From:	Shawn Rising
To:	Maureen Pollock
Cc:	joel.rees@state.ma.us; derrick.bruce@mass.gov; Jennifer Platek; Patty Goclowski; Ellen Dufraine; Kelly Crumrine
Subject:	Request for Emergency Certification for Work in Wetlands Resource Area
Date:	Monday, October 26, 2026 10:42:20 AM
Attachments:	image001.png October 2026 Request for Emergency Certification.pdf RTN 1-54224 NOR.pdf

---

Good morning Maureen,

Please find the attached Request for Emergency Certification for Work in Wetlands Resource Area relative to the observance of a sheen on surface water on October 8, 2026. A copy of the Release Notification and Notice of Responsibility (NOR) is also attached for reference. The NOR was issued on October 21, 2026 by the Massachusetts Department of Environmental Protection (MassDEP) which approved the deployment of absorbents as necessary to contain the sheen.

Please refer the attached documents for further details. Additional information relative to the associating Release Tracking Number (RTN 1-54224) can be accessed at the MassDEP Searchable Sites portal via the following link: https://eeaonline.eea.state.ma.us/portal/dep/wastesite/viewer/1-0054224.

Please do not hesitate to contact me with any questions.

Thank you,

Shawn D. Rising
LSP
Senior Project Manager

Tighe & Bond

O 413.875.1615
C 413.244.0581

53 Southampton Road
Westfield, MA 01085

TIGHEBOND.COM

F-0211
October 26, 2026

Montague Conservation Commission
One Avenue A
Turners Falls, MA 01376

Re: Request for Emergency Certification for Work in Wetlands Resource Area
Turners Falls Dam
1 Gatehouse Avenue, Turners Falls, Massachusetts
RTN 1-54224

To Whom It May Concern:

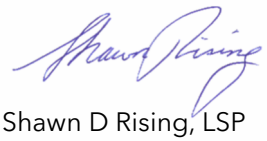
On behalf of FirstLight Power Services LLC (FirstLight), Tighe & Bond respectfully requests an Emergency Certification for response actions relative to the observation of a sheen from Piston #3 of FirstLight's Turners Falls Dam located at 1 Gatehouse Avenue in Turners Falls, Massachusetts. The release was identified during ongoing repairs and improvements being performed at the dam, and sheen was observed on a portion of the Connecticut River located in Montague, Massachusetts. J.F. Brennan Company (J.F. Brennan) of La Crosse, Wisconsin is the selected contractor currently performing dam repairs and upgrades, and actions have been implemented to stop the hydraulic fluid leak from the subject piston. The Massachusetts Department of Environmental Protection (MassDEP) was previously notified and Release Tracking Number (RTN) 1-54224 was assigned on October 21, 2026. A draft Emergency Certification form outlining proposed response actions is attached, for the Montague Conservation Commission's consideration.

Absorbent booms and pads were placed directly around the piston prior to performing repairs as a preventive measure if a release of hydraulic fluid were to occur. Additionally, booms and pads have been deployed downgradient of the dam to contain and adsorb petroleum sheen, which was emanating from the piston. It appears the series of booms have contained the sheen, and have prevented it from migrating further downstream into the Connecticut River. Surface water will continue to be monitored for petroleum sheen(s) and the condition of the booms will be regularly monitored during response actions. No equipment will be placed in the waterway during these response actions.

Per the order of the MassDEP Bureau of Waste Site Cleanup (BWSC), these safety measures and response actions have been approved to be conducted under RTN 1-54224 as an Immediate Response Action (IRA). FirstLight is aware that the Emergency Certification is valid for 60 days from the date of issuance.

Thank you for your consideration of this request. Please let us know if you have any questions or would like to schedule a site visit.

Respectfully yours,
Tighe & Bond, Inc.



Shawn D Rising, LSP
SENIOR PROJECT MANAGER

\\tighebond.com\data\data\projects\F\F0211 FirstLight Sediment\0052 October 2026 Sheen\Emergency Certification\October 2026 Request for Emergency Certification.docx

53 Southampton Road
Westfield, MA 01085

TIGHEBOND.COM

T 413.562.1600

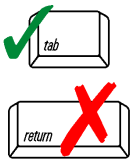
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

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

A. Emergency Information

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



Issuance From: Montague Conservation Commission
Issuing Authority

1. Site Location: Turners Falls Dam (1 Gatehouse Avenue, Turners Falls)

2 Reason for Emergency:

Response actions relative to observance of sheen from Piston #3, Bascule gate #2 of the dam.

3. Applicant to perform work: FirstLight Power Services LLC

4. Public agency to perform work or public agency ordering the work to be performed:

MassDEP Bureau of Waste Site Cleanup

5. Date of Site Visit: | Start Date: October 8, 2026 | End Date*: December 7, 2026

* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:

Emergency spill response in accordance with the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000) as per the direction of MassDEP Bureau of Waste Site Cleanup. Response actions to include, but not necessarily be limited to, the following:

1.) Deployment of absorbent pads and booms downgradient of the dam will be monitored during the course of response actions, and changed out and/or adjusted as needed.
2.) Piston repairs and improvements are ongoing, which have currently stopped additional hydraulic fluid leaks.

* May not include work beyond that necessary to abate the emergency.

WPA Emergency Certification Form

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

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

A copy of this form must be provided to the appropriate DEP Regional Office.

C. General Conditions

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 Emergency Certification or subject to enforcement action.

2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.

3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.

5. 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 Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.

6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.

7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.

D. Special Conditions

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

Commonwealth of Massachusetts
Department of Environmental Protection

Western Regional Office
Address: 436 Dwight St, Springfield, MA 01103
Phone: 413-784-1100

Maura T. Healey	Kim Driscoll	Rebecca Tepper	Bonnie Heiple
Governor	**Lieutenant Governor**	**Secretary**	**Commissioner**

October 21, 2026

FirstLight Power Resources LLC
99 Millers Falls Road
Northfield, MA 01360
Jennifer.Platek@firstlight.energy

Re: Montague
Turners Falls Dam, Bascule Gate 2
RTN 1-54224

Attn: Jennifer Platek, HS&E Specialist

RELEASE NOTIFICATION and NOTICE OF RESPONSIBILITY
M.G.L. c. 21E and 310 CMR 40.0000

Dear Ms. Platek:

On October 8, 2026, the Department of Environmental Protection (MassDEP) was notified of release of hydraulic oil from bascule gate 2 of the Turners Falls Dam in Montague, Massachusetts (the site). As reported, a sheen was observed on the water surface below the

Dam that persisted for more than 24 hours. This constitutes a reportable release as listed in the Massachusetts Contingency Plan, 310 CMR 40.0000 (the MCP). In addition to oral notification, 310 CMR 40.0333 further requires that a completed Release Notification Form (RNF) be submitted to MassDEP within 60 calendar days of the date of the oral notification.

MassDEP has reason to believe that the release that was reported is or may be a disposal site as defined in the MCP. MassDEP also has reason to believe that you (as used in this letter "you" refers to FirstLight MA Hydro LLC) are a potentially responsible party (PRP) with liability under Section 5(a) of M.G.L. c. 21E. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer, or other person specified in said Section 5(a). This liability is also "joint and several", meaning that you are liable for all response costs incurred at a disposal site even if there are other liable parties.

MassDEP encourages PRPs to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking the necessary response actions, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions. You may also avoid or reduce certain permit or annual compliance fees payable under 310 CMR 4.00. Please refer to M.G.L. c. 21E for a complete description of potential liability. For your convenience, a summary of liability under M.G.L. c. 21E is attached.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any actions necessary to protect any such claims you may have against third parties.

At the time of oral notification, the Department approved the following response actions as Immediate Response Actions (IRA):

- Deployment of absorbents as necessary.

Specific approval is required from MassDEP for the implementation of an IRA with the exception of assessment activities, the construction of a fence and/or posting of signs. Additional submittals are necessary with regard to this notification including, but not limited to, the filing of an IRA Plan within 60 days of the date of notification, unless an IRA Completion Statement and/or a Permanent or Temporary Solution Statement has been

filed prior to that date. IRA Status Reports are required to be submitted within 120 days of the date of notification and every six months thereafter, unless an IRA Completion Statement and/or a Permanent or Temporary Solution Statement has been filed prior to the IRA submittal due dates. The MCP requires that a fee of **$1470.00** be submitted to the Department when a Permanent or Temporary Solution Statement is filed greater than **120 days** from the date of initial notification.

Unless otherwise provided by MassDEP, responsible parties have one year from the initial date notice of a release or threat of release is provided to MassDEP pursuant to 310 CMR 40.0300 or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a Permanent or Temporary Solution Statement; or (3) a Downgradient Property Status Submittal. The one-year anniversary date for this release is **October 8, 2027.**

It is important to note that you must dispose of any Remediation Waste generated at the subject locations in accordance with 310 CMR 40.0030 including, without limitation, contaminated soil and/or debris. Any Bill of Lading accompanying such waste must bear the seal and signature of a Licensed Site Professional (LSP). You may contact the LSP Board of Registration at 617-556-1091 to obtain the current LSP list. The LSP list is also available via the following link: https://eeaonline.eea.state.ma.us/portal#!/search/lsp. Currently MassDEP has Mr. Shawn Rising listed as the LSP of Record for this release.

Please note that all submittals for this release that require an LSP opinion must be submitted through e-DEP, MassDEP's electronic document and form submittal repository. For more information on electronic submittal of forms and reports, please visit MassDEP's website,http://www.mass.gov/eea/agencies/massdep/service/online/edep-online-filing.html.
If you have any questions relative to this notice, you should contact the undersigned at the above letterhead address or Joel Rees at 413-374-0170. All future communications regarding this release must reference the Release Tracking Number (RTN) contained in the subject block of this letter.

Sincerely,
/s/ Derrick Bruce
Derrick Bruce
Section Chief
Emergency Response, Bureau of Waste Site Cleanup

DAB:JGR
54224 Montague FirstLight Hydraulic Release NOR

e-cc: Gill:
Fire Department
Health Department
Town Administrator
Conservation Commission

Katelyn Kelly, MassDEP
Audrey Piubeni, MassDEP
Shawn Rising, LSP of Record

SUMMARY OF LIABILITY UNDER CHAPTER 21E

As stated in the Notice of Responsibility accompanying this summary, MassDEP has reason to believe that you are a Potentially Responsible Party (PRP) with potential liability under M.G.L. c. 21E, section 5, for response action costs and damages to natural resources caused by the release and/or threat of release. MassDEP has identified you as a PRP because it believes you fall within one or more of the following categories of persons made potentially liable by subsection 5(a):

- any current owner or operator of a site from or at which there is or has been a release or threat of release of oil and/or hazardous material;
- any person who owned or operated a site at the time hazardous material was stored or disposed of;
- any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site;
- any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release or threat of release of such material; and
- any person who otherwise caused or is legally responsible for a release or threat of release of oil or hazardous material at a site.

For purposes of the MCP, you are considered a Responsible Party (RP) with actual liability under M.G.L. c. 21E if you fall within one of these categories unless you (1) are entitled to a defense under section 5 or other applicable law, and (2) have reasonably incurred cleanup costs in an amount equal to or greater than any applicable cap on liability under subsection 5(d).

This liability is "strict," meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that each person who falls within one of these categories may be held liable for all response action costs incurred at the site, regardless of the existence of any other liable parties.

Section 5 provides a few narrowly drawn defenses to liability, including a defense for releases and damages caused by an act of God, an act of war or an act by a third party other than an employee, agent or person with whom the party has a contractual relationship (see subsection 5(c)); a defense for certain owners of residential property at which the owner maintains a permanent residence (see subsection 5(h)); and a defense for certain public utilities and agencies of the Commonwealth which own a right-of-way that is a site (see subsection 5(j)).

You may voluntarily undertake response actions under the MCP without having your liability under Chapter 21E formally adjudicated by MassDEP. If you do not take the necessary

response actions, or fail to perform them in an appropriate and timely manner, MassDEP is authorized by Chapter 21E to perform the necessary work.

By taking the necessary response actions, you can avoid liability for response action costs incurred by MassDEP in performing these actions. If you are an RP and you fail to perform necessary response actions at the site, you may be held liable for up to three (3) times all response action costs incurred by MassDEP and sanctions may be imposed on you for failure to perform response actions required by the MCP.

Response action costs include, without limitation, the cost of direct hours spent by Department employees arranging for response actions or overseeing work performed by persons other than MassDEP or its contractors, expenses incurred by MassDEP in support of those direct hours, and payments to MassDEP's contractors (for more detail on cost liability, see 310 CMR 40.1200: Cost Recovery). MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually.

Any liability to the Commonwealth under Chapter 21E constitutes a debt to the Commonwealth. To secure payment of this debt, MassDEP may place liens on all of your property in the Commonwealth under M.G.L. c. 21E, section 13. To recover this debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your potential liability for response action costs and damages to natural resources caused by the release, civil and criminal liability may also be imposed by a court of competent jurisdiction under M.G.L. c. 21E, section 11, and civil administrative penalties may be assessed by MassDEP under M.G.L. c. 21A, section 16, for each violation of Chapter 21E, the MCP or any order, permit or approval issued thereunder.

If you are an RP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should promptly notify MassDEP in writing of your inability in accordance with Chapter 21E, subsection 5(e), and 310 CMR 40.0172. If you assert and demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times MassDEP's response action costs and 310 CMR 40.0172 provides you with a limited defense to MassDEP's assessment of civil administrative penalties.