

Commonwealth of Massachusetts

Executive Office of Environmental Affairs ■ MEPA Office

**ENF**

**Environmental Notification Form**

<i>For Office Use Only</i> <i>Executive Office of Environmental Affairs</i>	
EOEA No.:	13726
MEPA Analyst:	Bridley August
Phone:	617-626-1029

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Chadwick Lead Mills Remediation Project (under MCP)		
Street: 485 Lafayette Street		
Municipality: Marblehead & Salem, MA	Watershed: North Coastal	
Universal Transverse Mercator Coordinates: 19T 345027 mE, 4706738 mN	Latitude: 42 29' 85" N	Longitude: -70 53' 16" W
Estimated commencement date: 1995 (MCP)	Estimated completion date: 2007	
Approximate cost: \$2.7 - 3.8 Million	Status of project design: 50% complete	
Proponent: Glover Estates, LLC		
Street: 121 Loring Avenue		
Municipality: Salem	State: MA	Zip Code: 01970
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Patricia Wenskevich		
Firm/Agency: Woodard & Curran, Inc.	Street: 980 Washington Street, Suite 325N	
Municipality: Dedham	State: MA	Zip Code: 02026
Phone: 781-251-0200	Fax: 781-251-0847	E-mail: pwenskevich@woodardcurran.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 \*Project potentially exceeds threshold based on DEP determination of site use.  Yes\*  No

Has this project been filed with MEPA before?  Yes (EOEA No. \_\_\_\_\_)  No

Has any project on this site been filed with MEPA before?  Yes (EOEA No. 127401)  No

Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:  
 a Single EIR? (see 301 CMR 11.06(8))  Yes  No  
 a Special Review Procedure? (see 301CMR 11.09)  Yes  No  
 a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No  
 a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify DEP Chapter 91 License)  No

- List Local or Federal Permits and Approvals: US Army Corps of Engineers General Permit; Marblehead Conservation Commission Order of Conditions; and Salem Conservation Commission Order

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |  |
|---------------------------------|---------------------------------------|--|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input checked="" type="checkbox"/> Wetlands, Waterways, & Tidelands |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                              |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste                     |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input type="checkbox"/> Historical & Archaeological Resources       |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" type="checkbox"/> Chapter 91 License <input checked="" type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> a) CZM Consistency b) MHC s.106 Review  (1) Total site acreage and new acres altered include portions of land owned by Marblehead, Salem and others. (2) Applies to area of salt marsh to be remediated. (3) Remediation includes no structures, only earth moving. (4) Remediation will be limited duration and excavation is planned to be used as fill on upland portion of Site.
Total site acreage	6.62 (1)			
New acres of land altered		4.0 (1)		
Acres of impervious area	0	0	0	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		13,883 (2)		
Acres of new non-water dependent use of tidelands or waterways		1.5 (3)		
<b>STRUCTURES</b>				
Gross square footage	0	0	0	
Number of housing units	0	0	0	
Maximum height (in feet)	0	0	0	
<b>TRANSPORTATION</b>				
Vehicle trips per day	0	0	0 (4)	
Parking spaces	0	0	0	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	0	0	0	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	0	0	0	
Length of water/sewer mains (in miles)	0	0	0	

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify \_\_\_\_\_)  No **See Attachment C**

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify site listed on MHC inventory)  No -

\*PAL, Inc. was hired to conduct a reconnaissance survey (2002) and intensive survey (2005), both of which have been completed, which concluded that site was largely disturbed and with little archaeological or historical value. No further investigations are recommended. Reports by PAL have been provided to Mass Historical Commission. A copy of the report filed with MHC is included in Attachment D.

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

The Chadwick Lead Mills Remediation Project ("Remediation Project") is, for purposes of MEPA review, solely to perform remediation activities at the site under the MCP. A Site Locus map is included in Attachment A. The site has been listed by the DEP as a MCP site since 1995 (DEP RTN #3-12695). Results of field investigation activities conducted at the former Chadwick Lead Mills site ("the Site") have documented high concentrations of lead-impacted soils and sediments on portions of the site and adjacent properties. A Phase I site investigation and Phase II Comprehensive Site Assessment (CSA) reports and a Risk Assessment have been completed for the Site in accordance with the MCP. See Attachment B for a summary of the Site's MCP status and timeline.

The Site is located off of Lafayette Street (Rt. 114) and is bounded by the Forest River to the West, Salem Harbor to the North, land owned by the town of Marblehead to the East, and private residential parcels to the South. A public bike/walking trail bisects the site in northerly part and the Marblehead-Salem town boundary bisects it in the westerly part. The site is presently largely wooded and undeveloped with no structures remaining from the time of a 1968 fire. The remedial area is entirely fenced to limit public access due to the health risks and MCP activities ongoing at the Site.

The remediation project is unique insofar as the work being permitted is solely driven by the cleanup requirements under the MCP (310 CMR 40.0000). Thus, for all intents and purposes, the site is 'adequately regulated' in terms of the actions that will be performed to reach site closure under the MCP. The applicable MEPA threshold for the remediation project that potentially triggers a Mandatory EIR is the possible disturbance of 1 acre or more of land subject to Chapter 91 (301 CMR 11.03(3)(a)5). Hence, we are filing this Expanded ENF to provide the agencies and the public with the full record of studies that have been completed at the Site. The exact acreage amount under DEP jurisdiction is subject to further interpretation, which will be done as part of the MEPA review and DEP Chapter 91 licensing process following the conclusion of the MEPA review.

The Remediation Project proponent is also making this MEPA filing in parallel with a separate filing by another proponent seeking to develop housing on the Site. While the two projects are separate, we acknowledge that the two parties have coordinated their efforts under the MEPA review for the purpose of giving the state agencies and public the greatest openness and transparency during the public comment period. This will afford everyone seeking to comment on the two projects the fullest opportunity to review the information and technical data submitted by both proponents in making their comments to MEPA.

Historically, the site received three Chapter 91 licenses, the first dating back to 1893 (#1502), followed by licenses in 1898 (#2177) and 1904 (#2848). These licenses were given to the owners of the former lead mill operations on the site at that time allowing them to fill in portions of the site along the Forest River to its mouth with Salem Harbor. Generally speaking, the original river tidal line for which permits were issued to allow filling corresponds to the upland area of the site in Salem from the present Salem boundary line westerly to the edge of the Forest River, which is now comprised of large stone blocks serving as a retaining wall that is approximately 10 to 20 feet high depending on the tidal elevations. This area constitutes the **filled tidelands** portion of the DEP jurisdiction under Chapter 91. This area is approximately 1.15 acres. Also subject to Chapter 91 jurisdiction are the lands that make up the beach area northerly from the bike trail to the waterline of the harbor. DEP jurisdiction extends from **Mean High Water (MHW) line**, seaward. This area is approximately 0.39 acres. **However, the actual total area of soil disturbance required for remediation is less than these acreage amounts.** There is also a portion of land along the beach that is above the MHW line and follows the northerly slope of the bike trail, and is outside of the historic tidelands, which is not subject to Chapter 91. This area is subject to review by the local Conservation Commission. It should be noted, further, that this MEPA Chapter 91 trigger is dependent on how DEP classifies the remediation activities for purposes of licensing. At this time and for this MEPA filing, we have assumed that an EIR may be required; hence, we have filed this **Expanded ENF requesting Single EIR** that demonstrates that virtually all technical issues pertaining to MCP remediation activities for which permits are required and having MEPA review have been satisfactorily addressed. Attachment E presents a Site Plan showing the site's principal resource and jurisdictional features.

Other state agency jurisdiction also applicable to the site and which triggers MEPA ENF review (but not EIR) includes thresholds for coastal bank and salt marsh disturbance as a result of the remediation activities. Additionally, there are state agency reviews that also apply to the remediation project, but that do not trigger MEPA thresholds. These are the Massachusetts Historical Commission (MHC) under s.106 of the federal and state Historic Preservation Act, for which a final Site Investigation Report has been submitted to MHC and a copy is included herein (see Attachment D).

Preliminary results of the site MCP investigations indicate that lead concentrations in soil and sediment on portions of the Site pose unacceptable risks to public health and the environment. The high concentrations of lead at the Site are the result of historic releases dating from 1830 to 1910 from lead manufacturing operations at the site. Concentrations of lead have been detected at levels which, if left unremediated, indicate unacceptable risk to public health and the environment. Based on these findings, response actions and site remediation activities are underway at this Site to be completed consistent with the requirements of the MCP. The remediation effort will also include cooperation with the City of Salem and Town of Marblehead to facilitate soil and sediment remediation on municipally- owned properties abutting the Site. The total project remediation area for this ENF encompasses land owned by Glover Estates, LLC, the City of Salem, and the Town of Marblehead, as well as other abutters.

Due to the nature and the extent of the lead contamination and the public lands involved at this site, there are no appreciable alternatives to the recommended remediation approach, which is fully and adequately regulated under the MCP. Therefore, a "No Clean-up Action" alternative is not viable due to the significant risk to human health and environment from the contamination, if left unremediated. Other alternatives, likewise, are not feasible or do not exist except to proceed with remediation in accordance with the MCP. Moreover, remediation is the primary activity that must be completed at the Site before other land uses or redevelopment can feasibly occur, including residential development that is proposed by a separate proponent as presented in the separate Expanded ENF filed. Because of this separate site development plan, which is being done under the state's '40B' subsidized housing program, the Remediation Project has communicated with the proponent of the other project to assure that this MEPA filing as well as information on the respective projects' activities, timing and outcomes are coordinated. The prime objective of the Remediation Project, however, is solely the cleanup of the site in accordance with the MCP. The Town of Marblehead, twice in the past, rejected acquiring the site for open space due to the liability and cost of remediation. Use and enjoyment of the Site and its adjoining areas are currently restricted due to the high concentrations of lead in soils. The remedial area, including the contaminated beach area, is fenced. After clean-up by the proponent, the public use areas will again be accessible returning the water-front to beneficial public use.

Mitigation measures have been identified and will be implemented as a part of the remediation activities. These measures will minimize potential disturbance to resource areas, public lands and recreational uses, such as the bike/walking trail, as well as residential abutters during the limited duration construction period for remediation. It should be emphasized, however, that the greatest and most significant positive public, community and

environmental benefits of this Remediation Project will be its cleanup to bring a historically lead impacted site that has been unused and undevelopable in its present state to beneficial public use. The public benefits resulting from the site remediation are widespread including:

1. **Remediation of the site:** The Remediation Project will protect public health and the environment and close the MCP process.
2. **Restoration of public access to waterfront:** The Site is presently restricted in its public access to the waterfront, beach and parts of the Forest River due to the high levels of lead impacted soils. The Remediation Project will allow the waterfront areas to reopen to public access, as well as expand public uses at the Site. This would constitute a significant beneficial waterfront and water-dependent use.
3. **Development of housing:** Without the proposed MCP Remediation Project, development and reuse of the site would be infeasible. The site owner has an agreement to sell the site to a residential developer for the construction of a condominium project under the state's Chapter 40B Program (which includes a 25% affordable component) upon cleanup of the Site.
4. **The creation of temporary jobs:** The Remediation Project will provide temporary construction jobs and associated community and regional economic benefits for the duration of the remediation period, estimated to be 6 to 8 months.
5. **Remediation Activities:** Limited offsite disposal of excavated lead impacted soils is planned; hence, truck traffic along local roads will be limited, as will construction noise or other potential impacts to abutters.

## **LAND SECTION – all proponents must fill out this section**

### **I. Thresholds / Permits**

- A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1))  
 Yes  No; if yes, specify each threshold:

### **II. Impacts and Permits**

- A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	0	0	0
Roadways, parking, and other paved areas	0	0	0
Other altered areas (describe)	0	0*	0
Undeveloped areas	6.62	0	6.62

\*Remediation will not alter the site, but rather treat lead impacted soils and create a covered cell below-ground to prevent exposure to the most heavily impacted soils.

- B. Has any part of the project site been in active agricultural use in the last three years?  
 Yes  No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

- C. Is any part of the project site currently or proposed to be in active forestry use?  
 Yes  No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

- D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97?  Yes  No; if yes, describe:

- E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction?  Yes  No; if yes, does the project involve the release or modification of such restriction?  Yes  No; if yes, describe:

- F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A?  Yes  No; if yes, describe: