

## **Attachment 3**

### **Memos Relative to the MEPA Notice of Project Change**

**Coastal Zone Management (dated July 29, 2021)**

**Division of Marine Fisheries (dated July 29, 2021)**

**MassDEP Draft (dated July 29, 2021)**

## **Coastal Zone Management (dated July 29, 2021)**



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
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## MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA  
ATTN: Erin Flaherty MEPA Office  
FROM: Lisa Berry Engler, Director, CZM  
DATE: July 29, 2021  
RE: EEA-16190, Tisbury Marine Terminal NPC, Tisbury

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Notice of Project Change (NPC), noticed in the *Environmental Monitor* dated July 9, 2021, and offers the following comments.

### Project Description

The Tisbury Marine Terminal (TMT) project, to maintain and improve existing marine infrastructure and construct an Operations and Maintenance Facility (O&M) for offshore wind operations at 190 Beach Road, Tisbury MA, was previously reviewed by MEPA. The previous filing included barge ramps, berthing areas, a marine support building and a pile supported pier to expand storage and parking for the O&M facility. This filing proposes significant changes from the previously reviewed project design. Changes to the southern portion of the project include, removal of the third barge ramp, siting the proposed barge ramps on the landward side of the steel sheet pile bulkhead, removal of the three timber pile dolphins on the southwest side of the berthing area and removal of the three timber piles along the northern side of the facility. Other portions of the project, including the overshooting of the existing steel bulkhead, realigning and filling of the existing solid fill wharf, proposed fill to level site to 6.0 feet NAVD88, and maintenance dredging remain the same as originally proposed. Proposed modifications to the northern portion of the project include changes to the dredge area, pile-supported pier, and access road. The marine support building has been removed from the proposed project. The O&M facility and dredge footprint were reduced in area and shifted approximately 5 feet to the north. Site access is via a ramp from Beach Road within the pile-supported pier. The pier for the O&M facility was redesigned as a steel pipe pile-supported concrete or timber deck with an elevation of 8.0 feet NAVD88, which was elevated an additional 2 feet to accommodate projected sea level rise. The pier is approximately 38,821 square feet in area and supported by 204 steel pipe piles. The construction of the pier will include temporary impacts to the coastal beach and coastal dune. Three 36-inch pipe pile mooring dolphins will be installed along the southern boundary of the O&M facility to replace the previously proposed timber pile dolphins.

### Project Comments

CZM is supportive of the proposed changes to the project from that previously reviewed including the removal of the third barge ramp, removal of one section of steel bulkhead and removal of the marine support building. These changes will reduce impacts of the project to coastal beach and dune resource areas.



## Resource Area Impacts

The previous filing did not accurately identify and define all coastal resource areas. With this filing, the coastal dune resource area has been added to the existing conditions plan, however, the extent of the dune is not clearly depicted. The coastal dune should extend from the landward extent of the coastal beach across the barrier beach to the coastal beach or salt marsh boundary on the southeast side of the barrier beach. Project plans should be updated to fully delineate the coastal dune.

The proposed design will impact coastal resources areas and their ability to provide critical function in the coastal environment. These potential impacts as described below should be minimized to the maximum extent practical. The two new steel sheet pile bulkheads proposed on the north (260 linear feet (LF)) and west (185 LF) sides of the site are located on coastal beach, coastal dune, land under the ocean, and land subject to coastal storm flowage resources areas. In addition, the new solid fill boat ramp on the north side of the pier and the new revetment on the northeast side of the site are located in coastal dune. These new bulkheads and the solid fill ramp may adversely affect the form and function of the coastal beach, specifically the ability of the beach to move and shift to dissipate wave energy. The new bulkheads, new solid fill ramp, and revetment may also change the form and function of the coastal dune; reducing dune volume; affecting vegetation; and preventing the dune from moving landward or laterally, from eroding in response to beach conditions, or from changing in response to wind and water flow. Wave reflection off the bulkheads and revetments could result in erosion of the fronting beach and land under the ocean. The berthing area is sited such that dredging of the intertidal and nearshore areas is necessary to achieve the water depths required for the proposed vessels. Dredging of the intertidal area will reduce the beach's ability to provide wave energy dissipation and storm damage protection to landward areas.

## Project Elements

The following section includes comments relating to specific components of the proposed project.

Revetment: The NPC states that the proposed revetment involves the reconstruction of an existing structure. Based on site observations, there does not appear to be an existing structure. The permits and associated plans to document the existing structure should be provided to the reviewing agencies.

Accessway: The proposed accessway to the site will be supported by a new revetment structure that appears to be located on the coastal dune, portions of which are currently vegetated. This accessway will likely eliminate existing vegetation in this area and reduce the ability of the dune to dissipate wave energy and provide storm damage protection and flood control to landward areas. The proponent should evaluate a pile supported ramp from Beach Road to the pile-supported pier instead of the proposed design to reduce impacts to resource areas.

Pile-supported platform: With this filing, the proposed pile-supported platform has been raised two feet to increase resiliency to future climate conditions. However, as designed, it is located at grade in the coastal dune resource area. The design detail included in the NPC also indicates that solid beams under the pile-supported deck will be placed approximately three feet below the dune grade. This proposed design may interfere with the ability of the dune to move and shift in response to high tides, waves, and storms. The ability of the dune to slow down water as it moves across the site is important to providing storm damage protection and flood control to landward areas, including Beach Road, which is an important transportation link for the island. To reduce the impacts of the platform, the proponents should consider elevating it a minimum of two feet above the proposed dune grade and

exploring support beam options above grade to allow the dune to continue to provide storm damage protection and flood control functions.

Wave attenuator: As proposed in the preferred alternative, the wave attenuator, designed to provide storm damage protection to the vessel berthing area, would extend to the seafloor. In previous comments on the ENF, comments expressed that this design will likely impede water circulation and some sediment transport between the coastal beach and nearshore. To minimize impacts to water circulation and sediment transport, it was recommended that the proponent reevaluate the wave attenuator design to minimize impacts to water circulation and sediment transport. This recommendation was not addressed in the NPC.

Fuel tank: In previous comments on the ENF, additional details were requested regarding the resiliency of the proposed 3,000-gallon fuel tank to be located at the seaward edge of the pile-supported platform, which appears to be located in the FEMA mapped Velocity Zone. This information was not provided in the NPC.

Landscaping plan: The NPC did not include details regarding landscaping for the portion of the site adjacent to the pile-supported pier. The proponents should develop a landscaping plan that incorporates native, salt-tolerant, deep-rooted vegetation to reduce erosion and dissipate flood waters moving across the site in coastal storms. Recommendations regarding plantings are available in CZM's [StormSmart Properties Fact Sheet #3: Planting Vegetation to Reduce Erosion and Storm Damage](#).

Upon the final configuration and design of the proposed project components, the proponent should develop and distribute a monitoring plan to resource agencies. The plan should track potential impacts to resource areas and provide a baseline to determine mitigation, if appropriate.

### **Federal Consistency Review**

The proposed project may be subject to CZM federal consistency review and if so 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 [robert.boeri@mass.gov](mailto:robert.boeri@mass.gov), or visit the CZM web site at <https://www.mass.gov/federal-consistency-review-program>.

LE/sm/rh

cc: Susan Nilson, Foth Infrastructure & Environment  
Jane Varkonda, Tisbury Conservation Administrator  
Dan Gilmore, Nate Corcoran, MassDEP, Southeast Regional Office  
Stephen McKenna, Rebecca Haney, CZM

**Division of Marine Fisheries (dated July 29, 2021)**

**From:** [EnvReview-South, DMF \(FWE\)](#)  
**To:** [Flaherty, Erin \(EEA\)](#)  
**Subject:** Tisbury Marine Terminal LLC (Foth Engineering), Tisbury, EEA# 16190  
**Date:** Thursday, July 29, 2021 10:26:14 AM

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Dear Ms. Flaherty,

The Division of Marine Fisheries (MA DMF) has reviewed the Environmental notification form submitted by Tisbury Marine Terminal LLC (Foth Engineering) for thr Tisbury marine terminal project at 190 Beach Road the Town of Tisbury.

Based on the scope of work as currently proposed, MA DMF has no recommendations for sequencing, timing or methods that would avoid or minimize impacts to marine resources at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at [john.logan@mass.gov](mailto:john.logan@mass.gov).

Thank you,

Ryan Nuttall  
Sent on behalf of John Logan

**MassDEP Draft (dated July 29, 2021)**



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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Governor

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Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

July 29, 2021

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

RE: NPC Review. EOEEA 16290  
TISBURY. Tisbury Marine Terminal at 190  
Beach Road

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC) for the Tisbury Marine Terminal at 190 Beach Road, Tisbury, Massachusetts (EOEEA #16290). The Project Proponent provides the following information for the Project:

**TMT Facility Operations (Southern Section) The recently reviewed Project included three (3) barge ramps extending seaward of the sheetpile bulkhead on the TMT Terminal side of the property. The changes to the TMT Facility Operations include removal of the third barge ramp, designing the proposed barge ramps to the landward side of the steel sheet pile bulkhead, and removal of the three (3) timber pile dolphins on the southwest side of the berthing area and three (3) timber piles along the northern side of the TMT facility. The oversheeting of the steel bulkhead, realigning and filling of the solid fill wharf, proposed fill to level site to 6.0' NAVD88, and maintenance dredging is not changing in the proposed Project.**

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

Wetlands. The northern section will be used for operations and maintenance of future offshore wind. The original proposed work in this section included: three additional berth areas, a floating dock (12' x 142') supported by five steel pipe piles, a 202 LF steel sheet pile wave fence with a top elevation of 10 feet NAVD88, a new 200 LF steel sheet pile bulkhead (bulkhead includes 80 LF of "environmental windows" which allow water circulation), a new 30,577 SF pile-supported pier deck (will be supported by 48 20-inch diameter pipe piles and 4 20-inch batter piles and be stabilized with a new 283 LF steel bulkhead), and a new 10,111 SF marine support building with access to the road. Changes to the northern section in the NPC include the removal of the marine support building and access road, a redesign of the pile supported pier to accommodate for lack of access road, and the removal of the 200 LF diagonal bulkhead. The NPC also includes plans to

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

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“reset” a 914 SF relic revetment on the coastal beach.

Dredging is proposed along the southern and northern waterfront sections of the property. An estimated 14,759 CY of sediment over a 42,609 SF area of improvement dredging was proposed in the original ENF. The NPC reduced the amount of improvement dredging to an estimated 13,929 CY over 41,356 SF. An estimated 5,923 CY of sediment over a 28,141 SF area of maintenance dredging was proposed. The NPC increased the amount of maintenance dredging to an estimated 6,020 CY over 30,536 SF.

The Project changes presented in the NPC are an improvement on the impact to wetland resource areas. Specifically, the removal of the O&M marine support building and access road and the removal of the diagonal bulkhead will reduce the impact to coastal beach and dune.

The Project, as proposed, would still impact coastal beach. The impacts have been reduced by 3,112 SF, but still include a new 283 LF bulkhead (94 LF of coastal beach impact) on the north of the site, an estimated 2,439 SF of dredging, portions of the two 800 SF solid fill boat ramps, and a 914 SF “reset” revetment. The performance standards at 310 CMR 10.27(3) require that any Project on a coastal beach shall not have an adverse effect by increasing erosion, decreasing the volume, or changing the form of any such coastal beach or an adjacent or downdrift coastal beach. The applicant must demonstrate that the proposed work will not adversely impact the storm damage prevention and flood control function of the Coastal Beach.

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Waterways. Upon review of the NPC for Tisbury Marine Terminal, Tisbury (16190 NPC) the Department’s comments remain essentially the same as stated in the original EENF (EEA # 16190).

The Waterways Program has determined that the Project which includes the reconstruction and continued use of the Tisbury Marine Terminal for the transfer of fuel, bulk materials, cargo, etc. and a proposed operations and maintenance facility for offshore wind Projects would be classified as a water-dependent-industrial use pursuant to the Waterways Regulations at 310 CMR 9.12(2)(b). The Project will require the submittal of a Chapter 91 (c.91) License Application which would include the dredging component. The NPC indicates that the Project will require the submittal of a 410 Water Quality Certification (WQC). The Proponent may choose to file a BRP WW26 Combined Application Form for c.91 and WQC.

The NPC does not contain information on chemical testing or grain size analysis of the sediment to be dredged. This information will be required with the submittal of the c.91 and WQC applications. If the testing finds that the dredge material is suitable for beach nourishment the Proponent will be requested to explore opportunities, either with the Town of Tisbury or private landowners, to place the material on eroding beaches. For dredge material found not suitable for beach nourishment, the Proponent will need to provide information on how it will be disposed or beneficially reused.

While the plans submitted with the NPC are adequate for general review, the Proponent will be requested to submit more detailed plans with sectional views of the barge loading ramps and lookout landing.

If the c.91 application submitted by the Proponent is to include the proposed lookout landing, the application will need to be co-signed by the Town of Tisbury as the landing is located on Town property.

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

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact 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].

Release Tracking Number 4-17249 located at 188 Beach Road abuts the Tisbury Marine Terminal to the west. Petroleum is the contaminants of concern. Free product recovery and monitored natural attenuation are the selected response actions. No free product has been observed since 2011. Further response actions are required at the site to achieve final closure under the MCP (groundwater monitoring and reporting). The site is not likely to impact the proposed terminal upgrades at 190 Beach Road.

There are no other listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC 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”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

*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.*

### ***Bureau of Air and Waste (BAW) 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*

The EENF reports that the Project Proponent states that the “equipment at the O&M facility will not be in use for long periods of time.” 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 (Section 7.11 of [310 CMR 7.00](#)). 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.

#### *Heating and Power Generation*

Many industrial, commercial, and institutional development activities have facility heating and supplemental or emergency power generation associated with them that require air quality permitting from MassDEP before construction and/or operation.

The determination of when a permit is required is based on the size of the proposed combustion unit. Smaller units and specifically, engines (emergency and non-emergency), combined heat and power (CHP) units and some boilers may not require a specific Plan Approval but are subject to performance standards and certification, the requirements for which are found at 310 CMR 7.26. Specifically:

- 310 CMR 7.26(30) thru (37) – Boilers.
- 310 CMR 7.26(40) thru (44) Engines & Turbines (including 310 CMR 7.26(42) specific to Emergency Engines and Turbines); and
- 310 CMR 7.26(45) Combined Heat and Power

Any unit that exceeds the size limit or does not meet the applicability requirements of the above listed regulations will require a permit under 310 CMR 7.02.

It should be noted that should facilities operate one or more on-site back-up power generators when there is a threat of power loss as an operational practice rather than waiting for an actual power loss, operation of these generators under these conditions may exceed the emergency generator performance standard requirement of 300 hours during a 12-month rolling average. It is the obligation of the facility operator to determine which of the performance standards best fits the planned operational needs and comply with those standards. The Business Compliance Unit of MassDEP’s Boston Office is willing to provide assistance regarding the applicability of these generators to the regulations.

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.

Hazardous Waste Management. If any occupant of the Project generates hazardous waste and/or waste oil, that entity must register with the MassDEP or EPA to obtain a permanent identification number, as applicable, in accordance with 310 CMR 30.000 for legally generating and managing

regulated waste. The Proponent is advised to consult at this MassDEP website <https://www.mass.gov/guides/hazardous-waste-generation-generators> to determine if the Proponent qualifies as a generator of hazardous waste and/or waste oil.

Resource Conservation and Recovery Act (RCRA). If any occupant of the Project generates hazardous waste and/or waste oil, that entity must register with the MassDEP or EPA to obtain a permanent identification number for legally generating and managing regulated waste.

Industrial Stormwater. The Proponent appears to be operating as a Water Transportation Facility and requires a Sector Q Industrial Stormwater General NPDES Permit from the U.S. EPA. More information may be found at: [https://www.epa.gov/sites/production/files/2015-10/documents/sector\\_q\\_watertransportation.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/sector_q_watertransportation.pdf)

### Solid Waste Management.

#### *Solid Waste/Asbestos Comments:*

##### *1. Dredge Reuse at Landfills:*

a. Reuse or disposal of dredge at a lined landfill requires compliance with MassDEP's policy entitled, "COMM-94-007: Reuse and Disposal of Dredge Sediment at Permitted Landfills, February 1995" (Dredge Policy). Submittal of a BWP SW-22 Landfill Minor Modification Permit Application for MassDEP review and approval is required for Projects that do not meet the criteria stated in the Dredge Policy. This policy can be found on-line at the MassDEP website: <http://www.mass.gov/eea/docs/dep/recycle/approvals/sw0722ap.pdf>

b. Reuse or disposal of dredge at an unlined landfill requires MassDEP approval.

2. *Dredge Reuse at Solid Waste Facilities:* If the proposed reuse location is located at a solid waste site assigned parcel or facility that has a solid waste management approval (*i.e.*, MassDEP solid waste management permit, registered compost site, location with a determination of need) then approval can be granted under 310 CMR 19.000 *Solid Waste Management* regulations (typically through a beneficial use determination permit application). Webpage link: (webpage link to Beneficial Use Determination guidance <http://www.mass.gov/eea/agencies/massdep/recycle/regulations/waste-and-recycling-policies-and-guidance.html#6>)

Additionally, if the dredge is going to be used in a commercial product (*e.g.*, substitute for sand, gravel, etc.) or is going to be reused in an unrestricted application (*e.g.*, soil additives/amendments) that is going to be distributed to multiple locations then a beneficial use determination is required under 310 CMR 19.000 Solid Waste Management regulations. The beneficial use determination permitting process is better designed to deal with the reuse of dredge at multiple locations.

3. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction 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*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete,

and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

4. *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) lists 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.

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.

### ***Climate Change/GHG***

**Climate Change – Greenhouse Gas Emissions.** Pursuant to the Global Warming Solutions Act of 2008 (GWSA) (Chapter 298 of the Acts of 2008) and the Commonwealth’s Clean Energy and

Climate Plan the Commonwealth has established economy-wide greenhouse gas (GHG) emission reduction limits for Massachusetts that will achieve reductions of 25 percent below statewide 1990 GHG emission levels by 2020 and 80 percent below statewide 1990 GHG emission levels by 2050. Furthermore, Section 7 of the GWSA amended Section 61 of Chapter 30 of the Massachusetts General Laws by inserting, “in considering and issuing permits, licenses and other administrative approvals and decisions, the respective agency, department, board, commission or authority shall also consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise.” The Proponent should consider potential GHG impacts (*e.g.*, energy demand, use of renewable energy sources, transportation modes, etc.) of its Project in the context of furthering the Commonwealth’s goals and recommended GHG mitigation policies in the *Clean Energy and Climate Plan for 2020*. Additional information on the Commonwealth’s efforts to reduce GHG emissions can be found at: <http://www.mass.gov/eea/air-water-climate-change/climate-change/massachusetts-global-warming-solutions-act/>.

Climate Change – Adaptation. Section 7 of the Global Warming Solutions Act of 2008 (GWSA) (Chapter 298 of the Acts of 2008), amended Section 61 of Chapter 30 of the Massachusetts General Laws by inserting, “in considering and issuing permits, licenses and other administrative approvals and decisions, the respective agency, department, board, commission or authority shall also consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise.”

MassDEP recommends that the Proponent review and consider the data and recommendations identified in the 2011 Massachusetts Climate Change Adaptation Report issued by the Executive Office of Energy and Environmental Affairs (EEA) (<http://www.mass.gov/eea/docs/eea/energy/cca/eea-climate-adaptation-report.pdf>), the 2014 National Climate Assessment, specifically the Northeast region section, (<https://nca2014.globalchange.gov/>) and the 2017 U.S. Global Change Research Program Climate Science Special Report (<https://science2017.globalchange.gov/>) to address potential climate change impacts and adaptation measures feasible for implementation on the Project site. MassDEP also recommends that you check the following link for updates to the Massachusetts State Hazard Mitigation and Climate Adaptation Plan (<https://resilientma.com/updates/>) which is anticipated to be finalized in 2018. Once completed, this plan will include more usable data and information.

Climate Change – Sea Level Rise. The Project’s location will subject it to the impacts of climate change-induced sea level rise. MassDEP recommends that the Proponent consider various scenarios and future conditions that are beyond the scope of the 100-year flood elevations designated in the Flood Insurance Rate Maps (FIRMs) to evaluate impacts such as sea level rise, shoreline change, and hurricane inundation. Recognizing the vulnerability of the coastline in the vicinity of the proposed Project site, the Proponent should be prepared to address the impacts of sea level rise and damage to property, businesses, and infrastructure over the lifespan of the Project. The potential risks to the Project should be evaluated based on sea level rise scenarios developed by known authorities, including the Massachusetts Coastal Zone Management Agency or community/localized studies. One recommended resource is the Massachusetts Sea Level Rise and Coastal Flooding Viewer <https://www.mass.gov/service-details/massachusetts-sea-level-rise-and-coastal-flooding-viewer>. Please note that the viewer doesn’t include all types of wastewater treatment and drinking water infrastructure.

Adaptation strategies should be considered to accommodate the effects of sea level rise and manage risk. Adding pre-disaster adaptation and post-disaster recovery measures will improve the Project

resiliency to flooding and the impacts of extreme storm events. Please be aware that the Sea Level Rise and Coastal Flooding Viewer does not account for storm surge, waves, erosion, and other dynamic factors, while FIRMs do not account for sea level rise, shoreline erosion, changes in the frequency and magnitude of storm events, etc. Therefore, it's important to review and consider these combined with hurricane surge scenarios (which use current sea level) in order to plan for worst case scenarios and appropriate adaptation measures.

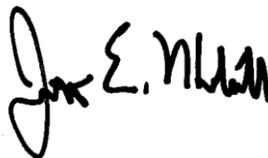
***Proposed s.61 Findings***

The "Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change" 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 ENF. 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

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