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July 25, 2008

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

PROJECT NAME : Closure of the Salem Landfill and Redevelopment of the Salem Transfer Station
PROJECT MUNICIPALITY : Salem
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 14261
PROJECT PROPONENTS : City of Salem and Northside Carting, Inc.
DATE NOTICED IN MONITOR : June 11, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) 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).

The project consists of closure of the Salem landfill and redevelopment of the transfer station, including an increase in tonnage at the transfer station from 100 tons per day to 400 tons per day. The project includes demolition of the existing incinerator building, regrading and capping of the landfill, and construction of a new transfer station building. The proposed transfer station will receive construction and demolition (C&D) debris, municipal solid waste, and commercial solid waste. The project also includes relocation of the leaf and yard waste recycling area and a new paved access road to connect this area with the transfer station and Swampscott Road. Site improvements proposed in the Environmental Notification Form (ENF) include partial removal of the Forest River culvert and removal of debris from the Forest River.

Environmental impacts associated with the project include alteration of 1,200 linear feet of Bank, 450 square feet (sf) of Bordering Vegetated Wetlands (BVW), 3,600 sf of Land Under water, and 157,000 sf of Riverfront Area. Traffic impacts are estimated in the ENF at 54 new vehicle trips per day (for a total of 194 trips per day).

The project does not meet or exceed thresholds for a mandatory EIR. The project is undergoing environmental review pursuant to Section 11.03(9)(b)(1) because it involves an increase in capacity for storage, treatment or processing of 50 or more tons per day of solid waste. The proposed project will require a Solid Waste Permit from the Massachusetts

Department of Environmental Protection (MassDEP). The project requires a Minor Modification to Site Assignment from the City of Salem Board of Health and an Order of Conditions from the City of Salem Conservation Commission (and, on appeal only, a Superseding Order from MassDEP).

The proponents are not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state agency permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to solid waste, wetlands, land and stormwater.

The ENF includes a description of the proposed project, an alternatives analysis, and a discussion of the project's consistency with the performance standards for Riverfront Area in the Wetlands Protection Act regulations (310 CMR 10.58(4)). The ENF also includes a Traffic Impact and Access Study, an Air Quality Modeling Report, and a Noise Impact Study. The proponents have committed in the ENF to the following measures to avoid and minimize, or mitigate environmental impacts:

- Wetlands restoration at a 1:1 ratio;
- Erosion and sedimentation controls;
- Measures to reduce noise impacts;
- Vehicle emission controls;
- Transportation improvements: including site access modifications and, within one year of commencing transfer station operation, an evaluation of vehicle crash history and a review of signal timing, phasing and coordination along Highland Avenue (with recommendations to MassHighway for implementation as part of its proposed work in the area).

MassDEP in its comment letter has expressed concern about waste materials exposed along the bank of Forest River below the water surface. The proponents should ensure that the riverbank area is designed to provide adequate stability to the bank and prevent erosion of waste materials (ash) to the environment. The proponents should consult with MassDEP to discuss any alterations in design that may be required. As noted by MassDEP in its comment letter, information on the exposed material was not available to MassDEP when it reviewed the Corrective Actions Alternative Analysis (CAAA) for the Salem landfill closure. MassDEP issued a conditional approval of the CAAA in April 2005.

The proponents should redesign the stormwater management system as necessary to ensure compliance with the Stormwater Management regulations that went into effect January 2008. The system as proposed in the ENF does not comply with these regulations. The proponents should submit additional calculations and data to MassDEP to support the conclusion that the stormwater management system will meet applicable performance standards. I refer the proponents to the MassDEP comment letter for guidance on additional information to submit, which should include details of Best Management Practices (BMPs) and a long-term pollution prevention and pollution control plan.

The City of Salem Board of Health, in its comment letter, questioned whether the proposed building size will be adequate. The proponents should submit final designs for the transfer station to MassDEP and data to demonstrate that the building will be of adequate size to handle the proposed quantity of waste. MassDEP may require, as part of its approval of transfer station design, alteration to the location and/or size of the building to meet operational requirements, including but not limited to, providing adequate room for vehicles to be within the building during tipping. The proponents should provide additional detail in its submittal to MassDEP and to the Board of Health to demonstrate how odors, litter, dust, noise and other nuisance conditions will be avoided and minimized to protect sensitive receptors in the project area.

The Traffic Impact and Access Study was prepared in consultation with the Massachusetts Highway Department (MassHighway) and the City of Salem. The study includes recommendations for intersection improvements along Highland Avenue to be incorporated as part of MassHighway's ongoing project in the area. The study concludes that the proposed transfer station will have minor impacts upon completion of the proposed improvements. The proponents should continue consultation with MassHighway to finalize plans for transportation improvements and to ensure that traffic impacts will be avoided and minimized or mitigated to the maximum extent feasible.

The ENF includes a Noise Study with an analysis of potential noise impacts to the surrounding community. According to the ENF, the proposed project will be designed to operate in accordance with the MassDEP noise policy and air pollution control regulations (310 CMR 7.10). Noise levels are expected to increase by 3-4 decibels (dBA) at nearest residences and pure tone sounds associated with truck back-up alarms are expected to increase in duration by a total of approximately 15 minutes per day. The ENF indicates that the tipping floor building entrance will be situated towards Highland Avenue to reduce noise impacts to residences in the vicinity of the project. I expect that any additional noise mitigation requirements will be incorporated as appropriate into the state and local permits and approvals.

The Air Quality Modeling Report included in the ENF was prepared in response to the Salem Board of Health request to analyze the impact of diesel truck emissions on residential areas in the vicinity of the project. The report indicates that the emissions associated with the project are below the National Ambient air Quality Standards (NAAQS) for particulate matter (PM_{2.5} and PM₁₀). I encourage the proponents to continue consultation with the Salem Board of Health and to respond to the Board's additional comments and requests for information as further detailed in its comment letter on the ENF.

Several comment letters received expressed concern about the projects potential traffic, air quality and noise impacts. The proponents should re-evaluate the trip generation projections in light of the comments received and consult with the Board of Health to discuss any revisions in the traffic estimates as well as plans for internal traffic routing on-site to ensure safety among commercial vehicles and residents using the drop-off facilities.

I note that the ENF includes a letter from the City of Salem Legal Department to the Salem Board of Health (dated September 13, 2007), which recommends air quality mitigation to

be implemented by the proponents. The proponents have committed to the following measures to avoid and minimize air quality impacts associated with diesel emissions.

- Retrofitting all vehicles used the site with new emissions control equipment;
- Limiting hours of operation during commuting hours to reduce emissions during peak non-transfer station traffic;
- Posting and enforcing anti-idling provisions in accordance with environmental regulations;
- Use of misting facilities to help manage fugitive dust emissions during transfer station operations; and
- Use of ventilation and air filtration equipment to significantly reduce dust emissions during operations.

I expect that MassDEP and the Board of Health will incorporate any additional mitigation requirements as appropriate in any conditional approvals or permits issued. I also note that there will be additional opportunity for public comment during the Board of Health's site assignment review process.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and its potential impacts, and proposed measures to avoid and minimize or mitigate impacts. Based on review of the ENF and comments received, and consultation with state agencies, I am satisfied that the project as described in the ENF does not warrant the preparation of an EIR. The proposed project may proceed to state permitting.

July 25, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

7/14/08	Salem Board of Health
7/15/08	Department of Environmental Protection, Northeast Regional Office
7/15/08	Charles M. Puleo
7/15/08	Steven A. Pinto, Councillor at Large and Paul C. Prevey, Councillor Ward 6
7/15/08	Joan B. Lovely, Councillor at Large
7/24/08	BETA Group, Inc. (response to comments on behalf of the proponents)

Form Letters: 54

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