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August 7, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Lead Remediation at U.S. Coast Guard Bakers Island Light
PROJECT MUNICIPALITY : Salem
PROJECT WATERSHED : North Coastal
EEA NUMBER : 14450
PROJECT PROPONENT : U.S. Coast Guard Civil Engineering Unit
DATE NOTICED IN MONITOR : July 8, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project includes the excavation, removal, and disposal of 1,200 cubic yards (cy) of lead impacted soil on a 3.15 acre site on the northwest side of Bakers Island in Salem. The excavated areas will be backfilled with clean fill to achieve an average lead concentration of accessible soil of 400 milligrams/kilograms (mg/kg), and to restore existing grades. The project proposes the excavation of area around four buildings which include the keeper's and assistant keeper's buildings, the oil house and the engine house. According to the plans in the ENF, the total area of excavation is approximately 32,389 square feet (sf).

According to the ENF, estimated project impacts to wetland resource areas include 80 linear feet (1,704 sf) of Coastal Bank, 3,980 sf of Coastal Beach, and 5,684 sf of Land Subject to Coastal Storm Flowage. These impacts are associated with the construction of a temporary off-load ramp (20-foot by 60-foot) constructed of concrete blocks, and a riprap pad (50-foot by 25-foot), which are proposed to provide access to the site from the water for the proposed cleanup activities.

Jurisdiction and Permitting

The project is undergoing review pursuant to Section 11.03(3)(b)(1)(a) of the MEPA regulations because it requires a State Agency Action and it will result in the alteration of Coastal Bank. The project requires a Superseding Order of Conditions (SOC) from the Massachusetts Department of Environmental Protection (MassDEP), upon appeal of the Order of Conditions (OOC) issued by the Salem Conservation Commission. In addition, the project will require a Section 106 review in accordance with the National Historic Preservation Act of 1966.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, and historical and archaeological resources.

Review of the ENF

The Proponent has received an OOC from the Salem Conservation Commission for proposed alteration of wetland resource areas. The OOC has been appealed, and the Proponent is seeking an SOC from MassDEP (DEP File #064-0479). In response to MassDEP's comments on the ENF the Proponent has provided additional information to clarify the numerical areas of the proposed wetlands alterations associated with the project.

The project is being conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and is exempt from the notification requirements set forth in 310 CMR 40.300 of the Massachusetts Contingency Plan as a release of hazardous material emanating from a point of original application of lead-based paint (310 CMR 40.317(8)(a)). The ENF indicates that the excavated lead impacted materials will be transported off island for disposal. The OOC approved the use of a small barge to transport contaminated soil from the island and to bring clean soil to the island. As indicated in the comments from Mr. Robert Leavens, the Proponent should verify if permits from the Cities of Salem or Beverly harbormaster are required to satisfy Chapter 91 requirements for temporarily securing the barge. Following the completion of the project, the temporary off-load ramp and riprap pad will be removed using a hydraulic excavator. The area will be restored with three inches of topsoil and reseeded as mitigation. The Proponent has committed to employing erosion and sedimentation controls, such as silt fences, to protect the beach area from stormwater runoff. In addition, the Proponent relocated the access point to prohibit disturbance of the existing granite steps which lead from the existing trail to the beach.

The OOC requires that the areas surrounding the north side of the engine house and the entire area around the jeep shed shall be tested during the proposed project and that if any excavation is needed in these areas a subsequent Notice of Intent shall be submitted to the Salem Conservation Commission and MassDEP. At this time, the Proponent has not provided a description of future remediation activities in these areas and MassDEP has indicated that future activities are outside the purview of the present SOC. There is the potential for wetlands alteration if excavation of these areas is required. I am therefore requiring that a Notice of Project Change (NPC) be filed

with the MEPA Office for any future activity that may be proposed in these areas. The NPC will need to discuss any proposed wetlands alterations related to further remediation activities. The Proponent should consult with the MEPA Office prior to filing the NPC.

According to the ENF, the Bakers Island Light Station is listed on the National Register of Historic Places. MHC had previously requested that the Proponent conduct an intensive (locational) archaeological survey for the soil remediation project. As described in the ENF, this survey was conducted by Public Archaeological Laboratory to facilitate the transfer of the property to the Essex National Heritage Commission under the National Lighthouse Preservation Act of 2000. The results of the survey indicate that there are belowground structural remains which should be left in place and protected during the remediation activities. The survey also recommended that removal of contaminated soil should be conducted using hand tools adjacent to two identified structures: masonry stonework associated with the original tower's foundation and a stone-lined well near the keeper's building. The Proponent has incorporated protective measures into contract plans and specification for the soil excavation which include provisions for additional discovery of historical or cultural artifacts. MHC recommends that the Proponent should directly supervise their contractors and other personnel to ensure that the proposed plans and specifications are implemented accordingly.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

August 7, 2009

Date



Ian A. Bowles

Comments received:

- 07/15/2009 Massachusetts Historical Commission
- 07/27/2009 Robert T. Leavens
- 07/28/2009 Massachusetts Department of Environmental Protection – NERO

IAB/PPP/ppp