

# **Natural Resources Damages and Assessment and Restoration Former National Fireworks Site**

**Notice of Upcoming Funding Opportunity and Planning  
Process for Restoration Projects**

Karen Pelto and Cathy Kiley  
Natural Resource Damages Assessment &  
Restoration Program  
MassDEP

November 14, 2019  
Town Hall  
Hanover, Massachusetts



# Topics for Discussion

- **Meeting Purpose**
  - Information Session
- **Overview of NRD**
  - Trust Resources
  - NRD Authority
- **Restoration Process**
  - Former Fireworks Site (Tronox) NRD Settlement/Trustees
  - RP/PEA
  - Available Funding
  - Goal of Feasibility/Scoping Phase
- **Eligibility – Feasibility/Scoping Phase**
  - Geographic Focus Area
  - Applicants
- **Grant Application**
  - Timeline
  - Application Tips/Requirements
  - Selecting Applications
  - How Applications are Reviewed
    - Eligibility Criteria
    - Evaluation Criteria
- **Grant Awards**
- **Questions**



# Meeting Purpose

- **Information Session prior to release of Grant Announcement and Application (GAA)**
  - **Communication – can:**
    - Provide information about the GAA
    - Provide feedback regarding potential projects
- **When the GAA is released:**
  - **Communication – cannot:**
    - Applicants are prohibited from communicating directly with any employee of the procuring department or any member of the Grant Review Team...and no other individual Commonwealth employee or representative is authorized to provide any information or respond to any question or inquiry concerning this Grant Announcement.



# Natural Resources Held in Trust for the Public by the Commonwealth

- **Resources**

- Biota (fish and wildlife)
- Surface Water
- Groundwater
- Air
- Soils, Sediments

- **Services provided by Natural Resources**

- Fishing, hunting, and shellfishing
- Habitat for wildlife
- Recreation
- Spiritual or cultural use
- Water Supply



# When oil spills or releases of hazardous materials occur, there is cleanup and assessment

## Cleanup

- Determine nature and extent of contamination
- Evaluate, select and take actions to eliminate or reduce risks to human health & environment



## Damages Assessment

- Determine type and extent of injuries to natural resources
- Evaluate, select and take actions to restore natural resources that compensates the public for injuries





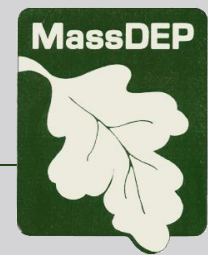
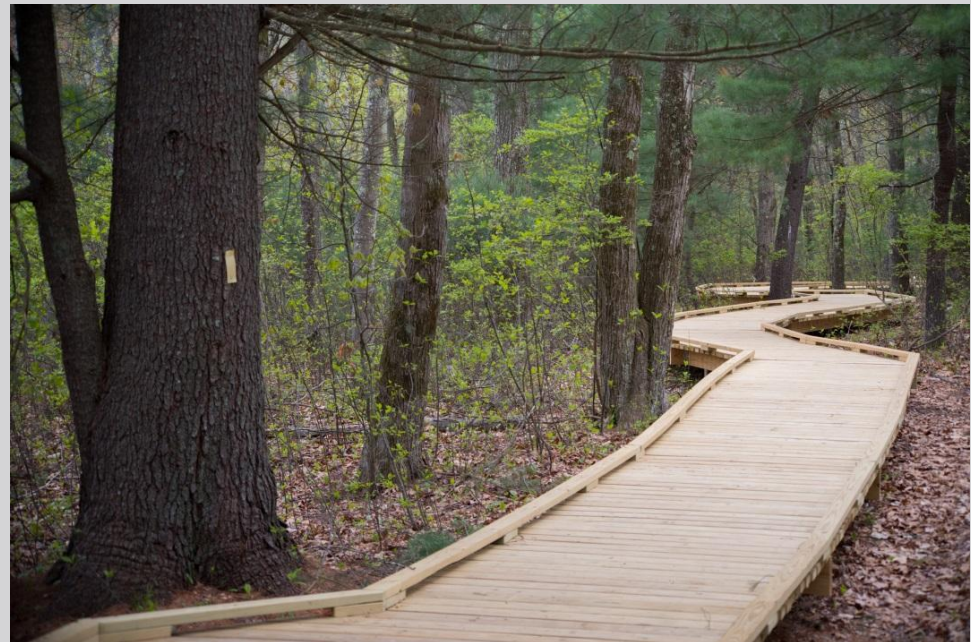
# Example of Natural Resource Injury and Restoration: Bouchard B-210 Oil Spill

- **State and federally threatened Piping Plover oiled**
- **Controlling predators and disturbance during nesting season restores Plover chicks**



# Example of Natural Resource Injury and Restoration: Nyanza

- **Mercury harmed aquatic life, wildlife, habitat, and human use**
- **Projects to conserve, restore habitat and species as well as recreational use**



# Natural Resource Damages Authority and Trustees

- **Massachusetts General Laws:**

- Chapter 21 E, sections 5A and 11A
- Chapter 21A, section 2A

Trustee is

- Secretary of Energy and Environmental Affairs represented by MassDEP

- **Federal Laws:**

- Superfund and Oil Pollution Act of 1990

Trustees are

- National Oceanic and Atmospheric Administration
- U.S. Fish and Wildlife Service
- Federally Recognized Tribes





# Over \$76 million in Natural Resource Damages settlements in Massachusetts

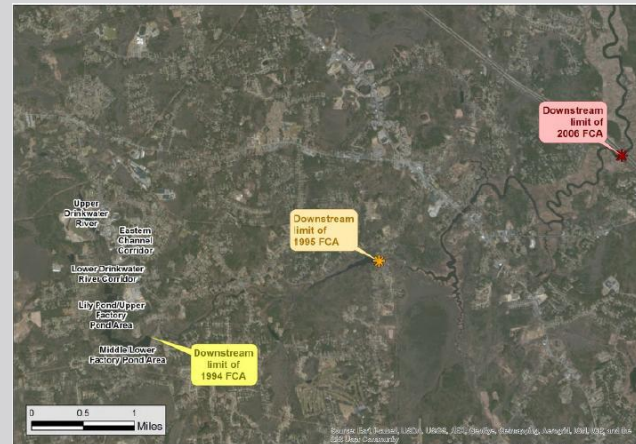
- New Bedford Harbor \$20 M
- GE/Housatonic \$15 M
- **Fireworks (Tronox) \$6.8 M**
- Bouchard B-120 (partial) \$19.3 M
- IndustriPlex \$4.3 M
- Nyanza \$3.1 M
- Sutton Brook Disposal Area \$1.65 M
- Textron/MMR \$1.3 M
- Charles George \$1.2 M
- Blackburn & Union \$1 M
- Rubchinuk \$747,000
- Holyoke Coal Tar \$500,000
- Global/Irving \$312,500
- Island End \$300,000
- Reed & Barton \$236,447
- Framingham GM \$157,425
- PSC Palmer \$157,000
- Posavina \$155,000
- JP Noonan \$55,100
- Colrain Acid Spill \$30,000
- Hallmark/Mystic \$26,801



# Former Fireworks Site – Restoration Process

- **Former National Fireworks Site (Tronox) Settlement.**

- 2015 bankruptcy settlement from Tronox/Anadarko.
  - **\$6.8 Million** for NRD for injury to sediment; surface water; fish, wildlife and aquatic life; and fish consumption advisories.
- 



- **Trustees**

- The U.S. Department of the Interior (DOI), acting through the U.S. Fish and Wildlife Service (USFW)
- Commonwealth of Massachusetts, acting through Energy and Environmental Affairs (EEA) represented by MassDEP

# Former Fireworks Site - Restoration Process

- **Restoration Plan/Programmatic Environmental Assessment (RP/PEA).**
  - Guides the Trustees in selecting the types and timing of restoration projects
  - Ensures that proposed restoration Projects will not conflict with proposed response actions
- **Restoration Planning Process**
  - Consultation
  - Public Meetings
  - Identify Restoration Categories and Phases
  - **Feasibility/scoping**
  - Prepare Draft RP/PEA
  - Public review/comment
  - Revise RP/PEA and prepare Final RP/PEA
  - Prepare Supplemental EAs
  - Implement Restoration Projects
  - Oversee and monitor project performance

# Restoration Projects Feasibility/Scoping Projects Overview

- **Available Funding (Feasibility/Scoping Phase)**
  - \$680,000 for Projects in Restoration Categories of
    - Aquatic Biological Resources and Habitat – Fish, amphibians, aquatic reptiles, benthic invertebrates, and other aquatic organisms;
    - Wildlife Resources and Habitat – avian, terrestrial reptilian and mammalian species that use the North, Indian Head or Drinkwater Rivers or Factory Pond in some manner;
    - Environmental Education and Outreach – Inform the public using river or watershed environment about issues that affect ecosystem health.
- **Goal of Grants for Restoration Projects (Feasibility/Scoping Phase)**
  - Field surveys, inventories, and/or feasibility studies to identify and evaluate potential restoration projects and actions.





# Restoration Projects

## Feasibility/Scoping Phase - Overview

- **Potential Projects in Aquatic Biological Resources and Habitat**
  - Projects that restore aquatic biological resources directly or enhance habitats of these resources
- **Potential Projects in Wildlife Resources and Habitat**
  - Projects that restore wildlife resources directly or enhance the habitats of these resources
- **Potential Environmental Education and Outreach Projects**
  - Projects that enhance understanding and appreciation of environment, increase awareness of sustainable restoration of rivers, ponds, injured natural resources, and services.



# Restoration Projects – Feasibility/Scoping Phase

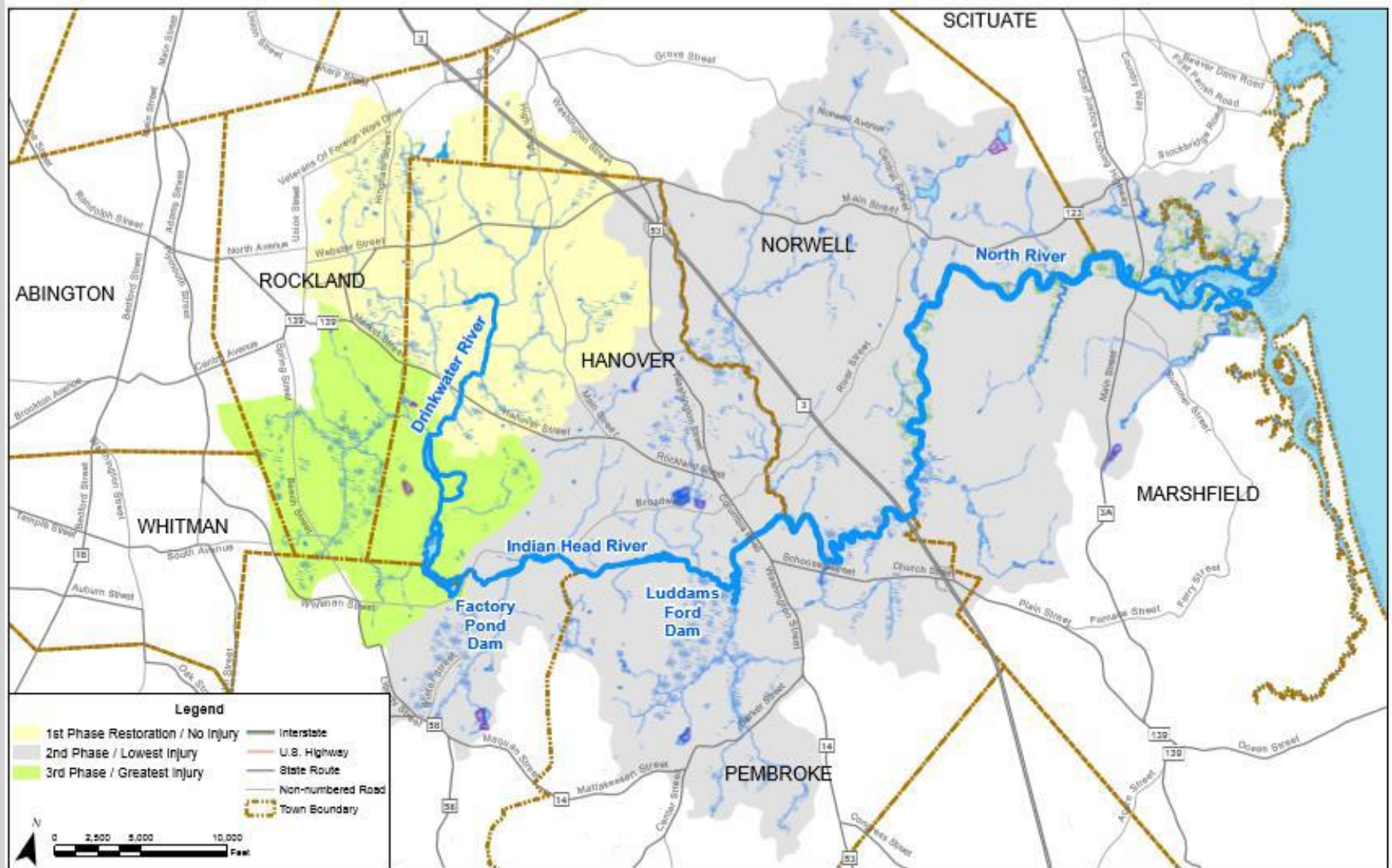
## Eligible Geographic Focus Areas

- **South Shore Coastal Watershed 2001 Water Quality Assessment Report** <https://www.mass.gov/lists/water-quality-assessment-reports-merrimack-through-weymouth-weir-watersheds#south-shore-coastal-watersheds---2001->
  - Projects must be located in the following segments :
    - Drinkwater River MA94-21
      - from Whiting Street through Forge Pond to inlet of Factory Pond, Hanover
    - Factory Pond MA94175
    - Indian Head River MA94-04 and MA94-22
      - Outlet of Factory Pond, Hanover/Hanson to Ludhams Ford Dam west of Elm Street, Hanover/Pembroke
      - From Ludhams Ford Dam, west of Elm Street, Hanover/Pembroke to confluence with Herring Brook (forming headwaters of North River), Hanover/Pembroke
    - North River MA94-05
      - Confluence of Indian Head River and Herring Brook, Hanover/Pembroke to Route 3A



# Restoration Phases

## Eligible Geographic Focus Areas



# Who Can Apply?

- **Public entities**

- state or local government including a county, municipality, local public authority, school district, special district, district commission, regional government, any agency or instrumentality of government, and state authorities

- **Non-public entities**

- individuals, partnerships, and corporations (private, non-profit, quasi-public, or corporate body politic)
- 
- Organizations based outside the eligible geographic focus area are eligible to apply so long as the proposed restoration project takes place within the project area.
  - Partnerships and collaborative efforts between organizations are encouraged.
  - Eligible applicants may submit more than one application for distinct restoration projects.





# Restoration Projects – Feasibility/Scoping Phase Grant Announcement and Application

**Anticipated release date: February 2020**

**Notification of GAA release will be available at:**

- MassDEP NRD website at:  
<http://www.mass.gov/eea/agencies/massdep/cleanup/nrd/nrd-restoration-funding-opportunities.html>
- Commonwealth's Procurement website(COMMBUYS) available at:  
[www.commbuys.com.html](http://www.commbuys.com.html)
- Via email to known interested parties

**GAA materials will be available at:**

- COMMBUYS website
  - Search using "Contract & Bid Search" (Bid)
  - "nrd" in description field
  - Commodity code for Grants 00-00-00
- MassDEP NRD website



# Grant Application – Timeline (Estimated)

PROCUREMENT EVENT	DATE
Grant Announcement Posted on MassDEP website and COMMBUYS	February 5, 2020
Deadline for submission of written questions to MassDEP Grant Contact Person (see Section 2D): <a href="mailto:Cathy.Kiley@mass.gov">Cathy.Kiley@mass.gov</a>	February 19, 2020; 5:00 p.m.
Official answers posted on MassDEP website	February 26, 2020; 5:00 p.m.
<b>Grant Application due date</b>	<b>March 18, 2020 at 4:30 p.m.</b>
Announcement of awards on COMMBUYS and MassDEP Website	April 30, 2020 (estimated)
Contract Start Date	May 1, 2020 (estimated)

# Restoration Projects – Feasibility/Scoping Phase Grant Announcement and Application

## **The GAA is anticipated to include:**

- Section 1: GAA Table of Contents
- Section 2: Grant Summary
- Section 3: Eligibility
- Section 4: Definitions
- Section 5: Procurement and Grant Contract Information
- Section 6: Instructions for Submitting an Application
- Section 7: Terms and Conditions of Grant Contract Awards
- Section 8: List of Attachments
- Section 9: List of Acronyms
- Attachments: Application Form, Application Requirements, Supplemental Terms & Conditions, Conflict of Interest Guidance and Disclosure Certification



# Restoration Projects – Feasibility/Scoping Phase

## Application Tips and Requirements

### Application

- Attachment A – separate document; all Sections must be completed (Sections 1-10). Can be completed in MS Word – expandable boxes, can attach photos, etc.)

### Multiple Applications

- Applicants may submit more than one proposal for distinct projects.

### Applicants' Questions

- Following release of the GAA:
  - MassDEP will hold an Applicants' Conference.
  - Written questions will be accepted (up to a date identified in the GAA) and answered by MassDEP.





# Restoration Projects – Feasibility/Scoping Phase

## Application Tips and Requirements

### Application

- Section 1 – Applicant Information
- Section 2 – Project Description (include location, latitude/longitude, type of restoration project)
- Section 3 - Project questions
- Section 4 – Community information
- Section 5 – Site Photos
- Section 6 – Project Summary – current conditions, project goals and natural resource benefits to be gained
- Section 7 – Project Background – current habit condition, etc.
- Section 8 - Project Description – how will it be designed, permitted, built, and implemented; operation/maintenance components; community outreach, etc.
- Section 9 - Project Benefits
- Section 10 – Signatures



# How will Applications be reviewed?

- **Eligibility Criteria**
  - Mandatory
- **Evaluation Criteria**
  - Used to prioritize eligible projects
  - Include *Focus, Benefit, and Implementation* Categories
- **Grant Review Team (includes MassDEP and other agencies)**

# Restoration Projects – Feasibility/Scoping Phase

- **Eligible Projects Must:**

- Have a strong link to natural resources and the services they provide to ecosystems and humans that were injured by releases from the Former National Fireworks site;
- Restore fisheries and riverine habitat in the focus area;
- Be a tangible on-the-ground restoration project;
- Be consistent with federal, state, or local law, regulation or policies.

# Restoration Projects – Feasibility/Scoping Phase

- **Eligible Projects Must Not:**
  - Restore natural resources solely outside of the geographic focus area;
  - Be subject to an independent, prior legal obligation to perform the project;
  - Be a proposal to conduct a monitoring or research study not connected to a restoration project;
  - Be located on a site so contaminated or degraded as to absorb greater funding to cleanup relative to restoration;
  - Use funds for continued operation, maintenance or support of an existing restoration project or natural resource.





# Appropriate Restoration Projects – Feasibility/Scoping Phase

- **Projects that restore the same of similar natural resources that were injured such as:**
  - Increasing habitat accessible to diadromous fish;
  - Improving stream connectivity through dam removal or culvert replacement;
  - Improving stream bed and bank conditions for resident fish;
  - Acquiring quality habitat for fisheries and wildlife;
  - Benefit fish, birds, and fish-eating mammals.

# Inappropriate Restoration Projects – Feasibility/Scoping Phase

- **Projects that are otherwise required by law or permit such as:**
  - Constructing a mitigation wetland required for offsetting impacts from a construction project
- **Projects that do not restore the same or similar resources as those that were injured such as:**
  - Creating recreational paths, dam repair or restoring upland habitat

# Submitting Applications – Feasibility/Scoping Phase

- **Application (Attachment A)**
  - Includes Applicant Information, Project Information, Checklist for potential Environmental, Social and Economic Impacts
- **Detailed Application Requirements (Attachment B)**
  - Provides details for Application, including Section 8ii Project Cost and Resumes
- **Supplemental Terms and Conditions (Attachment C)**
  - Applies to the grant contracts that are issued/awarded
    - Details requirements for invoicing regarding compensation and payment
    - Details conflict of interest and other obligations
- **Conflict of Interest Certification Statement (Attachment D)**
  - Applies to awardees and subcontractors/consultants



# Where to Submit Applications – Feasibility/Scoping Phase

- **Application Deadline (estimated)**

- The Application and all supporting documents must be delivered to MassDEP by **4:30 pm on Wednesday, February 5, 2020.**

Massachusetts Department of Environmental Protection  
Bureau of Waste Site Cleanup  
One Winter Street, 3rd Floor  
Boston, MA 02108  
Attn: Cathy Kiley



# NRD Grant Awards – Feasibility/Scoping Phase

## Grant Awards

- Single or Multiple Awards as Contract
- Grant Awards will have maximum \$
- Duration:
  - 2 years with 2 1-year renewal options – total of 4 years

## Contracts

- Commonwealth Standard Contract
- Commonwealth Terms and Conditions
- Supplemental Terms and Conditions
- Payment
  - Grantees reimbursed for costs/expenses



# Restoration Projects – Feasibility/Scoping Phase

MassDEP NRD Contract Administrator

Cathy Kiley

[Cathy.Kiley@mass.gov](mailto:Cathy.Kiley@mass.gov)

617-556-1012

