



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 20, 2017

Matthew A. Beaton, Secretary
Executive Office of
Energy & Environmental Affairs
100 Cambridge Street
Boston MA, 02114

RE: Revere
205 Revere Beach Parkway
EEA # 15411

Attn: MEPA Unit

Dear Secretary Beaton:

The Massachusetts Department of Environmental Protection Northeast Regional Office (MassDEP-NERO) has reviewed the Environmental Notification Form (ENF) submitted by TransDel Corp./Gate Residential to demolish an existing vacant building (41,300 sf) in order to construct one, five-story building and one six-story building, totaling 299,280 square feet with 195 residential units and parking for 231 vehicles, including 8 covered spaces, 59 garage parking spaces and 183 surface parking spaces on a 6.2 acre site in Revere. The project site is within the Rumney Marshes Area of Critical Environmental Concern. MassDEP provides the following comments.

Waterways/ Chapter 91:

Approximately 2.3 acres of the 6.2 acre site are comprised of previously authorized, filled Private Tidelands. The Waterways Regulation Program (WRP) seeks to withdraw its January 10, 2017 comment letter and amend it with the comments herein. The program has since determined that the water body adjacent to the project site is non-tidal. Accordingly, the Project has been determined to be located wholly on Landlocked Tidelands, pursuant to 310 CMR 9.02. While projects located on Landlocked Tidelands are not subject to chapter 91 licensing, they are required to seek a Public Benefits Determination by the Secretary.

Wastewater

The ENF states that there is sufficient capacity in the existing collection system to accommodate the estimated 45,650 gallons per day (gpd) of additional sanitary sewage of wastewater flow that would

be generated by the project. As of April 25, 2014, the sewer regulations changed and the requirements for self-certification or a sewer connection/extension permit from MassDEP were eliminated. Under the terms of the new regulations at 314 CMR 12.04(2)(d), MassDEP requires sewer authorities with permitted combined sewer overflows, or tributary to such systems, including the City of Revere, to require removal of four gallons of infiltration and inflow (I/I) for each gallon of new wastewater flows generated for any new connection where greater than 15,000 gallons per day of new wastewater flows will be generated. If an EIR is required, the report should describe the sewer system for the project and identify any sewer system deficiencies within the combined sanitary sewer system serving the project site.

Wetlands

As noted in the ENF, the site is located within Land Subject to Coastal Storm Flowage. The ENF states that, “a substantial amount of the site will need to be raised above its current elevation to provide the appropriate floodproofing of the proposed structures. A retaining wall is proposed along portions of the bank of the site adjacent to Sales Creek to allow for the required grade changes.” The ENF (page 19) states that the construction of structured parking is not economically feasible and asserts that “alternatives to the proposed retaining wall that might allow a more gradual slope towards the water would only wind up altering, and adversely affecting, more resource area.” The applicant has provided MassDEP with revised plans showing that the retaining wall has been moved 10 feet from the BVW line. MassDEP’s review is limited by the small plan scale available in the electronic attachment. Full-sized plans will be needed for a complete review. However, it appears that the purported 10 foot setback is actually several feet less than that due to the excavation needed to install the footings for the wall. It is MassDEP’s opinion that excavation for the footing is likely to result in an alteration of wetland resource areas during construction. The Notice of Intent should evaluate alternatives to siting the retaining wall near the top of bank, including but not limited to moving the retaining wall further away from Sales Creek by decreasing the amount of fill being brought onto the site, by providing structured parking and by reconfiguring parking spaces. The Notice of Intent should also provide cross-sections showing Sales Creek, its banks, the proposed retaining wall, and the proposed elevations adjacent to the retaining wall.

The ENF states that the retaining wall will not impair the physical stability of the bank as the predominance of invasive plant species has already significantly impaired the physical stability of the bank and land adjacent to the bank. While the presence of invasive species may contribute to decreased wildlife habitat value, it is unlikely that these plants are contributing to bank instability. However, the proposed removal of Norway maples with their extensive root systems is likely to result in destabilization of the bank prior to replanting with native vegetation. A mitigation plan should address short-term stabilization of the bank in conformance with the performance standards for Bank under 310 CMR 10.54 and should also include a long-term invasive species management plan.

The ENF also notes that, due to the amount of proposed bank alteration, a wildlife habitat evaluation will be prepared in accordance with 310 CMR 10.60 but makes a preliminary assessment that important wildlife habitat functions are absent or greatly reduced. It is MassDEP’s opinion that Sales Creek likely serves a variety of wildlife habitat functions typical of riparian buffer zones in

urban settings, even though invasive species are present. Wildlife habitat functions are unlikely to be absent. Though certainly not as diverse as undisturbed habitats, areas such as Sales Creek are valuable “islands” in developed settings. Sales Creek is also part of the 2,363-acre Rumney Marshes Area of Critical Environmental Concern which is characterized as one of the most biologically significant estuaries in Massachusetts north of Boston. The evaluation of wildlife habitat functions in Sales Creek should be relative to the adjacent developed properties, its setting within the ACEC, and should also consider that the proposed retaining wall will likely present a barrier to wildlife movement.

Recycling

The project includes demolition and reconstruction, which will generate a significant amount of construction and demolition (C&D) waste. Although the ENF has not made a specific commitment to recycling construction and demolition waste, MassDEP encourages the project proponent to make a significant commitment to incorporate C&D recycling activities as a sustainable measure for the project. In addition, the proponent is advised that demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. Chapter 40, Section 54, which provides:

“Every city or town shall require, as a condition of issuing a building permit or license for the demolition, renovation, rehabilitation or other alteration of a building or structure, that the debris resulting from such demolition, renovation, rehabilitation or alteration be disposed of in a properly licensed solid waste disposal facility, as defined by Section one hundred and fifty A of Chapter one hundred and eleven. Any such permit or license shall indicate the location of the facility at which the debris is to be disposed. If for any reason, the debris will not be disposed as indicated, the permittee or licensee shall notify the issuing authority as to the location where the debris will be disposed. The issuing authority shall amend the permit or license to so indicate.”

For the purposes of implementing the requirements of M.G.L. Chapter 40, Section 54, MassDEP considers an asphalt, brick, and concrete (ABC) rubble processing or recycling facility, (pursuant to the provisions of Section (3) under 310 CMR 16.05, the Site Assignment regulations for solid waste management facilities), to be conditionally exempt from the site assignment requirements, if the ABC rubble at such facilities is separated from other solid waste materials at the point of generation. In accordance with 310 CMR 16.05(3), ABC can be crushed on-site with a 30-day notification to MassDEP. However, the asphalt is limited to weathered bituminous concrete, (no roofing asphalt), and the brick and concrete must be uncoated or not impregnated with materials such as roofing epoxy. If the brick and concrete are not clean, the material is defined as construction and demolition (C&D) waste and requires either a Beneficial Use Determination (BUD) or a Site Assignment and permit before it can be crushed.

Pursuant to the requirements of 310 CMR 7.02 of the Air Pollution Control regulations, if the ABC crushing activities are projected to result in the emission of one ton or more of particulate matter to the ambient air per year, and/or if the crushing equipment employs a diesel oil fired engine with an energy input capacity of three million or more British thermal units per hour for either mechanical or electrical power which will remain on-site for twelve or more months, then a plan application

must be submitted to MassDEP for written approval prior to installation and operation of the crushing equipment.

Asbestos removal notification on permit form ANF 001 and building demolition notification on permit form AQ06 must be submitted to MassDEP at least 10 working days prior to initiating work. Except for vinyl asbestos tile (VAT) and asphaltic-asbestos felt and shingles, the disposal of asbestos containing materials within the Commonwealth must be at a facility specifically approved by MassDEP (310 CMR 19.061). No asbestos containing material including VAT, and/or asphaltic-asbestos felts or shingles may be disposed at a facility operating as a recycling facility (310 CMR 16.05). In addition, the demolition project contain asbestos, the project proponent is advised that asbestos and asbestos-containing waste material are a special waste as defined in the Solid Waste Management regulations (310 CMR 19.061). The disposal of the asbestos containing materials outside the jurisdictional boundaries of the Commonwealth must comply with all the applicable laws and regulations of the state receiving the material.

The demolition activity also must conform to current Massachusetts Air Pollution Control regulations governing nuisance conditions at 310 CMR 7.01, 7.09 and 7.10. As such, the proponent should propose measures to alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition. Again, MassDEP must be notified in writing, at least 10 days in advance of removing any asbestos, and at least 10 days prior to any demolition work. The removal of asbestos from the buildings must adhere to the special safeguards defined in the Air Pollution Control regulations, (310 CMR 7.15 (2)).

Waste Ban Regulation – 310 CMR 19.017

Section 310 CMR 19.017 Waste Bans of the Massachusetts Solid Waste Regulations prohibit the disposal of certain wastes in Massachusetts. These wastes include, but are not limited to, recyclable paper (including cardboard). On October 1, 2014, the Massachusetts Organics Waste Ban on the disposal of commercial organic wastes by businesses and institutions takes effect. It prohibits the disposal of organic wastes from businesses and institutions that generate a ton or more of organic materials per week, which necessitates the composting, conversion (such as anaerobic digestion), recycling or reuse of organic the waste.

As the lead state agencies responsible for helping the Commonwealth achieve its waste diversion goals, MassDEP and EEA have strongly supported voluntary initiatives by the private sector to institutionalize source reduction and recycling into their operations. Adapting the design, infrastructure, and contractual requirements necessary to incorporate reduction, recycling and recycled products into existing large-scale developments has presented significant challenges to recycling proponents. Integrating those components into developments such as 205 Revere Beach Parkway at the planning and design stage enable the project's management and occupants to establish and maintain effective waste diversion programs. For example, facilities with minimal obstructions to trash receptacles and easy access to main recycling areas and trash chutes allow for implementation of recycling programs and have been proven to reduce cleaning costs by 20 percent to 50 percent. Other designs that provide sufficient space and electrical services will support consolidating and compacting recyclable material and truck access for recycling material collection.

By incorporating recycling and source reduction into the design, the proponent has the opportunity to join a national movement toward sustainable design. Sustainable design was endorsed in 1993 by the American Institute of Architects with the signing of its *Declaration of Interdependence for a Sustainable Future*. The project proponent may be aware of organizations that provide additional information and technical assistance, including Reuse Marketplace (<http://www.reusemarketplace.org/>), USEPA's WasteWise Program (www.epa.gov/wastewise/), and MassRecycle (<http://www.massrecycle.org/>). The listed organizations and programs are notable for offering valuable and effective waste reduction and recycling assistance, web-based resources, case studies, and tools for C&D projects.

Massachusetts Contingency Plan (MCP)/M.G.L. c.21E

Contaminated Soil and Groundwater: The ENF indicates that there are no records of site contaminant releases that have been regulated under the MCP/C.21E. Even so, the proponent should be aware that excavating, removing and/or disposing of contaminated soil, pumping of contaminated groundwater, or working in contaminated media must be done under the provisions of MGL c.21E (and, potentially, c.21C) and OSHA. If permits and approvals under these provisions are not obtained beforehand, considerable delays in the project can occur. The project proponent cannot manage contaminated media without prior submittal of appropriate plans to MassDEP, which describe the proposed contaminated soil and groundwater handling and disposal approach, and health and safety precautions. If contamination at the site is known or suspected, the appropriate tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits. If dewatering activities are to occur at a site with contaminated groundwater, or in proximity to contaminated groundwater where dewatering can draw in the contamination, a plan must be in place to properly manage the groundwater and ensure site conditions are not exacerbated by these activities. Dust and/or vapor monitoring and controls are often necessary for large-scale projects in contaminated areas. The need to conduct real-time air monitoring for contaminated dust and to implement dust suppression must be determined prior to excavation of soils, especially those contaminated with compounds such as metals and PCBs. An evaluation of contaminant concentrations in soil should be completed to determine the concentration of contaminated dust that could pose a risk to health of on-site workers and nearby human receptors. If this dust concentration, or action level, is reached during excavation, dust suppression should be implemented as needed, or earthwork should be halted.

Potential Indoor Air Impacts: Parties constructing and/or renovating buildings in contaminated areas should consider whether chemical or petroleum vapors in subsurface soils and/or groundwater could impact the indoor air quality of the buildings. All relevant site data, such as contaminant concentrations in soil and groundwater, depth to groundwater, and soil gas concentrations should be evaluated to determine the potential for indoor air impacts to existing or proposed building structures. Particular attention should be paid to the vapor intrusion pathway for sites with elevated levels of chlorinated volatile organic compounds such as tetrachloroethylene (PCE) and trichloroethylene (TCE). MassDEP has additional information about the vapor intrusion pathway on its website at <http://www.mass.gov/dep/cleanup/laws/vifs.htm>.

New Structures and Utilities: Construction activities conducted at a disposal site shall not prevent or impede the implementation of likely assessment or remedial response actions at the site. Construction of structures at a contaminated site may be conducted as a Release Abatement Measure if assessment and remedial activities prescribed at 310 CMR 40.0442(3) are completed within and adjacent to the footprint of the proposed structure prior to or concurrent with the construction activities. Excavation of contaminated soils to construct clean utility corridors should be conducted for all new utility installations.

Air Quality-Boiler

Pre-installation approval from MassDEP, pursuant to regulation 310 CMR 7.02, is required if the project will include any boiler regulated under 310 CMR 7.26(30)-(37), inclusive. Natural gas or distillate fuel oil-fired boilers with an energy input capacity less than 10,000,000 British thermal units per hour (Btu/hr) are exempt from the above listed regulations. In addition, if the project will be equipped with emergency generators equal to or greater than 37 kW, then each of those emission units must comply with the regulatory requirements in 310 CMR 7.26(42).

The MassDEP Northeast Regional Office appreciates the opportunity to comment on this proposed project. Please contact Heidi.Davis@state.ma.us at (978) 694-3255 for further information on wetlands issues, and Kevin.Brandner@state.ma.us at (978) 694-3236 on wastewater issues. If you have any general questions regarding these comments, please contact me at John.D.Viola@state.ma.us , or at (978) 694-3304.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

John D. Viola
Deputy Regional Director