible for the implementation and day-to-day operations and activities that are necessary to ensure compliance with the NPDES RGP, including operation, inspection, monitoring, and reporting.

Discharge of water is scheduled to begin in May 2020.

Please feel free to contact Dwight Dunk at (978) 897-7100 or via email at ddunk@epsilonassociates.com if you have any questions or require additional information.

Sincerely,
EPSILON ASSOCIATES, INC.



Dwight R. Dunk, LPD, PWS, BCES
Principal

encl.

cc.: J. Hovey, Exelon Generation
G. Basileco, Constellation Mystic Power
C. Conroy, Constellation Mystic Power
T. Canavan, BOND Brothers

Attachment A

NOI Form

II. Suggested Format for the Remediation General Permit Notice of Intent (NOI)

A. General site information:

1. Name of site:	Site address: Street: <table border="1" data-bbox="888 475 1950 557"> <tr> <td data-bbox="888 475 1591 557">City:</td><td data-bbox="1591 475 1724 557">State:</td><td data-bbox="1724 475 1950 557">Zip:</td></tr> </table>	City:	State:	Zip:									
City:	State:	Zip:											
2. Site owner Owner is (check one): <input type="checkbox"/> Federal <input type="checkbox"/> State/Tribal <input type="checkbox"/> Private <input type="checkbox"/> Other; if so, specify:	<table border="1"> <tr> <td colspan="3" data-bbox="888 557 1950 630">Contact Person:</td></tr> <tr> <td data-bbox="888 630 1461 695">Telephone:</td><td colspan="2" data-bbox="1461 630 1950 695">Email:</td></tr> <tr> <td colspan="3" data-bbox="888 695 1950 800">Mailing address: Street:</td></tr> <tr> <td data-bbox="888 800 1591 875">City:</td><td data-bbox="1591 800 1724 875">State:</td><td data-bbox="1724 800 1950 875">Zip:</td></tr> </table>	Contact Person:			Telephone:	Email:		Mailing address: Street:			City:	State:	Zip:
Contact Person:													
Telephone:	Email:												
Mailing address: Street:													
City:	State:	Zip:											
3. Site operator, if different than owner	<table border="1"> <tr> <td colspan="3" data-bbox="888 875 1950 940">Contact Person:</td></tr> <tr> <td data-bbox="888 940 1461 997">Telephone:</td><td colspan="2" data-bbox="1461 940 1950 997">Email:</td></tr> <tr> <td colspan="3" data-bbox="888 997 1950 1094">Mailing address: Street:</td></tr> <tr> <td data-bbox="888 1094 1591 1151">City:</td><td data-bbox="1591 1094 1724 1151">State:</td><td data-bbox="1724 1094 1950 1151">Zip:</td></tr> </table>	Contact Person:			Telephone:	Email:		Mailing address: Street:			City:	State:	Zip:
Contact Person:													
Telephone:	Email:												
Mailing address: Street:													
City:	State:	Zip:											
4. NPDES permit number assigned by EPA: NPDES permit is (check all that apply): <input type="checkbox"/> RGP <input type="checkbox"/> DGP <input type="checkbox"/> CGP <input type="checkbox"/> MSGP <input type="checkbox"/> Individual NPDES permit <input type="checkbox"/> Other; if so, specify:	5. Other regulatory program(s) that apply to the site (check all that apply): <table border="0"> <tr> <td><input type="checkbox"/> MA Chapter 21e; list RTN(s):</td><td><input type="checkbox"/> CERCLA</td></tr> <tr> <td><input type="checkbox"/> NH Groundwater Management Permit or Groundwater Release Detection Permit:</td><td><input type="checkbox"/> UIC Program</td></tr> <tr> <td></td><td><input type="checkbox"/> POTW Pretreatment</td></tr> <tr> <td></td><td><input type="checkbox"/> CWA Section 404</td></tr> </table>	<input type="checkbox"/> MA Chapter 21e; list RTN(s):	<input type="checkbox"/> CERCLA	<input type="checkbox"/> NH Groundwater Management Permit or Groundwater Release Detection Permit:	<input type="checkbox"/> UIC Program		<input type="checkbox"/> POTW Pretreatment		<input type="checkbox"/> CWA Section 404				
<input type="checkbox"/> MA Chapter 21e; list RTN(s):	<input type="checkbox"/> CERCLA												
<input type="checkbox"/> NH Groundwater Management Permit or Groundwater Release Detection Permit:	<input type="checkbox"/> UIC Program												
	<input type="checkbox"/> POTW Pretreatment												
	<input type="checkbox"/> CWA Section 404												

B. Receiving water information:

1. Name of receiving water(s):	Waterbody identification of receiving water(s):	Classification of receiving water(s):
Receiving water is (check any that apply): <input type="checkbox"/> Outstanding Resource Water <input type="checkbox"/> Ocean Sanctuary <input type="checkbox"/> territorial sea <input type="checkbox"/> Wild and Scenic River		
2. Has the operator attached a location map in accordance with the instructions in B, above? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No Are sensitive receptors present near the site? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, specify:		
3. Indicate if the receiving water(s) is listed in the State's Integrated List of Waters (i.e., CWA Section 303(d)). Include which designated uses are impaired, and any pollutants indicated. Also, indicate if a final TMDL is available for any of the indicated pollutants. For more information, contact the appropriate State as noted in Part 4.6 of the RGP.		
4. Indicate the seven day-ten-year low flow (7Q10) of the receiving water determined in accordance with the instructions in Appendix V for sites located in Massachusetts and Appendix VI for sites located in New Hampshire.		
5. Indicate the requested dilution factor for the calculation of water quality-based effluent limitations (WQBELs) determined in accordance with the instructions in Appendix V for sites in Massachusetts and Appendix VI for sites in New Hampshire.		
6. Has the operator received confirmation from the appropriate State for the 7Q10 and dilution factor indicated? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate date confirmation received:		
7. Has the operator attached a summary of receiving water sampling results as required in Part 4.2 of the RGP in accordance with the instruction in Appendix VIII? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No		

C. Source water information:

1. Source water(s) is (check any that apply):			
<input type="checkbox"/> Contaminated groundwater Has the operator attached a summary of influent sampling results as required in Part 4.2 of the RGP in accordance with the instruction in Appendix VIII? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Contaminated surface water Has the operator attached a summary of influent sampling results as required in Part 4.2 of the RGP in accordance with the instruction in Appendix VIII? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> The receiving water	<input type="checkbox"/> Potable water; if so, indicate municipality or origin: <input type="checkbox"/> Other; if so, specify:
		<input type="checkbox"/> A surface water other than the receiving water; if so, indicate waterbody:	

2. Source water contaminants:	
a. For source waters that are contaminated groundwater or contaminated surface water, indicate are any contaminants present that are not included in the RGP? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, indicate the contaminant(s) and the maximum concentration present in accordance with the instructions in Appendix VIII.	b. For a source water that is a surface water other than the receiving water, potable water or other, indicate any contaminants present at the maximum concentration in accordance with the instructions in Appendix VIII? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No
3. Has the source water been previously chlorinated or otherwise contains residual chlorine? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No	

D. Discharge information

1.The discharge(s) is a(n) (check any that apply): <input type="checkbox"/> Existing discharge <input type="checkbox"/> New discharge <input type="checkbox"/> New source	
Outfall(s):	Outfall location(s): (Latitude, Longitude)
<p>Discharges enter the receiving water(s) via (check any that apply): <input type="checkbox"/> Direct discharge to the receiving water <input type="checkbox"/> Indirect discharge, if so, specify:</p> <p><input type="checkbox"/> A private storm sewer system <input type="checkbox"/> A municipal storm sewer system</p> <p>If the discharge enters the receiving water via a private or municipal storm sewer system:</p> <p>Has notification been provided to the owner of this system? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Has the operator has received permission from the owner to use such system for discharges? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No, if so, explain, with an estimated timeframe for obtaining permission:</p> <p>Has the operator attached a summary of any additional requirements the owner of this system has specified? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
Provide the expected start and end dates of discharge(s) (month/year):	
Indicate if the discharge is expected to occur over a duration of: <input type="checkbox"/> less than 12 months <input type="checkbox"/> 12 months or more <input type="checkbox"/> is an emergency discharge	
Has the operator attached a site plan in accordance with the instructions in D, above? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No	

2. Activity Category: (check all that apply)	3. Contamination Type Category: (check all that apply)	
<input type="checkbox"/> I – Petroleum-Related Site Remediation <input type="checkbox"/> II – Non-Petroleum-Related Site Remediation <input type="checkbox"/> III – Contaminated Site Dewatering <input type="checkbox"/> IV – Dewatering of Pipelines and Tanks <input type="checkbox"/> V – Aquifer Pump Testing <input type="checkbox"/> VI – Well Development/Rehabilitation <input type="checkbox"/> VII – Collection Structure Dewatering/Remediation <input type="checkbox"/> VIII – Dredge-Related Dewatering	a. If Activity Category I or II: (check all that apply) <input type="checkbox"/> A. Inorganics <input type="checkbox"/> B. Non-Halogenated Volatile Organic Compounds <input type="checkbox"/> C. Halogenated Volatile Organic Compounds <input type="checkbox"/> D. Non-Halogenated Semi-Volatile Organic Compounds <input type="checkbox"/> E. Halogenated Semi-Volatile Organic Compounds <input type="checkbox"/> F. Fuels Parameters	
	b. If Activity Category III, IV, V, VI, VII or VIII: (check either G or H)	
	<input type="checkbox"/> G. Sites with Known Contamination	<input type="checkbox"/> H. Sites with Unknown Contamination
	c. If Category III-G, IV-G, V-G, VI-G, VII-G or VIII-G: (check all that apply) <input type="checkbox"/> A. Inorganics <input type="checkbox"/> B. Non-Halogenated Volatile Organic Compounds <input type="checkbox"/> C. Halogenated Volatile Organic Compounds <input type="checkbox"/> D. Non-Halogenated Semi-Volatile Organic Compounds <input type="checkbox"/> E. Halogenated Semi-Volatile Organic Compounds <input type="checkbox"/> F. Fuels Parameters	d. If Category III-H, IV-H, V-H, VI-H, VII-H or VIII-H Contamination Type Categories A through F apply

4. Influent and Effluent Characteristics

Parameter	Known or believed absent	Known or believed present	# of samples	Test method (#)	Detection limit ($\mu\text{g/l}$)	Influent		Effluent Limitations	
						Daily maximum ($\mu\text{g/l}$)	Daily average ($\mu\text{g/l}$)	TBEL	WQBEL
A. Inorganics									
Ammonia								Report mg/L	---
Chloride								Report $\mu\text{g/l}$	---
Total Residual Chlorine								0.2 mg/L	
Total Suspended Solids								30 mg/L	---
Antimony								206 $\mu\text{g/L}$	
Arsenic								104 $\mu\text{g/L}$	
Cadmium								10.2 $\mu\text{g/L}$	
Chromium III								323 $\mu\text{g/L}$	
Chromium VI								323 $\mu\text{g/L}$	
Copper								242 $\mu\text{g/L}$	
Iron								5,000 $\mu\text{g/L}$	
Lead								160 $\mu\text{g/L}$	
Mercury								0.739 $\mu\text{g/L}$	
Nickel								1,450 $\mu\text{g/L}$	
Selenium								235.8 $\mu\text{g/L}$	
Silver								35.1 $\mu\text{g/L}$	
Zinc								420 $\mu\text{g/L}$	
Cyanide								178 mg/L	
B. Non-Halogenated VOCs									
Total BTEX								100 $\mu\text{g/L}$	---
Benzene								5.0 $\mu\text{g/L}$	---
1,4 Dioxane								200 $\mu\text{g/L}$	---
Acetone								7.97 mg/L	---
Phenol								1,080 $\mu\text{g/L}$	

Parameter	Known or believed absent	Known or believed present	# of samples	Test method (#)	Detection limit (µg/l)	Influent		Effluent Limitations	
						Daily maximum (µg/l)	Daily average (µg/l)	TBEL	WQBEL
C. Halogenated VOCs									
Carbon Tetrachloride								4.4 µg/L	
1,2 Dichlorobenzene								600 µg/L	---
1,3 Dichlorobenzene								320 µg/L	---
1,4 Dichlorobenzene								5.0 µg/L	---
Total dichlorobenzene								763 µg/L in NH	---
1,1 Dichloroethane								70 µg/L	---
1,2 Dichloroethane								5.0 µg/L	---
1,1 Dichloroethylene								3.2 µg/L	---
Ethylene Dibromide								0.05 µg/L	---
Methylene Chloride								4.6 µg/L	---
1,1,1 Trichloroethane								200 µg/L	---
1,1,2 Trichloroethane								5.0 µg/L	---
Trichloroethylene								5.0 µg/L	---
Tetrachloroethylene								5.0 µg/L	
cis-1,2 Dichloroethylene								70 µg/L	---
Vinyl Chloride								2.0 µg/L	---
D. Non-Halogenated SVOCs									
Total Phthalates								190 µg/L	
Diethylhexyl phthalate								101 µg/L	
Total Group I PAHs								1.0 µg/L	---
Benzo(a)anthracene								As Total PAHs	
Benzo(a)pyrene									
Benzo(b)fluoranthene									
Benzo(k)fluoranthene									
Chrysene									
Dibenzo(a,h)anthracene									
Indeno(1,2,3-cd)pyrene									

[illegible]

E. Treatment system information

<p>1. Indicate the type(s) of treatment that will be applied to effluent prior to discharge: (check all that apply)</p> <p><input type="checkbox"/> Adsorption/Absorption <input type="checkbox"/> Advanced Oxidation Processes <input type="checkbox"/> Air Stripping <input type="checkbox"/> Granulated Activated Carbon (“GAC”)/Liquid Phase Carbon Adsorption</p> <p><input type="checkbox"/> Ion Exchange <input type="checkbox"/> Precipitation/Coagulation/Flocculation <input type="checkbox"/> Separation/Filtration <input type="checkbox"/> Other; if so, specify:</p>	
<p>2. Provide a written description of all treatment system(s) or processes that will be applied to the effluent prior to discharge.</p> <p>Identify each major treatment component (check any that apply):</p> <p><input type="checkbox"/> Fractionation tanks <input type="checkbox"/> Equalization tank <input type="checkbox"/> Oil/water separator <input type="checkbox"/> Mechanical filter <input type="checkbox"/> Media filter</p> <p><input type="checkbox"/> Chemical feed tank <input type="checkbox"/> Air stripping unit <input type="checkbox"/> Bag filter <input type="checkbox"/> Other; if so, specify:</p> <p>Indicate if either of the following will occur (check any that apply):</p> <p><input type="checkbox"/> Chlorination <input type="checkbox"/> De-chlorination</p>	
<p>3. Provide the design flow capacity in gallons per minute (gpm) of the most limiting component.</p> <p>Indicate the most limiting component:</p> <p>Is use of a flow meter feasible? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No, if so, provide justification:</p>	
<p>Provide the proposed maximum effluent flow in gpm.</p>	
<p>Provide the average effluent flow in gpm.</p>	
<p>If Activity Category IV applies, indicate the estimated total volume of water that will be discharged:</p>	
<p>4. Has the operator attached a schematic of flow in accordance with the instructions in E, above? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	

F. Chemical and additive information

<p>1. Indicate the type(s) of chemical or additive that will be applied to effluent prior to discharge or that may otherwise be present in the discharge(s): (check all that apply)</p> <p><input type="checkbox"/> Algaecides/biocides <input type="checkbox"/> Antifoams <input type="checkbox"/> Coagulants <input type="checkbox"/> Corrosion/scale inhibitors <input type="checkbox"/> Disinfectants <input type="checkbox"/> Flocculants <input type="checkbox"/> Neutralizing agents <input type="checkbox"/> Oxidants <input type="checkbox"/> Oxygen <input type="checkbox"/> scavengers <input type="checkbox"/> pH conditioners <input type="checkbox"/> Bioremedial agents, including microbes <input type="checkbox"/> Chlorine or chemicals containing chlorine <input type="checkbox"/> Other; if so, specify:</p>
<p>2. Provide the following information for each chemical/additive, using attachments, if necessary:</p> <p>a. Product name, chemical formula, and manufacturer of the chemical/additive; b. Purpose or use of the chemical/additive or remedial agent; c. Material Safety Data Sheet (MSDS) and Chemical Abstracts Service (CAS) Registry number for each chemical/additive; d. The frequency (hourly, daily, etc.), duration (hours, days), quantity (maximum and average), and method of application for the chemical/additive; e. Any material compatibility risks for storage and/or use including the control measures used to minimize such risks; and f. If available, the vendor's reported aquatic toxicity (NOAEL and/or LC50 in percent for aquatic organism(s)).</p>
<p>3. Has the operator attached an explanation which demonstrates that the addition of such chemicals/additives may be authorized under this general permit in accordance with the instructions in F, above? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No; if no, has the operator attached data that demonstrates each of the 126 priority pollutants in CWA Section 307(a) and 40 CFR Part 423.15(j)(1) are non-detect in discharges with the addition of the proposed chemical/additive? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

G. Endangered Species Act eligibility determination

<p>1. Indicate under which criterion the discharge(s) is eligible for coverage under this general permit:</p> <p><input type="checkbox"/> FWS Criterion A: No endangered or threatened species or critical habitat are in proximity to the discharges or related activities or come in contact with the “action area”.</p> <p><input type="checkbox"/> FWS Criterion B: Formal or informal consultation with the FWS under section 7 of the ESA resulted in either a no jeopardy opinion (formal consultation) or a written concurrence by FWS on a finding that the discharges and related activities are “not likely to adversely affect” listed species or critical habitat (informal consultation). Has the operator completed consultation with FWS? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No; if no, is consultation underway? (check one): <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><input type="checkbox"/> FWS Criterion C: Using the best scientific and commercial data available, the effect of the discharges and related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by EPA, or by the operator and affirmed by EPA, that the discharges and related activities will have “no effect” on any federally threatened or endangered listed species or designated critical habitat under the jurisdiction of the FWS. This determination was made by: (check one) <input type="checkbox"/> the operator <input type="checkbox"/> EPA <input type="checkbox"/> Other; if so, specify:</p>

- ☐ **NMFS Criterion:** A determination made by EPA is affirmed by the operator that the discharges and related activities will have “no effect” or are “not likely to adversely affect” any federally threatened or endangered listed species or critical habitat under the jurisdiction of NMFS and will not result in any take of listed species. Has the operator previously completed consultation with NMFS? (check one): ☐ Yes ☐ No

2. Has the operator attached supporting documentation of ESA eligibility in accordance with the instructions in Appendix I, and G, above? (check one): ☐ Yes ☐ No

Does the supporting documentation include any written concurrence or finding provided by the Services? (check one): ☐ Yes ☐ No; if yes, attach.

H. National Historic Preservation Act eligibility determination

1. Indicate under which criterion the discharge(s) is eligible for coverage under this general permit:

- ☐ **Criterion A:** No historic properties are present. The discharges and discharge-related activities (e.g., BMPs) do not have the potential to cause effects on historic properties.
- ☐ **Criterion B:** Historic properties are present. Discharges and discharge related activities do not have the potential to cause effects on historic properties.
- ☐ **Criterion C:** Historic properties are present. The discharges and discharge-related activities have the potential to have an effect or will have an adverse effect on historic properties.

2. Has the operator attached supporting documentation of NHPA eligibility in accordance with the instructions in H, above? (check one): ☐ Yes ☐ No

Does the supporting documentation include any written agreement with the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (TPHO), or other tribal representative that outlines measures the operator will carry out to mitigate or prevent any adverse effects on historic properties? (check one): ☐ Yes ☐ No

I. Supplemental information

Describe any supplemental information being provided with the NOI. Include attachments if required or otherwise necessary.

Has the operator attached data, including any laboratory case narrative and chain of custody used to support the application? (check one): ☐ Yes ☐ No

Has the operator attached the certification requirement for the Best Management Practices Plan (BMPP)? (check one): ☐ Yes ☐ No

J. Certification requirement

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BMPP certification statement: The BMMP will be implemented prior to discharge.

Notification provided to the appropriate State, including a copy of this NOI, if required.

Check one: Yes ☒ No ☐

Notification provided to the municipality in which the discharge is located, including a copy of this NOI, if requested.

Check one: Yes ☒ No ☐

Notification provided to the owner of a private or municipal storm sewer system, if such system is used for site discharges, including a copy of this NOI, if requested.

Check one: Yes ☐ No ☐ NA ☒

Permission obtained from the owner of a private or municipal storm sewer system, if such system is used for site discharges. If yes, attach additional conditions. If no, attach explanation and timeframe for obtaining permission.

Check one: Yes ☐ No ☐ NA ☒

Notification provided to the owner/operator of the area associated with activities covered by an additional discharge permit(s). Additional discharge permit is (check one): ☐ RGP ☐ DGP ☐ CGP ☐ MSGP ☐ Individual NPDES permit ☐ Other; if so, specify:

Check one: Yes ☐ No ☐ NA ☒

Signature:

Julea B. Hovey

Date:

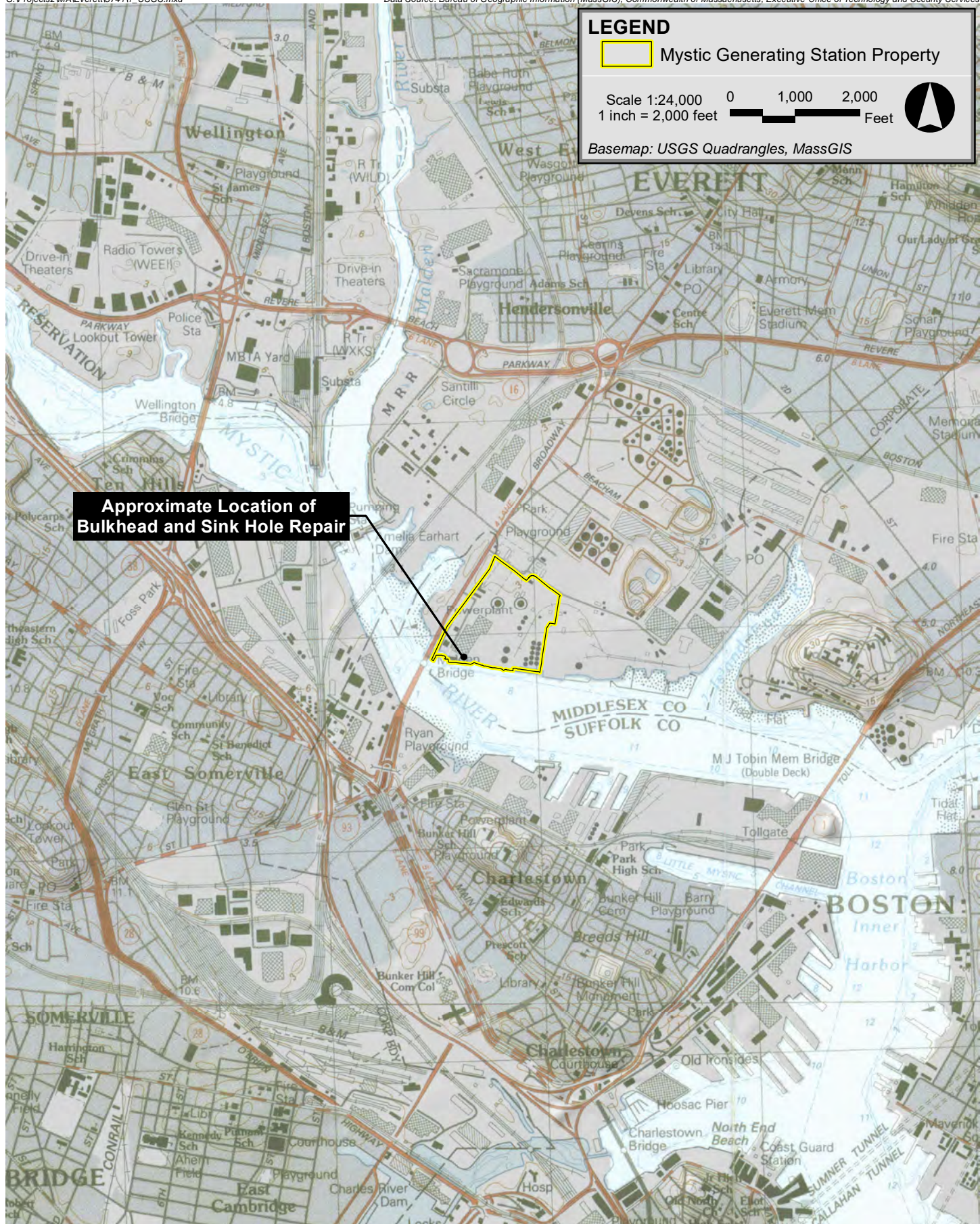
29 April 2020

Print Name and Title:

JULEA B. HOVEY, ASSET MANAGER

Attachment B

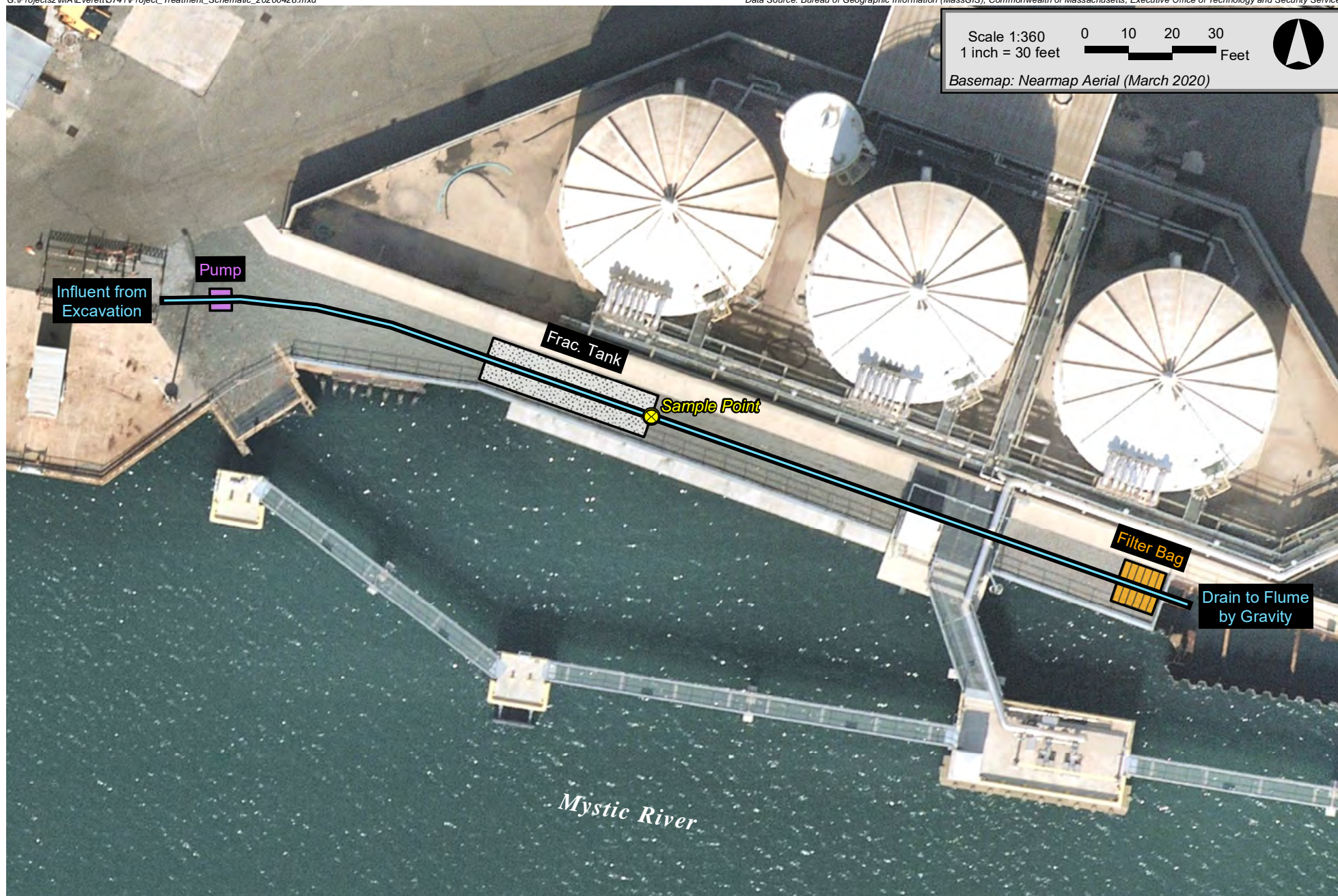
Figures



Sink Hole Repair Everett, Massachusetts



Sink Hole Repair Everett, Massachusetts



Sink Hole Repair Everett, Massachusetts



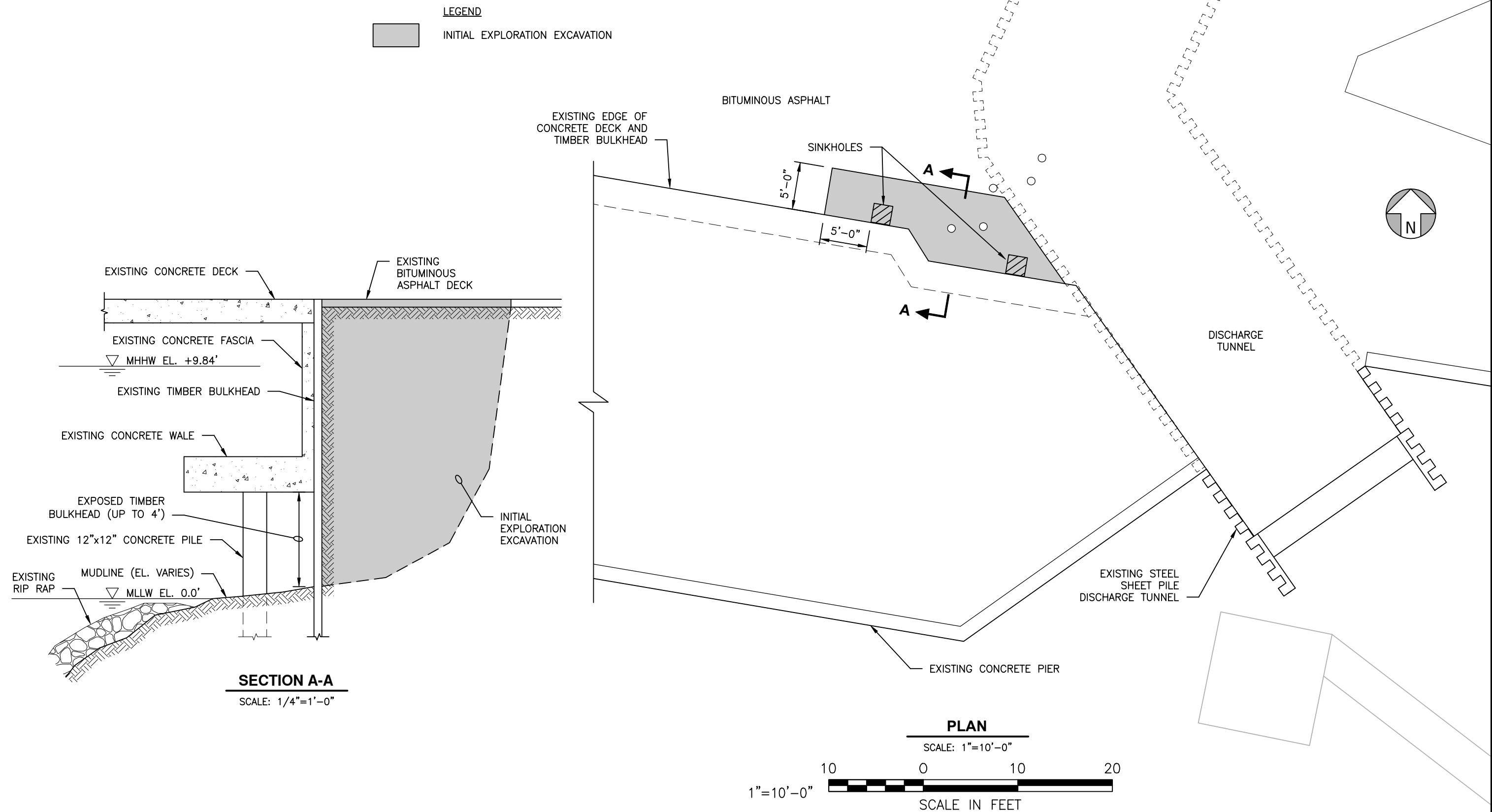
Sink Hole Repair Everett, Massachusetts



Sink Hole Repair Everett, Massachusetts

Attachment C

Project Plans



CHILDS ENGINEERING CORPORATION
34 WILLIAM WAY, BELLINGHAM, MA 02019 U.S.A.
Phone: (508) 966-9092 Fax: (508) 966-9096
E-mail: mail@childseng.com

Mark	Description	Date	Appr.

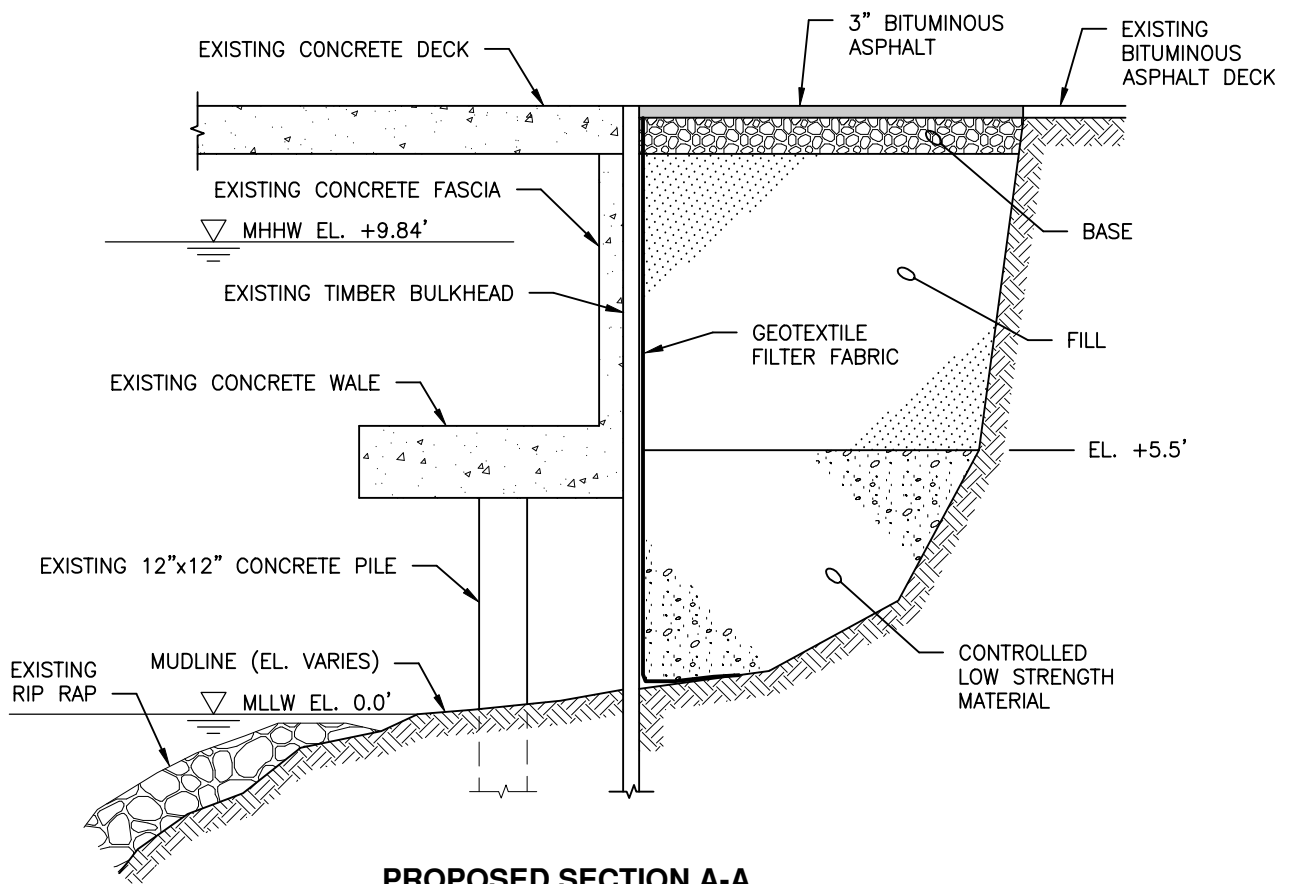
Designed by: RMC		Date: 11/04/2019
Dwn by: TEQ	Ckd by: NBS	Design file no. 288219 SK-01
Reviewed by: NBS		Scale: AS NOTED

EXELON
MYSTIC STATION
EXISTING PLAN
AND
SECTION

Sheet
reference
number:

SK-01

Sheet 1 of 2



SCALE: 1/4"=1'-0"



CHILDS ENGINEERING CORPORATION

34 WILLIAM WAY, BELLINGHAM, MA 02019 U.S.A.

Phone: (508) 966-9092 Fax: (508) 966-9096

E-mail: mail@childseng.com

Designed by:	NBS	Date:	11/04/19
Dwn by:	TEQ	Ckd by:	NBS
		Design file no.:	288219 SK-02
Reviewed by:	NBS	Scale:	1/4"=1'-0"

EXELON
MYSTIC STATION

**PROPOSED
SECTION A-A**

Sheet
reference
number:

SK-02

Sheet 2 of 2

Attachment D

Best Management Practices Plan (BMMP)

ATTACHMENT E – BEST MANAGEMENT PRACTICES PLAN (BMMP)

The Project will require a number of best management practices (“BMPs”) to control potential releases of pollutants or sediment to waters of the U.S. during bulkhead repairs. Construction-period practices include stormwater and erosion controls, and proper material handling and disposal. Construction personnel will adhere to the procedures identified in this BMMP.

Spill Prevention and Response Plan

A spill containment kit will be kept on-site to allow personnel to quickly response in the case of a leak or spill. Equipment will be kept in a condition that prevents leakage or discharge of pollutants. Fuel, oil, hydraulic fluids, petroleum products and/or other chemicals will be stored in original containers and under cover to minimize their exposure to precipitation and storm water. In the case of an accidental release during construction, the contractor will notify the appropriate response agencies.

Dewatering

The proposed work may require construction dewatering during higher tide elevations. If dewatering activities are required, the source waters (“tidal waters of the Mystic River”) will be pumped into a fractionation tank to remove suspended solids then discharged into a filter bag for additional removal of suspended solids. Prior to discharge, a sampling station will be established at the fractionation tank. The water from the filter bag will drain by gravity into the flume rather than a direct discharge into the Mystic River. Therefore, no direct discharges directly to the river channel are proposed. The operator and construction personnel will inspect the equipment regularly and repair any aspects not in good working conditions.

Material Handling and Disposal

The excavated soils from the site will be used as back-fill following the repairs and maintenance. The excavated soils will be stockpiled and stored on-site, to be located on a paved asphalt surface and covered with plastic sheeting to prevent erosion. Any nearby catch basins which may receive runoff from the work area will be fitted with inlet protection to avoid discharges of sediment to the river via the site drainage system. Any excavated materials not used as back-fill will remain on the property to be maintained by the Applicant.

Attachment E

Endangered Species Act Eligibility



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New England Ecological Services Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5094
Phone: (603) 223-2541 Fax: (603) 223-0104
<http://www.fws.gov/newengland>



In Reply Refer To:

March 10, 2020

Consultation Code: 05E1NE00-2020-SLI-1482

Event Code: 05E1NE00-2020-E-04922

Project Name: Exelon Mystic Station

Subject: Updated list of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New England Ecological Services Field Office

70 Commercial Street, Suite 300

Concord, NH 03301-5094

(603) 223-2541

Project Summary

Consultation Code: 05E1NE00-2020-SLI-1482

Event Code: 05E1NE00-2020-E-04922

Project Name: Exelon Mystic Station

Project Type: DREDGE / EXCAVATION

Project Description: Exelon Mystic Power Station, Everett, MA 02149, repairs to bulkhead and sinkhole.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/42.389545641796786N71.06882650597383W>



Counties: Middlesex, MA

Endangered Species Act Species

There is a total of 0 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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](#)

Query Results
















Degrees, Minutes, Seconds: Latitude = 42°23'20" N, Longitude = 72°55'54" W
 Decimal Degrees: Latitude = 42.39, Longitude = -71.07




























The query location intersects with spatial data representing EFH and/or HAPCs for the following species/management units.































*** 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

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Atlantic Wolffish	ALL	New England	Amendment 14 to the Northeast Multispecies FMP
			Winter Flounder	Eggs Juvenile Larvae/Adult	New England	Amendment 14 to the Northeast Multispecies FMP
			Little Skate	Juvenile Adult	New England	Amendment 2 to the Northeast Skate Complex FMP
			Ocean Pout	Adult Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Atlantic Herring	Juvenile Adult Larvae	New England	Amendment 3 to the Atlantic Herring FMP

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Atlantic Cod	Larvae Adult Juvenile Eggs	New England	Amendment 14 to the Northeast Multispecies FMP
			Pollock	Juvenile Eggs 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
			Silver Hake	Eggs/Larvae Adult	New England	Amendment 14 to the Northeast Multispecies FMP
			Yellowtail Flounder	Adult Juvenile Larvae Eggs	New England	Amendment 14 to the Northeast Multispecies FMP
			White Hake	Larvae Adult Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Windowpane Flounder	Adult Larvae Eggs Juvenile	New England	Amendment 14 to the Northeast Multispecies FMP
			Winter Skate	Adult Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			American Plaice	Adult Juvenile Larvae Eggs	New England	Amendment 14 to the Northeast Multispecies FMP

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Thorny Skate	Juvenile	New England	Amendment 2 to the Northeast Skate Complex FMP
			Northern Shortfin Squid	Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Longfin Inshore Squid	Juvenile Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Atlantic Mackerel	Eggs Larvae Juvenile Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Bluefish	Adult Juvenile	Mid-Atlantic	Bluefish
			Atlantic Butterfish	Eggs Larvae Adult	Mid-Atlantic	Atlantic Mackerel, Squid, & Butterfish Amendment 11
			Spiny Dogfish	Sub-Adult Female Adult Male Adult Female	Mid-Atlantic	Amendment 3 to the Spiny Dogfish FMP
			Atlantic Surfclam	Juvenile Adult	Mid-Atlantic	Surfclam and Ocean Quahog
			Scup	Juvenile	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass
			Summer Flounder	Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

Show	Link	Data Caveats	Species/Management Unit	Lifestage(s) Found at Location	Management Council	FMP
			Black Sea Bass	Adult	Mid-Atlantic	Summer Flounder, Scup, Black Sea Bass

HAPCs

Show	Link	Data Caveats	HAPC Name	Management Council
			Inshore 20m Juvenile Cod	NEFMC

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 -->](#)

Mid-Atlantic Council HAPCs,
No spatial data for summer flounder SAV HAPC.

Attachment F

National Historic Preservation Eligibility

Massachusetts Cultural Resource Information System

MACRIS

MACRIS Search Results

Search Criteria: Town(s): Everett; Street No: 39; Street Name: Rover;

Inv. No.	Property Name	Street	Town	Year
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National Register of Historic Places

National Park Service
U.S. Department of the Interior

Public, non-restricted data depicting National Register spatial data processed by the Cultural Resources GIS facility. ...



200 ft
www.nps.gov/npsmap/disclaimer/ | Geocoding by Esri | © Mapbox (<https://www.mapbox.com/about/maps/>) © OpenStreetMap (<https://www.openstreetmap.org/copyright>) contributors

[Home \(https://www.nps.gov/\)](https://www.nps.gov/) | [Frequently Asked Questions \(https://www.nps.gov/faqs.htm\)](https://www.nps.gov/faqs.htm) | [Website Policies \(https://www.nps.gov/aboutus/website-policies.htm\)](https://www.nps.gov/aboutus/website-policies.htm)