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August 9, 2019

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

PROJECT NAME : Site Improvements – DCR Hingham Shipyard Headquarters  
PROJECT MUNICIPALITY : Hingham  
PROJECT WATERSHED : Boston Harbor  
EEA NUMBER : 16066  
PROJECT PROPONENT : Department of Conservation and Recreation (DCR)  
DATE NOTICED IN MONITOR : July 10, 2019

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.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** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project includes site improvements at the Department of Conservation and Recreation's (DCR) Hingham Shipyard headquarters facility in order to preserve and improve operations at this facility and to support the regional management of coastal waterfront properties. Work includes the reconstruction of a deteriorated boat ramp and removal of derelict piles, building façade improvements, parking lot grading and reconfiguration, landscape improvements and amenities, and installation of a stormwater management system. A 12-foot (ft) wide riprap area will be installed around the majority of the boat ramp to reduce scour and erosion.

Project Site

The 2.7-acre project site is located along the southerly shore of the Weymouth Back River at 30 Shipyard Drive in Hingham. The site contains a 23,000-sf building (Building 45) which provides

support and office space for numerous DCR operations (including Islands District Headquarters, Boston Harbor Islands Operations, and Boat Maintenance Operations), the Massachusetts Environmental Police (MEP) (Boat Maintenance Operations), and the Friends of the Boston Harbor Island. A paved parking lot and dilapidated concrete boat ramp are located on the east side of Building 45. The lower portion of the boat ramp has deteriorated, exposing support piles and rebar. The western portion of the site contains the Massachusetts Bay Transportation Authority's (MBTA) Intermodal Building (EEA# 14684) and covered walkway to the MBTA ferry dock.

The project site is comprised of filled and flowed tidelands subject to c. 91 jurisdiction pursuant to the Waterways Regulations (310 CMR 9.00). As described in the ENF, the project site contains Land Under the Ocean (LUO), Land Containing Shellfish, Coastal Beach, Coastal Bank, and Land Subject to Coastal Storm Flowage (LSCSF). According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (Map No. 25023C0018J, effective July 12, 2012), a portion of the project site is located within a designated Velocity Zone (VE Zone). The site contains areas regulated under the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000).

### Environmental Impacts and Mitigation

Potential environmental impacts are associated with alteration of wetland resource areas including Coastal Bank (2,413 sf), Coastal Beach (3,045 sf), Land Containing Shellfish (389 sf), and LSCSF (38,524 sf).

Measures to avoid, minimize, and mitigate environmental impacts include: use of a floating boom and silt curtain during demolition, installation of a temporary cofferdam during construction, compliance with time-of-year (TOY) restrictions, installation of a stormwater management system, and open space improvements. The project will result in a net decrease of impervious area (of 5,663 sf).

### Jurisdiction and Permitting

This project is subject to MEPA review and preparation of an ENF pursuant to Sections 11.03(3)(b)(1)(a), (3)(b)(1)(e) and (3)(b)(1)(f) because it requires Agency Actions and will result in the alteration of Coastal Bank; new fill or structure or expansion of existing fill or structure in a VE zone; and alteration of greater than one-half acre of any other wetlands (Coastal Beach, LSCSF). The project will require a Chapter 91 (c. 91) License and may require a c. 91 Permit and 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The Hingham Conservation Commission issued an Order of Conditions (File No. SE 034-1335) for the project on March 6, 2019 which was not appealed. The project requires authorization from the U.S. Army Corps of Engineers (ACOE) under the General Permits for Massachusetts in accordance with Section 404 of the Federal Clean Water Act. The project may be subject to Coastal Zone Management (CZM) federal consistency review.

Because the project will be undertaken by a State Agency, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

## Review of the ENF

The ENF provided a description of existing and proposed conditions, a discussion of project alternatives, preliminary project plans, and identified measures to avoid, minimize, and mitigate project impacts. The Proponent's consultant provided supplemental information regarding project alternatives and proposed façade improvements to facilitate MEPA review of the project. For purposes of clarity, all supplemental materials provided by the Proponent are referred to herein as the ENF unless otherwise referenced. Comments from State Agencies did not identify any significant impacts that were not reviewed in the ENF or identify additional alternatives for further review.

### *Alternatives Analysis*

The ENF evaluated the following alternatives: No-Action, Replace In-Kind, Relocation, and the Preferred Alternative (as described herein). According to the ENF, the project goal is to enhance the functionality, efficiency, and safety of the existing operations. As described in the ENF, the No-Action Alternative was eliminated as it would not achieve the project goal. The ENF indicated that the Replace In-Kind Alternative was eliminated as it would not improve the functionality of the maintenance facility. According to the ENF, relocating the facility to another property is not feasible as DCR doesn't own another suitable waterfront site that could be developed to manage and stage operations on the Boston Harbor Islands. The ENF identified characteristics of the site that make it suitable for this use, including: deep water access, close proximity to the Boston Harbor Islands, sheltered location from coastal storms, compatibility with adjacent land uses, and existing infrastructure. The ENF indicated that the Preferred Alternative (as described herein) was selected as it will requirements of the Americans with Disabilities Act (ADA), maintain and improve vehicle and boat access to the facility, provide adequate circulation on the east side of the building for boat and vehicle maneuvering, maximize onsite parking, and provide safe use of the boat ramp during all tidal cycles for both DCR and MEP operations.

### *Wetlands/Waterways/Water Quality*

The project includes work within filled and flowed tidelands. Comments from MassDEP indicate that the project will be classified as a water-dependent use pursuant to the Waterways Regulations at 310 CMR 9.12(2)(a). The ENF indicated that 2 to 3 ft of material will be dredged from a 20-ft long by 50-ft wide area to construct the boat ramp. Comments from MassDEP indicate the project will require a 401 WQC if the amount of dredged material exceeds 100 cubic yards (cy). The c. 91 application should include dredge volume calculations. I refer the Proponent to MassDEP's comments that identify information that should be identified on project plans if no prior c.91 authorizations are identified.

As described in the ENF, the project will impact Coastal Bank, Coastal Beach, Land Containing Shellfish, and LSCSF. The Hingham Conservation Commission determined the project was consistent with the Massachusetts Wetlands Protection Act (WPA) and issued an Order of Conditions approving the project on March 16, 2019. The project will install a closed drainage system with deep-sump catch basins which will collect and discharge stormwater via an outfall to the Weymouth Back River. Comments from CZM identify the sensitivity of this receiving waterbody, its existing impairment, and adjacent shellfish resource areas and recommend additional stormwater management measures, including treatment of pathogen pollution. I refer DCR to CZM's comment letter for additional



guidance. I encourage DCR to incorporate these recommendations and to consider installation of Low Impact Development (LID) stormwater treatment systems on the site.

Pursuant to 301 CMR 13.02, I am declining to require a Public Benefit Review for this project. The project is a water-dependent use and, as such, is presumed to provide adequate public benefits pursuant to 301 CMR 13.04(1). The project is within MassDEP jurisdiction and I am satisfied that the project's impacts to tideland resources can be adequately addressed during the permitting process.

#### *Marine Fisheries*

Land Containing Shellfish is deemed significant to the interest of the WPA (310 CMR 10.34) and the protection of marine fisheries. According to DMF, the project site is adjacent to and within mapped soft shell clam (*Mya arenaria*) and blue mussel (*Mytilus edulis*) habitat. Comments from DMF also indicate that the Weymouth Back River provides migratory and spawning habitat for rainbow smelt (*Osmerus mordax*), white perch (*Morone Americana*), and blueback herring (*Alosa oestivalis*). It also provides habitat for American eel (*Anguilla rostrate*) and winter flounder (*Pseudopleuronectes americanus*). DMF recommends a TOY restriction for all in-water, silt- and noise-producing work from February 15 to September 30. I refer the Proponent to DMF's comment letter for additional guidance.

#### *Construction Period*

The ENF identified the following BMPs that will be utilized to reduce construction period impacts: use of floating boom and silt curtain during demolition, use of a temporary cofferdam to conduct work in the dry; and compliance with TOY restrictions. I refer DCR to comments from CZM and DMF which provide guidance on pile removal methodology to reduce impacts to benthic habitat. The project must comply with MassDEP's Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54. Comments from MassDEP identify a number of historic releases that have occurred on the site and are regulated under the MCP. Soil and sediment at the Building 45 property should be evaluated for contamination prior to conducting any work that involves excavating and/or contact with soil and sediment. Should oil and/or hazardous materials be identified during construction activities the Proponent should notify MassDEP in accordance with the MCP. I refer DCR to MassDEP's comment letter for additional guidance. All construction activities should be undertaken in compliance with the conditions of all State and local permits.

#### Conclusion

The ENF has adequately described and analyzed the project and its alternatives, and assessed its potential environmental impacts and mitigation measures. Based on review of the ENF and comments received on it, and in consultation with State Agencies, I have determined that an EIR is not required.

August 9, 2019

Date

*K. Theoharides*

Kathleen A. Theoharides

Comments received:

- 07/25/2019 Office of Coastal Zone Management (CZM)
- 07/30/2019 Massachusetts Department of Environmental Protection (MassDEP)
- 07/30/2019 Division of Marine Fisheries (DMF)

KAT/PRC/prc





THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
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## MEMORANDUM

TO: Kathleen Theoharides, Secretary, EEA  
ATTN: Page Czepiga, MEPA Office  
FROM: Lisa Berry Engler, Director, CZM *Lisa Berry Engler*  
DATE: July 25, 2019  
RE: EEA-16066 – Site Improvements: DCR Hingham Shipyard Headquarters - Hingham

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated July 10, 2019. Based on our review of the ENF and participation in the MEPA on-site consultation meeting CZM recommends that no additional environmental review is necessary and that the issues identified below can be addressed during permitting.

### Project Description

This project seeks to implement site improvements at the Department of Conservation and Recreation (DCR) Hingham Shipyard headquarters facility (Building 45) in order to preserve and improve operations at this facility in support of the regional management of many coastal waterfront properties under its care. As proposed, the project entails demolition and reconstruction of an existing dilapidated boat ramp, construction of an associated small-scale revetment (in an area that is currently largely covered in concrete ramp rubble), landscape improvements and amenities, parking lot grading and reconfiguration, and installation of a stormwater treatment system consisting of hooded deep-sump catch basins.

### Project Comments

As proposed in the ENF, a closed drainage system with deep-sump catch basins will be used to collect and convey stormwater to an outfall and splash pad at the existing bulkhead. As discussed at the MEPA consultation meeting, CZM notes the receiving water for this discharge, the Weymouth Back River, is identified in the State Surface Water Quality Standards (310 CMR 4.06) as a Class SA water body with a Qualifier of Shellfish and the MassGIS Shellfish Suitability data layer identifies Soft-Shell Clam and Blue Mussel habitat immediately adjacent to the project site. The Back River is also identified in the Massachusetts Year 2016 Integrated List of Waters as a Category 5 impaired water for pathogens and the MassGIS Designated Shellfish Growing Area (GBH1.0) is classified as Prohibited for the harvesting of shellfish.

As a redevelopment project, the Massachusetts Stormwater Handbook indicates that the project is required to meet the Stormwater Management Standards to the maximum extent practicable. Given the sensitivity of the receiving waters, adjacent resource areas, and the existing degree of impairment, a commensurately high bar should be used in determining the level of practicability for addressing stormwater for this project. CZM recommends stormwater be treated to 1-inch stormwater runoff volume from the entire project area and a Best Management Practice (BMP) be selected for treatment of pathogen pollution as identified in Table CA1, Standard 6, of the Handbook. The proponent may wish to evaluate the potential of utilizing some of the green areas being created through this project as sites for Low Impact Development (LID) stormwater treatment systems such as vegetated swales or rain gardens in meeting this standard.



The ENF indicates that there are approximately 240 wooden plies that protrude several feet above the beach grade immediately seaward of the concrete slab ramp. It is proposed that the piles will be removed or cut at grade. As mapped by MassGIS, a portion of the wooden pile footprint lies within shellfish habitat. Any piles that cannot be completely removed should be cut at least two feet below the mudline to provide sufficient overlying benthic habitat for shellfish recolonization. The proponent should ensure that measures are taken to avoid and minimize impacts to shellfish resources during the pile removal/cutting process and that for any unavoidable impacts that commensurate mitigation is provided.

### **Federal Consistency**

The proposed project may be subject to CZM federal consistency review, in which case the project must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact, Robert Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM web site at [www.state.ma.us/czm/fcr.htm](http://www.state.ma.us/czm/fcr.htm).

LBE/jb/rb

cc:

Jim Mahala, Greg DeCesare, and David Hill  
Southeast Regional Office, MassDEP

Eileen Feeny, John Logan, and Kathryn Ford  
MA DMF

Adrienne Pappal and Cristina Kennedy  
MA CZM

Loni Fournier  
Hingham Conservation Agent

Ken Corson  
Hingham Harbormaster





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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July 30, 2019

Kathleen A. Theoharides  
Secretary of Energy and Environment  
Executive Office of Energy &  
Environmental Affairs  
ATTN: MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: ENF Review EOEEA 16066  
HINGHAM. Site Improvements - DCR  
Hingham Shipyard Headquarters at 30  
Shipyard Drive

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (EENF) for the Site Improvements - DCR Hingham Shipyard Headquarters at 30 Shipyard Drive, Hingham, Massachusetts (EOEEA 16066). The Project Proponent provides the following information for the Project:

**Boat Ramp Demolition and Reconstruction.** The deteriorated ramp will be completely removed and replaced with a 36-foot-wide by 100-foot-long reinforced concrete boat ramp with a 15% grade. The ramp will contain an approximately four feet deep monolithic perimeter cut-off wall to prevent undermining. A 12-foot-wide riprap area will surround the proposed boat ramp and extend along the face of the adjacent concrete walled and earthen filled finger pier. The replacement ramp is largely within the existing ramp footprint, and does not represent a change in use or increased capacity of the ramp.

**Landscape Improvements and Public Amenities.** The Project will include the removal of a gravel-surfaced equipment storage area located near the southeast corner of the parking lot, and conversion of this area to lawn that will increase the Eugene F. Crendon Memorial Park by approximately 3,000 square feet. In addition, an approximately 6,800 square foot area of the site will be planted with native vegetation. Site improvements will result in a net 5,611 square foot decrease of impervious cover on the site.

The Project also includes modest landscape improvements including the creation of an outdoor passenger staging area north of Building 45 and near the passenger ferry gangway. In this same area of the site, a small area of beach grass plantings will be established along

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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the waterfront and directly above the stone and rubble riprap. Sidewalk improvements and several planters are proposed along the front of the building to improve curbside aesthetics.

**Parking Lot Grading and Reconfiguration.** Vehicular access to the west side of Building 45 was eliminated by the recent construction of the NIC on the west side of the Project Site, and currently the only operating garage door is the one located on the south side of the building. Phase I of this project will raise entire parking lot level with the garage doors on the east side of the building so that vehicles and boat trailers can enter and exit the garage. Those garage doors currently are not operational but will be made fully functional as part of this project.

Stormwater management improvements are incorporated into the new parking lot layout in the form of new deep sump hooded catch basins and a water quality structure sized to remove greater than 80% Total Suspended Solids ("TSS") prior to discharge to the river. The outfall is proposed within the armored shoreline which will dissipate the stormwater discharges to prevent erosion at the outfall. As a result, the water quality discharging from the site will be improved because there is no treatment currently.

#### ***Bureau of Water Resources Comments***

Wetlands and Waterways Comments: According to the ENF, a Notice of Intent (NOI) under the Wetlands Protection Act was submitted to the Town of Hingham Conservation Commission ("Commission") on January 28, 2019 and a hearing on the NOI was held by the Commission on February 25, 2019. On March 6, 2019 the Commission issued an Order of Conditions allowing the work under DEP File No. SE-034-1335. No appeals to MassDEP were filed.

The Waterways Program offers the following comments on the ENF submitted by the Department of Conservation and Recreation to reconstruct an existing boat ramp and perform other site improvements.

- The proposed boat ramp and other site improvements will be located within both flowed and filled tidelands and therefore will require the submittal of a Chapter 91 License Application. The Project will be reviewed as a water-dependent use project in accordance with the Waterways Regulations at 310 CMR 9.12(2)(a).
- Plans accompanying the ENF indicate that 2 to 3 feet of material will be excavated "dredged" for the construction of the proposed boat ramp and placement of stone rip rap. Should the amount of material dredged exceed 100 cubic yards, a 401 Water Quality Certification will be required. The Proponent will be required to submit dredge volume calculations with the submittal of the c.91 application.
- The ENF did not reference any prior Chapter 91 Licenses or Contracts for the site. This information will be required with the submittal of the c.91 application. If no prior authorizations can be found, then MassDEP recommends that site plans accompanying the application show all waterfront structures, including passenger loading ramps, floats and piles in order to license the entire facility.

#### ***Bureau of Waste Site Cleanup Comments***

NPC #16066 – Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for release locations/disposal sites in the vicinity of the proposed project

area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000]. A list of the known sites at the former Hingham Shipyard, their MCP status and the contaminants detected by media, is presented below:

RTN	Site Name Location Aid	Compliance Status	Contaminant Type and Media
4-3025441	GZ-101-S1	A-2 RAO 12/1/06	Polychlorinated biphenyls (PCBs); soil
4-3024664	HEWITT'S COVE MARINA	RTN CLOSED 3/31/066	Chlorinated solvents; groundwater and indoor air
4-3023722	HEWITTS COVE MARINA	A-3 RAO 07/31/2008	Chlorinated solvents; groundwater
4-3021703	UST AREA	A-2 RAO 11/24/2004	Petroleum; groundwater and soil
4-3021058	PKG LOT AT OCEANKAI RESTAURANT	URAM 05/02/2001	Petroleum; groundwater
4-3020590	BOAT STORAGE AREA	A- 2 RAO 12/06/2001	PCB; soil
4-3014730	HINGHAM SHIPYARD EAST SIDE SITE	RTN CLOSED 12/11/1997	PCB; soil
4-3014612	HINGHAM SHIPYARD	B-1 RAO 08/08/1997	Copper; soil
4-3014452	HINGHAM SHIPYARD EAST SIDE	A-2 RAO 10/27/2006	Lead; soil
4-3014281	SHIPYARD INDUSTRIAL PK/BOAT STORAGE AREA	A-2 RAO 08/14/1997	Copper and zinc; soil Lead; groundwater
4-3012098	FMR HINGHAM SHIPYARD HEWITTS COVE	A-1 RAO 06/19/1995	Lead, chromium, zinc; soil
4-3002489	HEWITTS COVE MARINA	A-2 AO 11/24/2004	Petroleum; groundwater and soil
4-0020971	OLD HINGHAM SHIPYARD - PARCEL	A- 2 RAO 03/07/2008	Petroleum; soil
4-0020339	ROSELAND DEV. PARCEL/STORM DRAIN AREA	INVALID SUBMITTAL 12/03/2013	Chlorinated solvents, metals, and petroleum; soil

Given that the Building 45 property is part of the former Hingham Shipyard and, as indicated above, the soil at the former Hingham Shipyard has been impacted with PCBs, metals, chlorinated solvents and petroleum. The soil and sediment at the Building 45 property should be evaluated for contamination prior to conducting any work that involves excavating and/or contact with soil and sediment. The soil and sediment should be analyzed for PCBs, volatile organic compounds (VOCs), the 14-MCP metals and extractable petroleum hydrocarbons/volatile petroleum compounds (EPH/VPH). In addition, the history of Building 45 should be evaluated to determine if any other oil and/or hazardous material (OHM) was used, and therefore potentially released to the environment at the building/property. If it is determined that any other OHM was used at the property in the past, the soil should be analyzed for those potential contaminants as well.



The Project Proponent is advised that, if oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required, and if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary, if contamination is present. The BWSC may be contacted for guidance, if questions arise regarding cleanup.

Interested parties may view a map showing the location of MCP disposal sites using the MassGIS data viewer (Oliver) at: [http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php). Under "Available Data Layers" select "Regulated Areas," and then "DEP Tier Classified 21E Sites." Preexisting MCP reports and the compliance status of specific disposal sites may be viewed using the MassDEP Waste Sites/Reportable Release Lookup at: <https://eeaconline.eea.state.ma.us/portal#!/search/wastesite>.

***Bureau of Air and Waste Comments:***

**Air Quality.** Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

***Construction-Related Measures.*** MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

***Massachusetts Idling Regulation.*** MassDEP reminds the Proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (310 CMR 7.11). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

**Spills Prevention.** A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

**Solid Waste/Asbestos Comments:** As a result of its review of the Environmental Notification Form ("ENF") for the DCR Hingham Shipyard Headquarters site improvements ("project" or "site"), the Massachusetts Department of Environmental Protection (MassDEP) Solid Waste Management Section (Solid Waste) is providing the following comments regarding the management of solid waste/ recyclable and asbestos materials generated from the project pursuant to Massachusetts



Solid Waste Regulations 310 CMR 16.00: *Site Assignment Regulations For Solid Waste Facilities*, 310 CMR 19.000: *Solid Waste Management* and 310 CMR 7.15: *Asbestos Regulations*.

*The ENF indicates that demolition activities will be performed as part of the Project and will generate solid waste and recyclable materials including but not limited to timber piles, asphalt, brick, and concrete (ABC), and metal.*

1. Waste materials that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including 310 CMR 19.017: *Waste Bans*.

**Asphalt, brick and concrete (ABC)** rubble, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The proponent should refer to MassDEP's Information Sheet, entitled "*Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017*", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>

For more information on how to prevent banned materials from entering the waste stream the proponent should contact the RecyclingWorks (<https://recyclingworksma.com/>) in Massachusetts program at (888) 254-5525 or via email at [info@recyclingworksma.com](mailto:info@recyclingworksma.com). RecyclingWorks in Massachusetts also provides a website that includes a searchable database of recycling service providers.

2. *Demolition and Asbestos Containing Waste Material*: The proposed Project includes the demolition of structures which may contain asbestos. The project proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, project monitors, inspectors and analytical laboratories in the state of Massachusetts.

In accordance with the revised Asbestos Regulations at **310 CMR 7.15(4)**, any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. As part of the asbestos survey, samples must be taken of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.

If ACM is identified in the asbestos survey, the proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with **310 CMR 7.15**, prior to conducting any



demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at **310 CMR 7.15(7)**. The proponent and asbestos contractor will be responsible for submitting an *Asbestos Notification Form ANF-001* to MassDEP at least ten (10) working days prior to beginning any removal of the asbestos containing materials as specified at **310 CMR 7.15(6)**.

The proponent shall ensure that all asbestos containing waste material from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with **310 CMR 7.15 (17)**. The Solid Waste Regulations at **310 CMR 19.061(3)** list the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to **310 CMR 19.061(3) (b) 1**, no asbestos containing material; including VAT, asphaltic-asbestos felts or shingles; may be disposed at a solid waste combustion facility.

In accordance with the Air Quality Regulations at **310 CMR 7.09(2)**, the proponent must submit a *BWP AQ 06 Notification Prior to Construction or Demolition* form to MassDEP for any construction or demolition of an industrial, commercial or institutional building or residential building with 20 or more dwelling units at least ten (10) working days prior to initiation of said construction or demolition project. The proponent should propose measures to prevent or alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847 or Cynthia Baran at (508) 946-2887.

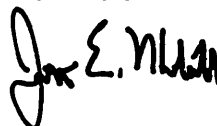
***Proposed s.61 Findings***

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

***Other Comments/Guidance***

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,  
Regional Engineer,  
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director  
David Johnston, Deputy Regional Director, BWR  
Gerard Martin, Deputy Regional Director, BWSC  
Seth Pickering, Deputy Regional Director, BAW  
Jennifer Viveiros, Deputy Regional Director, ADMIN  
Jim Mahala, Chief, Wetlands and Waterways, BWR  
Nate Corcoran, Wetlands and Waterways, BWR  
Brendan Mullaney, Wetlands and Waterways, BWR  
David Hill, Wetlands and Waterways, BWR  
Mark Dakers, Chief, Solid Waste, BAW  
Douglas Coppi, Solid Waste, BAW  
Deborah Marshall-Hewlitt, Chief, Audits, BWSC  
Allen Hemberger, Site Management, BWSC





David E. Pierce, Ph.D.  
Director

# Commonwealth of Massachusetts

## Division of Marine Fisheries

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Charles D. Baker  
Governor

Karyn E. Polito

Lieutenant Governor

Kathleen Theoharides

Secretary

Ronald S. Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

July 30, 2019

Kathleen Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
Attn: MEPA Office, Page Czepiga  
100 Cambridge Street, suite 900  
Boston, Ma 02114

RE: EEA# 16066 Environmental Notification Form

Dear Secretary Theoharides:

Division of Marine Fisheries (MA DMF) staff have reviewed the ENF for proposed site improvements at the MA DCR property along the Weymouth Back River in Hingham. Proposed improvements include the reconstruction of the existing deteriorated boat ramp, removal of  $\pm 240$  derelict piles, parking lot grading and reconfiguration, and upland landscaping. Work within coastal wetland resource areas includes the boat ramp reconstruction and parking lot grading over 389 sf within land containing shellfish, 3,045 sf within the coastal beach and 2,413 sf on the Coastal Bank. The remaining impacts are on Land Subject to Coastal Storm Flowage. The parking lot grading will improve stormwater management through reduction in impervious surface and installation of new stormwater management structures.

The Weymouth Back River provides an important migratory pathway and spawning habitat for rainbow smelt (*Osmerus mordax*), white perch (*Morone americana*), blueback herring (*Alosa oestivalis*) and habitat for American eel (*Anguilla rostrata*) and winter flounder (*Pseudopleuronectes americanus*) (Chase 2006). The Back River is considered one of the largest river herring (*Alosa* spp.) fish runs north of Cape Cod (Reback *et al.* 2005). Intertidal and shallow water habitats, such as those of the project area, help to sustain commercial and recreational fisheries by providing habitat for forage species and juvenile fish development. The site is adjacent to and within mapped soft shell clam (*Mya arenaria*) and blue mussel (*Mytilus edulis*) habitat within an area Prohibited for shellfishing, and areas that support Conditionally Restricted shellfishing activity exist nearby.

- We recommend avoiding silt- and noise-producing activities during the most sensitive time periods from **February 15** to **September 30** for the protection of fisheries and shellfish species (Evans *et al.* 2011).
- Demolition of the boat ramp will be done behind containment silt curtains.
- Installation of the cofferdam in the dry will minimize turbidity impacts and is recommended. All of the ramp construction will happen behind the dry coffer dam.
- Piles should be cut at least 18 inches below the mudline to allow for restoration of the benthic community.
- We recommend developing a maintenance plan for the proprietary stormwater treatment structures to ensure long-term success.

Thank you for considering our comments. Please contact Tay Evans at 978-282-0308 x168 or [tay.evans@state.ma.us](mailto:tay.evans@state.ma.us) if you have any questions about this review.

Sincerely,



David E. Pierce, PhD  
Director

cc. R. Lehan, DFG  
K. Ford, DMF  
D. Winkler, DMF  
J. Vaccaro, Epsilon

References:

- Chase, BC (2006) Rainbow smelt (*Osmerus mordax*) spawning habitat on the Gulf of Maine coast of Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, 2006. Tr-30: p. 1-173.
- Evans, NT, KH Ford, BC Chase and JJ Sheppard (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts Technical Report [DMF TR-47](#).
- Reback, K. E., P. D. Brady, K. D. McLaughlin, and C. G. Milliken. (2004) A survey of anadromous fish passage in coastal Massachusetts: Part 4. Boston and North Coastal. [DMF TR-18](#).

DP/TE/sd