

Appendix A: NPC Comment Letters

- Environmental Management Commission dated 12 March 2020
- Cape Cod Commission dated 12 March 2020
- Massachusetts Department of Environmental Protection dated 12 March 2020
- Massachusetts Natural Heritage and Endangered Species Program dated 12 March 2020
- Massachusetts Division of Marine Fisheries dated 10 March 2020



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
ENVIRONMENTAL MANAGEMENT COMMISSION
Building 3468, Beaman Street, Camp Edwards, MA 02542-5003

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD AMIDON

MARTIN SUUBERG

JAMES MONTGOMERY
Commissioners

March 12, 2020

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office, Ms. Tori Kim, Director
100 Cambridge Street, Suite 900
Boston, Massachusetts, 02114

Project Name: Multi-Purpose Machine Gun (MPMG) Range
Proponent: Massachusetts National Guard
Location: Camp Edwards, Joint Base Cape Cod, Massachusetts
Document: Notice of Project Change, Multi-Purpose Machine Gun (MPMG) Range at the Known Distance (KD) Range, Camp Edwards, Joint Base Cape Cod, Sandwich, Barnstable County, Massachusetts, EOEEA #5834

Dear Secretary Theoharides;

The Environmental Management Commission (EMC) was created within the Executive Office of Energy & Environmental Affairs (EOEEA) by Chapter 47 of the Acts of 2002 and Executive Order (EO) 433. The purpose of the EMC is to provide permanent protection of the drinking water supply and wildlife habitat of the Upper Cape Water Supply Reserve (the Reserve), created as public conservation land by Chapter 47 of the Acts of 2002, by oversight, monitoring and evaluation of all military and other activities on the Reserve to ensure they are consistent with this purpose. The Camp Edwards Training Ranges, which include the Known Distance (KD) Range, are co-located with and are within the Reserve. The EMC has the following comments on the above referenced Notice of Project Change (NPC):

Overview:

As described in the NPC, the Massachusetts Army National Guard (MAARNG) has proposed the construction and operation of a Multi-Purpose Machine Gun (MPMG) Range at Camp Edwards, Massachusetts. The MAARNG maintains that the proposed MPMG Range will provide National Guard personnel with a modernized small arms training venue to efficiently accomplish mandatory soldier tasks and mission training to include meeting weapons qualification requirements in a manner that protects human health and the environment.

The MPMG Range is proposed to be built over and improve on the existing 600-yard KD Range, and has been designed with range-specific structures to include soil berms and potentially other types of engineered solutions for projectile capture. The KD Range parcel is owned by the Commonwealth under the care and control of the Division of Fisheries and Wildlife (MassWildlife) and is currently leased to the Department of the Army, with licenses to the Massachusetts National Guard.

The EMC has been working closely with the MAARNG and their consultants over the past three years to provide guidance and compliance assistance with regard to environmental issues unique to the proposed Project. A visit to the Project site by the EMC Environmental Officer was made on August 8, 2019 with the MAARNG and their consultants, as well as with a representative from the Massachusetts Environmental Policy Act (MEPA) Office within the EOEEA and with representatives of the Natural Heritage and Endangered Species Program (NHESP) within MassWildlife. In addition, the MAARNG has presented information regarding the proposed MPMG Range location and design to the EMC and its advisory councils, the Science Advisory Council (SAC) and the Community Advisory Council (CAC). The CAC assists the EMC by providing advice on issues related to the protection of the water supply and wildlife habitat on the Reserve; and the SAC assists the EMC by providing scientific and technical advice relating to the protection of the drinking water supply and wildlife habitat on the Reserve. The EMC has reviewed and has commented on the 20%, 30%, 65% and 95% MPMG Range design, and EMC comments have been incorporated into the final construction and MPMG Range design documents. In addition, the EMC has consulted with the Massachusetts Department of Environmental Protection (MassDEP) on regulatory issues associated with the MPMG Range design such as air quality, groundwater quality, noise and stormwater, and has provided feedback received on these issues to the MAARNG and their consultants. Finally, the EMC has participated in meetings with the Massachusetts National Guard and MassWildlife to establish a mitigation bank and overall strategy to facilitate implementation of long-term planning efforts including modernization of the Camp Edwards range complex and infrastructure.

Comments:

1. The final MPMG Range design and the Operation, Maintenance and Monitoring Plan (OMMP) for the MPMG requires approval by the EMC in accordance with Chapter 47 of the Acts of 2002 and the Environmental Performance Standards (EPS) prior to construction and operation of the MPMG Range. The MPMG Range is designed and has been designated by the MAARNG as a copper ammunition-only range. The OMMP will address requirements for periodic soil and groundwater sampling and analysis, maintenance of soil berms and other engineered designs for projectile capture, recycling of harvested projectiles from the range and other maintenance and operational issues required under the EPSs. Sampling results and information from special management and mitigation actions, training utilization, coordination with other projects and environmental programs within the Reserve are reported and compared against the EPSs in the annual "State of the Reservation" reports required by MEPA and by Chapter 47 of the Acts of 2002. EMC1
EMC2
EMC3
2. MassDEP is currently regulating releases of oil and hazardous material (OHM) pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (Chapter 21E) and the Massachusetts Contingency Plan (310 CMR 40.0000 et seq. – the MCP) at the KD Range. A final cleanup remedy for the KD (West) Range may be found within the "Training Areas Operable Unit Decision Document" produced by the National Guard Bureau Impact Area Groundwater Study Program (IAGWSP) dated February 2019; and for the KD (East) Range within the "Small Arms Ranges Decision Document" by the IAGWSP dated September 2015. The final environmental cleanup remedies for KD Range include soil sampling for explosives and metals, removal of OHM in soil if necessary, and geophysical screening for munitions with munitions removal if necessary. In addition, land use controls have been established for the KD Range to protect infrastructure related to groundwater monitoring and treatment systems controlled by

the IAGWSP. The MAARNG is advised that there may be soils contaminated with OHM and munitions items located at the proposed project location. Therefore, a plan for the management of OHM, including contaminated soil and munitions items, which may be found during construction, should be developed by the MAARNG working in communication with the IAGWSP and MassDEP. Additionally, the EMC recommends that the MAARNG ensure that UXO safety and awareness training is provided for all utility and construction personnel working at the location of the proposed Project.

EMC4

EMC5

EMC6

3. EPS 15.3.3 states that no storage or movement of fuels supporting field activities, other than in vehicle fuel tanks is permitted except in approved containers no greater than five gallons in capacity. The MAARNG is advised that a waiver of EPS 15.3.3 may be granted by the EMC for the duration of the construction period subject to EMC review and prior written approval by the EMC of a site specific Spill Prevention, Control and Countermeasure Plan. All construction-related refueling and equipment maintenance activities must be conducted in accordance with an EMC-approved refueling plan.

EMC7

EMC8

4. On 14 August 2015 the Army Public Health Center performed an on-site noise study and noise modeling (Operational Noise Consultation) for the MAARNG at the KD Range for the MPMG Range design. The studies concluded that there would be noise impacts to the community during MPMG Range use. There may also be an increase in noise at the proposed project location during construction activities. MassDEP's Noise regulation at 310 CMR 7.10 prohibits a "person owning, leasing, or controlling a source of sound" from "willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary emissions from said source of sound that may cause noise." Although there is an exemption in the regulation for "police, fire, and civil and national defense activities", the EMC recommends the MAARNG work with MassDEP to develop a plan for measuring and mitigating, if necessary, noise produced both by construction and operation of the MPMG Range.

EMC9

The MAARNG should continue to work closely during the permitting and the execution of the Project with MassDEP, the EMC, and MassWildlife, which maintains custody, care and control of the Upper Cape Water Supply Reserve. Early coordination with Commonwealth and municipal resource agencies is recommended with regard to rare species, noise and other operational impacts from the proposed project.

EMC10

Thank you for the opportunity to provide comments on behalf of the EMC. If you have any questions regarding these comments, please contact me at 339-202-9487 or at 508-946-2871.

Sincerely,



Leonard J. Pinaud
Executive Director/Environmental Officer
Environmental Management Commission

Ec: Commissioner Amidon, Department of Fish and Game
Commissioner Suuberg, Department of Environmental Protection
Commissioner Montgomery, Department of Conservation and Recreation
Environmental Management Commission Science Advisory Council
Environmental Management Commission Community Advisory Council

Mr. Gary Moran, Deputy Commissioner, Department of Environmental Protection
Mr. Jason Zimmer, MassWildlife, Southeast Wildlife District
Mr. David Paulson, MassWildlife, Natural Heritage and Endangered Species Program
Ms. Page Czepiga, MEPA
Ms. Jane Dolan, USEPA Region 1

BG Christopher Faux, JBCC Executive Director
COL Matthew Porter, Commander, Camp Edwards
Mr Keith Driscoll, Massachusetts National Guard NEPA/MEPA Manager
Mr. Paulo A. Baganha, Massachusetts National Guard Environmental Program
Dr. Michael Ciaranca, Massachusetts National Guard Environmental & Readiness Center, Camp Edwards
Mr. Shawn Cody, National Guard Bureau Impact Area Groundwater Study Program

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



CAPE COD
COMMISSION

(508) 362-3828 • Fax (508) 362-3136 • www.capecodcommission.org

Via Email

March 12, 2020

Kathleen A. Theoharides, Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Page Czepiga, Assistant Director
100 Cambridge Street, Suite 900, Boston, MA 02114

Re: Notice of Project Change- MPMG Range at JBCC/ Camp Edwards, Sandwich, MA (EEA 5834)

Dear Secretary Theoharides:

Thank you for the opportunity to provide comments on the above-referenced NPC submitted by the Massachusetts Army National Guard (MAARNG). Cape Cod Commission staff has worked with Joint Base Cape Cod (JBCC) in the past on master planning and as a participant on community working groups and advisory councils, and looks forward to continued representation and participation in such capacities.

At approximately 22,000 acres, JBCC (formerly the Massachusetts Military Reservation), is one of the largest contiguous properties in state or federal ownership on Cape Cod. Camp Edwards and the Upper Cape Water Supply Reserve (Reserve) are coterminous and comprise the approximate 15,000 acre, northern portion of JBCC. Among other things, the Reserve hosts one of the largest remaining pine barrens habitats in the northeastern United States, is the largest intact area of relatively unfragmented interior forest remaining on Cape Cod and is adjacent to other extensive open space and conservation-restricted areas off-site. The Reserve was established for the purposes of balancing water supply, wildlife habitat, and open space protection and management with necessary and compatible military training activities.

It was not clear to Commission staff during its review whether the scope and scale of the Project (>200 acres of clearing and 20% increase in training days) was contemplated in the original JBCC (MMR) Master Plan FEIR, or in subsequent NPCs. However, the Project was referenced in previous MEPA filings; based on staff's review of MAARNG's analysis in the NPC, the Project site and use appears generally compatible with the purpose of and allowable military uses in the Reserve; and MAARNG has used appropriate screening criteria to consider alternative project locations and configurations.

CCC1

MAARNG has also proposed mitigation for the Project as described in the NPC, which Commission staff suggests promote various natural resources goals and purposes set out in the Cape Cod Regional Policy Plan and in the enabling legislation for the Reserve. These mitigation actions- a combination of land transfers, habitat management, monitoring and research, and establishment of a mitigation bank- are proposed to ensure permanent protection of water supply, wildlife habitat and open space in relation to the area of Project development impact within the Reserve. Ultimately, such mitigation actions should be incorporated into the Camp Edwards Integrated Natural Resources Management Plan and Integrated Fire Management Plan (it appears that the most recent 2009 INRMP is currently being updated). MAARNG will also coordinate with the Impact Area Groundwater Study Program to ensure the proposed MPMG range construction and activities do not interfere with ongoing site investigations, restorations, and monitoring activities.

CCC2

CCC3

NHESP has determined that the Project will result in take of several rare species and therefore requires the preparation of a Conservation and Management Permit (a comprehensive, draft CMP has been submitted with the NPC). A final CMP will need to be approved by NHESP and the applicant's proposed mitigation actions set out in the CMP will need to be appropriately monitored and tracked to confirm their benefit and effectiveness. JBCC Environmental Management Commission (EMC) approval of the Project will also be required. MAARNG should continue to work with NHESP, EMC, MassDEP, and USEPA through Project review, permitting and implementation to ensure that environmental performance standards and protections are in place during all phases of development (i.e. Construction Management Plan, Range Management Plan, Operation, Maintenance and Monitoring Plan, and Standard Operating Procedure).

CCC4

CCC5

Commission staff are available to discuss any questions you might have about the letter.

Sincerely,



Kristy Senatori
Executive Director

Cc: Project File
Keith Driscoll, MAARNG, via email
Bud Dunham, Town Manager, Sandwich via email
Cape Cod Commission Chair via email
Cape Cod Commission Committee on Planning and Regulation Chair via email



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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

March 12, 2020

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 5834
SANDWICH.Multi-Purpose Machine Gun
(MPMG) Range at Joint Base Cape Cod
(JBCC) Camp Edwards

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC) for the Multi-Purpose Machine Gun (MPMG) Range at Joint Base Cape Cod (JBCC) Camp Edwards, Sandwich, Massachusetts (EOEEA #5834). The Project Proponent provides the following information for the Project:

The MPMG Range is proposed to be constructed at the existing location of a Known Distance (KD) Range (38.5 acres) which is located within mapped rare species habitat (see Figures 1.2 to 1.5). The KD Range was previously used for past ranges and training including disturbed areas that due to inactivity of the range are comprised of grassland habitat and immature pitch pine. The existing KD Range is not presently used for live fire training but is used for other training operations like unmanned aerial systems (UAS) training.

The proposed Project change consists of design plans for the MPMG Range proposed at the KD Range. This NPC is being submitted to satisfy the requirements of MEPA review to document a material change to a project. The MAARNG asserts that the MPMG Range project does not represent a significant change. As greater than 50 acres will be altered for this project, an Environmental Impact Report (EIR) will be required. We are requesting a Single EIR for this NPC. In addition, a Greenhouse Gas (GHG) Analysis is included in the NPC.

Bureau of Water Resources Comments:

Wetlands and Waterways. As proposed, this Project does not affect wetlands or waterways protected resource and is therefore not subject to the Wetlands Protection Act.

Drinking Water Program. Most of the proposed machine-gun range on Camp Edwards is within Zone II's for groundwater drinking water supplies for the towns of Bourne, Falmouth, Mashpee, and Sandwich. The NPC does not anticipate any negative impacts to the groundwater due to the

average 100-foot depth to the groundwater table. Section 7.3 of the NPC states that “Camp Edwards is managed as a Zone II therefore the MPMG range is located within a Zone II.” Environmental Performance Standards are in place for managing the land uses existing throughout the Joint Base Cape Cod, and these standards will be applicable to the MPMG Range. Section 6.14 lists Best Management Practices to be implemented, including “periodic metals removal.”

MassDEP recommends that at least three monitoring wells be installed downgradient of the proposed range to determine baseline groundwater conditions. If, in the future, the MPMG is suspected of causing or contributing to contamination of the aquifer, the sampling of these wells and comparison to the baseline conditions will provide valuable information as to the MPMG being or not being a source of contamination

DEP1

Sole Source Aquifer

The Proponent is advised that EPA has designated Cape Cod as a federally designated sole source aquifer (SSA).

The SSA program is authorized by Section 1424(e) of the Safe Drinking Water Act of 1974 (Public Law 93-523, 42 U.S.C. 300 et. seq), which states:

"If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the Federal Register.

After the publication of any such notice, no commitment for federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for federal assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer."

The SSA program is intended to have the EPA review proposed projects that are both located within the SSA and receive federal funding. EPA's review is intended to ensure that the projects do not contaminate the SSA.

MassDEP acknowledges that there are exemptions to the SSA program. The SSA program applies to federal assistance, but not to direct federal actions. Work performed for or by the federal government is not included among the projects EPA reviews. This includes work on military bases and other federal facilities. However, the Proponent identifies itself as an “Agency of the Commonwealth” and the project is being conducted on Commonwealth property.

MassDEP did not find evidence that: 1) the Proponent has claimed an exemption from review, 2) the EPA has confirmed the Project is exempt from review and 3) the Proponent has submitted the Project to the EPA for such a review nor a statement from the EPA with the conclusions of such a review.

DEP2

The proponent should determine and obtain concurrence from the EPA if the Project requires SSA review or not.

DEP3

Construction Stormwater Permit. The Project construction activities are scheduled to disturb 209 acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities. The Proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website:

https://www.epa.gov/sites/production/files/2017-07/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

DEP4

Bureau of Waste Site Cleanup Comments:

The MassDEP, Bureau of Waste Site Cleanup is tasked with ensuring the cleanup of oil and hazardous material (OHM) releases pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Act (Chapter 21E). This law is implemented through regulations known as the Massachusetts Contingency Plan (310 CMR 40.0000 *et seq.* – the MCP). Both Chapter 21E and the MCP require the performance of response actions to provide for protection against harm to health, safety, public welfare and the environment which may result from release and/or threats of releases of OHM. MassDEP is currently regulating releases of OHM pursuant to Chapter 21E and the MCP at the KD Range. MassDEP has assigned Release Tracking Number (RTN) 4-0015031 to the Site.

A final cleanup remedy for the KD (West) Range may be found within the “Training Areas Operable Unit Decision Document” produced by the National Guard Bureau Impact Area Groundwater Study Program (IAGWSP) dated February 2019; and for the KD (East) Range within the “Small Arms Ranges Decision Document” by the IAGWSP dated September 2015. The final remedies for KD Range include soil sampling for explosives and metals, removal of oil and hazardous materials (OHM) in soil if necessary, and geophysical screening for munitions with munitions removal if necessary. In addition, Land Use Controls have been established for the KD Range to protect infrastructure related to groundwater monitoring and treatment systems controlled by the IAGWSP. Therefore, the Massachusetts National Guard is advised that there may be soils contaminated with OHM and munitions items located at the proposed project location. A plan for the management of OHM, including contaminated soil and munitions items, which may be found during construction should be developed by the Massachusetts National Guard working in communication with the IAGWSP and MassDEP. The Massachusetts National Guard is advised to communicate with Camp Edwards Range Control regarding UXO safety training for all utility and construction personnel working at the location of the proposed Project.

DEP5

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:

DEP6

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

Dust:

Dust generated from earthwork and other construction activities must be controlled to ensure minimization of the off-site transport of dust. MassDEP Air Pollution Control regulations at 310 CMR 6.00-7.00 specify standards and limits for fugitive emissions, dusts and particulates.

DEP7

Noise:

MassDEP’s Noise regulation 310 CMR 7.10 prohibits a “person owning, leasing, or controlling a source of sound” from “willfully, negligently, or through failure to provide necessary equipment, service, or maintenance or to take necessary precautions cause, suffer, allow, or permit unnecessary

emissions from said source of sound that may cause noise.” Although there is an exemption in the regulation for “police, fire, and civil and national defense activities”.

The Proponent has stated that the Project shall conform to the Army’s Environmental Noise Management Program. The goals of the Army’s Environmental Noise Management Program are to:

- (1) Control environmental noise to protect the health and welfare of people, on- and off- post/CWF, impacted by all Army-produced noise, including on- and off-post/CWF noise sources.
- (2) Reduce community annoyance from environmental noise to the extent feasible, consistent with Army training and materiel testing activities.

As part of this program the Massachusetts National Guard performed an on-site noise study and noise modeling for the MPMG (Operational Noise Consultation dated 14 August 2015 conducted by the Army Public Health Center for the proposed Multi-purpose Machine Gun (MPMG) Range at the KD West Range at Camp Edwards). The studies concluded that there would be noise impacts to the community during range use. Based on these results, the Proponent has moved the location of the MPMG. A new noise study will be performed once the range becomes operational. MassDEP is available for consultation for the design of this study. Also, after the range becomes operational, a noise complaint management program will be initiated.

DEP8

Mitigation in the form of a relatively small-wall or berm barrier close to the source(s) of the noise would create an acoustic shadow that would significantly reduce noise at and near ground level.

DEP9

The Proponent is reminded that although the training activities are exempt from 310 CMR 7.10, the construction activities are not exempt.

DEP10

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.

DEP11

Massachusetts Idling Regulation

The ENF reports that the Project Proponent proposes simply to “minimize idling.” 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.

DEP12

Solid Waste Management. As a result of its review of the Notice of Project Change (“NPC”) for the Multi-purpose Machine Gun (MPMG) Range (“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 310 CMR 19.000: *Solid Waste Management* and 310 CMR 7.15: Asbestos Regulations.

The NPC 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 construction and demolition waste and concrete.

Solid Waste/Asbestos Comments

1. Waste Ban Regulations: MassDEP enforces solid waste regulations that restrict certain recyclable materials from disposal. Known as “waste bans”, these regulations (310 CMR 19.017) prohibit the disposal of recyclable materials as solid waste. 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> **DEP13**

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

2. Demolition and Asbestos Containing Waste Material: The proposed Project includes the demolition of buildings, concrete walls, and/or other 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. **DEP14**

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. **DEP15**

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).

DEP16

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.

DEP17

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

Proposed s.61 Findings

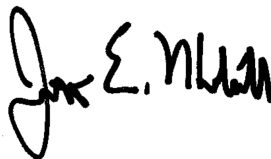
The “Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed 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.

DEP18

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this NPC. 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
Dan Gilmore, Wetlands and Waterways, BWR
James McLaughlin, Drinking Water, BWR
Leonard Pinaud, Chief, Federal Facilities, BWSC
Mark Dakers, Solid Waste, BAW
Alison Cochrane, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC

From: [Paulson, David \(FWE\)](#)
To: [Czepiga, Page \(EEA\)](#)
Cc: [Cheeseman, Melany \(FWE\)](#)
Subject: Multi-Purpose Machine Gun (MPMG) Range at the Known Distance (KD) Range Notice of Project Change (NPC)
(18-37434. EOEEA # 5834)
Date: Thursday, March 12, 2020 2:24:06 PM

Page,

I tried to provide comment via the MEPA Comment Portal, however, it said the deadline past. Please see below:

EOEEA # 5834

18-37434

Multi-Purpose Machine Gun (MPMG) Range at the Known Distance (KD) Range Notice of Project Change (NPC)

Dear Secretary Theocharides:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has reviewed the Notice of Project Change (NPC) for the proposed "Multi-Purpose Machine Gun (MPMG) Range at the Known Distance (KD) Range" and would like to offer the following comments regarding state-listed rare species and their habitats.

The Division has been in early coordination and consultation with the Proponent for the above referenced project. These discussions have been productive and the Division anticipates that the Project will likely result in a "take" of multiple state-listed species.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed rare species.

The Applicant has proactively consulted with the Division to avoid, minimize and mitigate impacts to state-listed species and their habitats associated with proposed project. They have submitted a draft CMP. Based on ongoing consultations with the Applicant and a review of the draft CMP, we understand that the proposed project will include the following measures in consideration of state-listed species concerns:

- Habitat Preservation
- Habitat Management, Enhancements, and Creation
- Habitat and Species Monitoring

Although the exact details of the long-term net benefit required under a CMP have not been finalized, based on a review of the draft materials submitted to date the Division anticipates that the proposed project should be able to meet the necessary performance standards of a CMP. In our view, the Applicant has and continues to work constructively with the Division to proactively address rare species issues and permitting requirements associated with this project.

FWE1

Please note that the Division will not render a final decision until a final CMP Application has been submitted and the Massachusetts Environmental Policy Act (MEPA) review process has been completed.

FWE2

We appreciate the opportunity to comment on this project. If you have any questions about this letter, please contact David Paulson, Senior Endangered Species Review Biologist, at (508) 389-6366 or david.paulson@state.ma.us.

All the best,

David Paulson

Senior Endangered Species Review Biologist
Massachusetts Division of Fisheries & Wildlife
1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6366 | e: david.paulson@state.ma.us
mass.gov/masswildlife | facebook.com/masswildlife

From: [Nuttall, Ryan \(FWE\)](#)
To: [Czepiga, Page \(EEA\)](#)
Cc: [Boeri, Robert \(EEA\)](#); [Shields, Thomas \(FWE\)](#)
Subject: Massachusetts National Guard,
Date: Tuesday, March 10, 2020 9:37:09 AM

Dear Mrs. Czepiga,

The Division of Marine Fisheries (MA DMF) has reviewed the recently received NPC submitted by The Massachusetts National Guard for a [proposed to modify an Environmental Performance Standard regarding lead-bullet ammunition at selected small arms firing ranges at Camp Edwards](#). The potential impacts to marine fisheries resources and habitats were assessed.

DMF1

[Based on the scope of work as currently proposed, MA DMF has no recommendations for sequencing, timing or methods that would avoid or minimize impact at this time.](#)
Questions regarding this review may be directed to John Logan.

DMF2

Thank you,

Ryan Nuttall

Sent on behalf of John Logan