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31 Mar 2019

MEMORANDUM

PAK, COLLEEN, MA. Digitally signed by
RIE (b)(6) & (b)(7)(C) Part CO-1 Number: 070 & 10
Date: 2019.03.31 16:31:02Z

From: C. M. Pak, CAPT

To: J. M. Vojvodich, RADM
DCMS-d

Subj: INVESTIGATION INTO THE USE OF COAST GUARD HOUSING AT WEST
CHOP LIGHT

Ref: (a) Convening Order DTD Dec 2018
(b) Administrative Investigations Manual, COMDTINST M5830.1A
(c) Safety and Environmental Health Manual, COMDTINST M5100.47B
(d) CG Housing Manual, COMDTINST M11101.13G
(e) Military Justice Manual, COMDTINST M5810.1F
(f) Manual for Courts-Martial, 2016 Ed.
(g) Civilian Personnel Actions: Disciplinary, Adverse, and Performance Based
Actions, COMDTINST M12750.4A
(h) Base Cape Cod Housing Manual, BASECCINST M11101.1

1. Per references (a) and (b), I have conducted a Standard Investigation into the facts and circumstances surrounding the following: (1) the lead abatement and remediation of the Coast Guard housing at West Chop Light; (2) the process and circumstances surrounding its reactivation for use as government-owned family housing; and (3) the procedures used in selecting and assigning members to that housing, including any conditions and restrictions. In accordance with reference (a), no persons were designated as Parties to this investigation, and there is no recommendation to designate any Parties at the conclusion of this investigation.

Access to witnesses and evidence was complicated by the furlough of civilian employees from 22 December 2018 to 28 January 2019. In addition, (b)(6) & (b)(7)(C) (former Base Cape Cod Local Housing Officer), CAPT Andrew Clyburn (former Base Cape Cod CO), (b)(6) & (b)(7)(C) (former Civil Engineering Unit (CEU) Providence project design manager), and (b)(6) & (b)(7)(C) (former CEU Providence Technical Director) were not immediately available for interview due to retirement. The requirements of the convening order have been met. (b)(6) & (b)(7)(C) (b)(6) & (b)(7)(C) (b)(6) & (b)(7)(C) and (b)(6) & (b)(7)(C) of the CG Legal Services Command (LSC) have also provided advice and assistance in accordance with reference (b).

2. Media interest in this investigation includes a local Martha's Vineyard newspaper and Freedom of Information Act requests have been received. Technical advice has been provided by (b)(6) & (b)(7)(C) and (b)(6) & (b)(7)(C) Labor Relations Specialists at CG-121, (b)(6) & (b)(7)(C)

(b)(6) & (b)(7)(C) Housing Management Specialist, Detached Duty PSC-PSD-fs-Housing, (b)(6) & (b)(7)(C)
(b)(6) & (b)(7)(C) Housing Management Specialist PSC-PSD-fs, and CAPT Michael Boley, Deputy
Chief Environmental Safety and Health Division, Health, Safety, Work, Life Service Center
(HSWL SC).

3. In summary, the investigation concluded the following:

- a. In 2015, CEU Providence executed a project to complete lead based paint (LBP) abatement and remediation of the living spaces in both West Chop family housing units. The project corrected “Action” and “Major” level findings as defined by Environmental Risk Assessment (ERA) standards identified in the 2012 Housing Inadequacy Report so that the living spaces had only “Monitor” level findings at the conclusion of construction. CEU did not complete, and did not intend to complete, abatement and remediation of the basements, soils, or exterior structures on the West Chop property which have “Action” and “Major Level” findings by ERA standards. CEU Providence’s design decisions regarding abatement were driven by the 2012 Housing Inadequacy Report, consultant assessments, and their application of Coast Guard guidance concerning Housing Urban Development (HUD) and State of Massachusetts, and CERCLA standards depending on whether the houses were being retained or divested. Constraints for AFC43 and EC&R funding were also factors in the abatement decisions.
- b. The exigency with which the West Chop housing was needed, the unsustainable costs of leased homes on Martha’s Vineyard, and the opportunity for cost savings demonstrated in a business case analysis made reactivating the houses with a short term, AFC-43 project to abate the LBP the preferred solution over a long term, AC&I/PC&I project to construct new homes or purchasing homes with funds from the housing sale account.
- c. Assignment and selection of Coast Guard members to the West Chop housing was based on guidance provided in reference (d) and (h) with preference for assignment being given to the STA Menemsha leadership. The high visibility location of the housing required that the occupants reflect positively on the Coast Guard and also was a primary factor. The existence of lead based paint contamination on the West Chop property was not considered.

Findings of Fact

On 04 December 2018, the Health, Safety, and Work-Life Service Center, Safety and Environmental Health Division Detachment Boston (HSWL SC se-fo Det Boston), prepared a West Chop Lighthouse Housing - Lead Exposure Health Risk Assessment Report to document an assessment she performed at the site following a dependent’s blood lead level exceeding prescribed standards. The assessment included a visual inspection of all the structures on the property, an interview with housing occupants, and dust paint, soil and water sampling. The assessment identified multiple structures on the property with deteriorating lead containing paint and lead contamination of the soil. HSWL SC se-fo Det Boston concluded “the conditions posed a high risk of lead exposure to residents and were the likely source of the Elevated Blood Lead Levels (EBLLs) in the dependent.” The dependents’ elevated blood lead levels were the catalyst for this investigation. (Exhibits 77, 78 and 86).

Lead Abatement and Remediation of the Coast Guard Housing at West Chop Light

1. In 1993, Civil Engineering Unit Providence (CEUP) executed a lead paint removal and encapsulation contract at the West Chop housing units on Martha's Vineyard. The work specified included encapsulating plaster and ceilings with new ½" thick gypsum board, stripping interior and exterior woodwork of LBP, and replacing the windows (Exhibits 1, 2, and 80)
2. On September 13, 2004, G-SEC (now CG-43) issued policy to the Shore Facility Program requiring Phase II assessments of lighthouse properties being considered for divestiture. The policy discussed the conditions for applying CERCLA or HUD standards depending on the status (residential or non-residential) of the lighthouse property to be divested. Under this policy, the housing at the West Chop Lighthouse property could be considered Target Housing "which requires abatement to a residential standard," and the "more rigorous HUD regulations" applied. (Exhibit 5).
3. Even though LBP sampling conducted by Franklin Analytical in 2004 suggested additional testing and abatement may have been warranted, no records or evidence suggested that further action was taken in the 2004-2012 timeframe.
4. On 10 July 2012, the Housing Tiger Team performed a condition assessment of the West Chop houses and on 24 August 2012, CG-13 declared the West Chop housing inadequate based on LBP findings and other deficiencies noted in the team's Inadequacy Declaration Report. (Exhibit 6 and 73).
5. When the West Chop houses were declared inadequate, CEU Providence began planning for an AFC-43 project to correct the deficiencies. (Exhibit 7)
6. The 2013 Environmental Compliance and Restoration (EC&R) project backlog records listed a project for soil remediation at the West Chop property. Prior to 2013, records were not available listing this project on the EC&R backlog. (Exhibit 8, 81)
7. The FY14, 05 December 2012, C-POP Board Results listed the Repairs to Martha's Vineyard Housing (Project Number 01-5016288) as the top priority for the Mission Readiness Product Line. The project included the repairs to the West Chop housing deficiencies noted in the Inadequacy Declaration report along with repairs for other Martha's Vineyard housing units that were declared inadequate. (Exhibit 9)
8. On 7 January 2013, CEU Providence prepared a Project Development Submittal (PDS) to address the necessary repairs at the West Chop housing units. The overall purpose of the project was "to provide habitable residences for USCG families as defined by respective regulations for the Commonwealth of MA." The document stated the following: "the presence of lead paint... makes the buildings unacceptable for use by children under six and pregnant women." Additionally, "no future assignments can be made at these units until

the deficiencies identified in the (2012) Housing (In)adequacy report have been corrected.” Regarding the presence of lead in the soil surrounding the buildings it stated, “Remediation would be required if the lead paint were to occur at locations where the soil is exposed for possible contact. Presently, there are no areas of bare soil at these two locations.” (Exhibit 10).

9. The PDS for the project was endorsed by SILC (SMC) on 10 January 2013 and approved by COMDT (CG-438) on 6 February 2013 for execution with funds from lighthouse sales proceeds as provided by the National Historic Preservation act. (Exhibits 11, 12 and 13).
10. On 30 April 2013, CG-122 (now CG-133) noted the West Chop homes were being considered for divestiture and requested deferral of the repairs “until a review of all options including leasing of additional homes on Martha’s Vineyard is complete.” Given their request, the proposed repairs were suspended. (Exhibit 14).
11. On 05 May 2014, CG-43 forwarded a Decision Memo recommending the West Chop houses be divested. It discussed differences in remediation requirements for the houses based on whether the housing was being divested or retained for use by families. In paragraph 3.a, it stated, “The presence of Lead Based Paint (LBP) on the baseboards, doors, and window trim, as well as the plaster of some walls makes both buildings unacceptable for residential use by children under six and pregnant women.” Then paragraph 3b stated, “Divestiture of the property would relieve the Coast Guard of the obligation to abate interior lead paint hazards, but remediation of lead contaminated soil would be required.” Also, regarding funding the soil remediation, “The Environmental Liability Project Documentation Sheet, dated 05 June 2012 estimated the cost of the required work to be on the order of \$1,215 for which EC&R funds (the only permissible source of funds) would be needed.” (Exhibits 16 and 82).
12. In July 2014, CEU Providence contracted a licensed consultant to perform an LBP inspection and risk assessment for the two West Chop houses “to measure the extent of remaining lead hazards and determine if the properties are lead-safe.” The consultant found, “With the exception of limited areas with minor LBP damage and some surfaces with elevated lead in dust levels, the housing units are near to a lead-safe condition. Even though many of the surfaces have LBP over the regulatory thresholds, the fact that they are in sound condition would render them lead-safe.” With respect to the soils the consultant’s Lead Inspection & Risk Assessment Report stated, “Although not an immediate hazard, levels of lead in soil over the acceptable thresholds were found around the perimeter of each house. The soil is currently not a hazard because of sufficient grass ground cover.” (Exhibit 17).
13. In December 2014, CEU Providence prepared a PDS for AFC43 funds execution to repair and perform LBP abatement at the West Chop Housing. The project purpose was “to enable the Coast Guard to utilize these houses for personnel assigned to Station Menemsha including families with young children.” Page 3 of the Request for Proposal (RFP), enclosed with the PDS, stated, “The lead abatement and control standards utilized for this project will be HUD standards, which are used by the Coast Guard and by other Federal

agencies.” The scope of work addressed interior abatement (including scope items specific to both houses), exterior abatement, and final lead testing. The specifications and work requirements specified lead abatement products, and the submittals section required the contractor to submit a Lead Abatement Plan and Final Lead Testing Survey including a HUD standard survey. The RFP included the July 2014 Lead Inspection & Risk Assessment Report as a reference. The scope of work and PDS did not include any lead abatement of the basements, exterior soil, or other structures on the site. National Environmental Policy Act (NEPA) documentation was completed for the project and a Categorical Exclusion (CATEX) was issued. (Exhibits 18, 80, 83 and 84).

14. On 8 January 2015, SILC endorsed the PDS and on 11 February 2015, CG-438 approved the PDS and project for completion with OE funding. (Exhibits 19 and 20).
15. On 19 June 2015, a PDS update increased the project cost. (Exhibit 21).
16. On 14 April 2015 the contract to repair the West Chop houses was awarded to TANTARA Corporation. During the course of contract execution, a modification was issued for the contractor to perform additional abatement work that was not included in the company’s bid due to misinterpretation of the contract documents. (Exhibits 22 and 23).
17. The contractor submitted a Lead Abatement Work Plan in accordance with the contract. (Exhibit 24).
18. The IO reviewed a random sample of contractor’s daily construction reports, and the reports listed performance of abatement activities in both homes. Base Cape Cod Facilities Engineering (FE) conducted independent site visits and didn’t observe any noteworthy discrepancies. (Exhibit 85).
19. On 2 December 2015 the contract was completed and on 11 December 2015, the contractor submitted documentation of final testing by a licensed lead inspector and risk assessor. The documentation concluded “properties are now in what could be characterized a lead-safe condition.” (Exhibits 25 and 26).
20. In 2017, CEU Providence updated the Environmental Project Liability Sheet for the West Chop Light Soil remediation project and cost estimate on the EC&R backlog. (Exhibit 27).
21. On 22 August 2018, HSWL SC se-fo Det Boston assessed potential lead exposure sources at the West Chop lighthouse property after a dependent residing in one of the housing units tested for elevated blood lead levels (EBLLs) as part of a routine exam. The assessment included a visual assessment of all the structures on the property, an interview with housing occupants, and dust, paint, soil, and water sampling for lead analysis. The test results showed lead concentrations at the Action and Major findings level on the basement floors of both houses, in the Fog Signal Building, the Garage, the Paint and Oil Locker, and in the soil on the property. Dust wipe samples also revealed actionable concentrations of lead in the children’s toy box in one of the bedrooms and on their outdoor toy water table. HSWL SC se-fo Det Boston concluded that the conditions posed a high risk of lead exposure to

residents and the deteriorating LBP dust in the basements, the soil, and the other structures on the site were the likely source of the EBLL in the dependents. (Exhibits 28 and 86).

Processes and Circumstances Surrounding the Reactivation of the West Chop Housing Units

1. In the 2000's, one of the West Chop Housing units was diverted from the family housing inventory. On 6 May 2009, CG-1223 rescinded the diversion and returned it to the active housing inventory effective 1 July 2009. (Exhibit 30).
2. On 24 August 2012, CG-13 declared the West Chop housing inadequate based on LBP and other factors noted in the Housing Tiger Team Inadequacy Report. In total, 4 Martha's Vineyard Housing units were taken out of the family housing inventory. (Exhibit 31).
3. The FY14, 05 December 2012, C-POP Board Results listed the Repairs to Martha's Vineyard Housing (Project Number 01-5016288) as the top priority for the Mission Readiness Product Line. (Exhibit 32).
4. On 30 April 2013, CG-122 (now CG-133) requested deferral of the West Chop housing repairs "until a review of all options including leasing of additional homes on Martha's Vineyard is complete." Their memo stated they were considering "divestiture of these two homes due to their age, condition, and maintenance needs." (Exhibit 33).
5. In June 2013, CG-1223 (now CG-1333) performed an analysis of alternatives for housing on Martha's Vineyard and recommended acquisition of two long-term residential leases in West Chop if viable. CG-1223 presented the analysis in a white paper -*Martha's Vineyard Family Housing Review of Alternatives to Renovate Existing, Purchase New, or Lease Family Housing*- which concluded, "If it is viable, acquisition of two long-term residential leases is more economical than continued investment in West Chop Quarters and is the recommended alternative. If two leases cannot be acquired, a more detailed review of options to repair West Chop Quarters or build/acquire newer homes is recommended." (Exhibit 34).
6. On September 11, 2013 representatives from CG-1223, CG-43, PSC-PDS-fs, CEU Providence, Base Boston Area Housing (AHO), AIRSTA Cape Cod Local Housing (LHO), the CEU Oakland Housing Asset Line (HAL), Sector South Eastern New England (SENE) and STA Menemsha visited the two West Chop housing units. The group focused specifically on the housing units and did not evaluate the other structures or soil on the site. The trip report for the visit noted, "Area and local housing staff and the station OIC say that they either need these two homes renovated and put back in the family housing inventory or else they need two newer homes to replace West Chop Quarters 1 and 2. The 2011 HMSA (Housing Market Survey Analysis) says that the housing rental market on Martha's Vineyard is very tight, but that the economy may be able to accommodate a very small reduction in the Coast Guard's owned inventory. Discussion with CEU Providence and CG-43 real property staff suggest that it may be more economical to renovate these homes and continue to occupy

than it would be to remediate them, divest them through National Historic Light House Preservation Act authorities and acquire newer housing.” (Exhibits 35, 87 and 88).

7. Between September 2013 and November 2013, e-mails exchanged between the Shore Facility Program and CG-1333 discussed preparation of a CG-43 decision memo that would recommend divestiture of the West Chop housing units if CG-1333 did not have the need for them. At CG-1333’s request, PSC-PSD-fs performed a housing analysis and concluded nine housing units are needed on Martha’s Vineyard. (Exhibits 36, 37 and 88).
8. In April 2014, e-mail is exchanged between D1(drm) and CG-1223 regarding the status of the West Chop Housing project deferral. In reference to the housing situation on Martha’s Vineyard, CG-1223 stated “renovations to the remaining owned homes have been delayed and we now have 4 homes out of inventory. Base Boston has worked diligently to acquire leases as an interim measure, but they are hard to find and very expensive.” (Exhibit 38).
9. On 5 May 2014, CG-43 submitted a Decision Memo to DCMS and CG11 recommending that the West Chop property be added to the Coast Guard’s Five Year Shore Divestiture Plan for potential transfer under the National Historic Lighthouse Preservation Act and that two new homes be acquired using the Coast Guard direct purchase authority and funds from the housing sale account. On 16 June 2014, DCMS and CG-1 approved the CG-43 Decision Memo for West Chop divestiture. Comments included that “two new homes or a duplex is reasonable and the West Chop houses should be abated to be sold as offsets.” CG-1’s endorsement acknowledged that the long term lease costs on Martha’s Vineyard are unsustainably high and requested that nine adequate homes be available for assignment by the end of 2015. (Exhibits 39 and 84).
10. From 30 April 2014 to 14 May 2014, e-mail is exchanged between Sector SENE, D1, AHO, CG-1333, CG-43, and CEU Providence with reference to the CG-43 Decision Memo. Sector SENE recommended to D1 retaining West Chop housing units and requested intervention from D1 to “stave off potential divestiture.” Sector cited challenging (nearly impossible) search for housing meeting the Coast Guard’s needs on the island. (Exhibit 40).
11. On 25 June 2014, D1 and Sector SENE visit Martha’s Vineyard and the West Chop property. (Exhibit 41).
12. On 26 June 2014 Sector SENE requested a conference call with CEU Providence, Base Cape Cod Facilities Engineering (FE), and the AHO to discuss options at West Chop housing. The AHO’s reply email on 27 June 2014 provided discussion points for the call including continued challenges in obtaining leases on Martha’s Vineyard. The e-mail included a draft copy of the CG-43 Decision Memo as an attachment. (Exhibit 41).
13. On 2 July 2014, Sector SENE, AHO, CEU Providence, and Base Cape Cod FE hold an “alignment” conference call regarding housing challenges on Martha’s Vineyard. According to the meeting minutes, CEU Providence discussed the lead abatement project completed at the West Chop houses in 1993 and that the cost to abate the houses now might be significantly less than initially thought. The minutes emphasized to strongly recommend not

to divest the West Chop units and renovate them instead. Discussion also included that families could be assigned to CG housing with lead paint if they are not pregnant and/or are six years of age or greater. CEU Providence then begins further study of how to proceed with West Chop Quarters 1 and 2. (Exhibits 42, 43 and 47).

14. In early September 2014, e-mails exchanged between CEU Providence and the AHO discussed support and market research needed to develop a Business Case Analysis (BCA) for the West Chop houses. The e-mail substantiated consistent occupancy of the West Chop housing up until the inadequacy declaration. (Exhibit 44).
15. On 16 October 2014, the AHO prepared a report presenting the results of an informal housing survey of the STA Menemsha members living on the economy with BAH. The survey "validated the continued need for government owned (both UPH and housing) on Martha's Vineyard." Several members indicated inadequate living conditions and arrangements including one living with 6 other people. Others mentioned faulty wiring, and water damage. The report noted several UPH rooms were offline due to being used for storage while the new STA Menemsha Boathouse was being constructed. (Exhibits 45 and 46).
16. On 17 October 2014, CEU Providence submitted a request to CG-1333 "to restore the West Chop Housing units to an adequacy standard and return them to the housing inventory until a more suitable and economical solution can be identified on Martha's Vineyard. The request included a BCA "to justify the need to repair the two West Chop Housing units in lieu of divestiture due to excessive lease costs and lack of available housing." The request pointed out, "Restoring the two West Chop housing units also provides more flexibility to the First Coast Guard District and Housing Management Office to best manage family needs and resolve the serious habitability issues recently identified among its single active duty members." The BCA compared the options to lease, purchase new, or remediate the existing housing. The cost benefit analysis demonstrated the renovation project for the West Chop Housing units was the most cost effective option over a 25-year period. Leasing two housing units on Martha's Vineyard was shown to be the least cost effective option. The BCA did not include costs to remediate the soils or other structures on the site. (Exhibits 48, 49 and 83).
17. On 21 October 2014 the HAL endorsed the Reactivation Request, but recommended an "AC&I solution be pursued to remedy the functional inadequacies within the Martha's Vineyard housing inventory." SILC also endorsed the request. (Exhibits 50, 51 and 89).
18. On 4 February 2015, CG-43 endorsed the Reactivation Request and on 19 February 2015, CG-1333 approved the Reactivation Request and requested the renovation project be completed under the AFC-43 process and in time for assignment year 2016. (Exhibits 52, 53 and 87).
19. At the conclusion of the LBP abatement contract, the contractor submitted documentation of final testing by a licensed lead inspector and risk assessor from Environmental Lead Detection. The documentation concluded "the properties are now in what could be characterized a lead-safe condition." (Exhibit 25).

20. On 9 March 2016, the Base Boston Area Housing Authority (AHA) requested to rescind the inadequacy declaration at the West Chop Housing units. The request noted that “The homes still contain lead based paint and will require ongoing monitoring.” The Environmental Lead Detection letter dated December 11, 2015 stating that “these properties are now in what could be characterized as a lead safe condition” is included as an enclosure. (Exhibits 54 and 90).
21. On 10 March 2016, PSC-PSD-fs endorsed the request noting that “both houses should be considered to have findings that require a monitoring level observation.” On March 21, 2016 CG-13 rescinded the inadequacy declaration for the West Chop houses. (Exhibits 55 and 88).
22. In late March 2016, Area Housing works with CEU Providence to identify data required for entry in HMIS as a result of the completed abatement. (Exhibits 69).

Procedures Used in Selecting and Assigning Members to Housing

1. According to reference (d) Chapter 1.C.4.d and e, the Local Housing Officer is delegated the responsibility to manage the housing program in accordance with policies, directives and instruction. The Housing Representative manages the housing program in their assigned AOR.
2. According to CH.1D of reference (h), family size, grade/rank, date of detachment from previous duty station and date application received generally determines the assignment to MH (military housing).
3. The Local Housing Office (LHO) received applications from the members prior to being assigned to the housing, but the applications are not fully populated in the housing office section showing the final determination of eligibility. Applications for only the OINCs were available in the records at the time of this report. (Exhibits 56 and 57).
4. Although per reference (d) and CG-1333 the West Chop housing units are not designated as Command Housing, the STA Menemsha senior leadership was historically assigned there with few exceptions. (Exhibits 61, 62, 63, 82, 85, 94 and 95).
5. The West Chop property is in a high visibility location on Martha’s Vineyard and is occasionally visited by VIPs and photographers due to being co-located with the lighthouse. (Exhibits 85, 94 and 95).
6. Witness interviews conflict about the specific details of the selection process for the two West Chop Housing units after the completion of the abatement project. However, it can be concluded that representatives from the AHO, LHO, and STA Menemsha met in mid-March 2016 to put together an initial slate of assignments for all the Martha’s Vineyard Housing that would be coming online that assignment season. It was decided that the STA Menemsha

OINC and XPO would be assigned to the West Chop units. (Exhibits 58, 59, 65, 85, 91 and 93).

7. At the time, the STA Menemsha OINC was amenable to moving from the CG leased housing he and his family were residing in to the West Chop housing. (Exhibit 93).
8. In the Request to Rescind the Inadequacy Declaration, the Area housing authority requested that the housing be used for family housing. The request does not ask for the housing to be converted for use by unaccompanied personnel. (Exhibits 64 and 65).
9. With respect to Environmental Risk Assessment (ERA) information, Chapter 4.G.6 of reference (d) discusses that "Housing officers must review, evaluate and update the ERA data in HMIS." Reference (c) provides additional guidance." (Reference (c) listed in the Housing Manual is the Coast Guard Claims and Litigation Manual. This should likely read reference (d) Coast Guard Safety and Health Manual.)
10. According to Ch I.J of reference (h), "the Coast Guard is required to notify residents who occupy pre-1981 Coast Guard owned housing of known or suspected asbestos, lead and radon environmental health hazards." The reference further explains the procedures for notifying the residents of known environmental health risks. Reference (h) does not restrict personnel who can be assigned to housing by environmental health risks.
11. Per Chapter 25. C.2.c of Reference (c), Responsibilities for Chief, Military Personnel Housing Division, Coast Guard members with "at risk" family members (small child or pregnant women) shall not be assigned to quarters that have Major or Action Level findings.
12. On 11 December 2015, the West Chop Housing units were declared by a licensed lead inspector to be in a lead safe condition. (Exhibit 68).
13. Records in HMIS did not indicate that LBP at the action or major level existed at the West Chop housing units. (Exhibits 91 and 92).

Findings of Fact (Reports)

Summary of Lead Based Paint Assessments, Testing, and Reports for the Coast Guard Housing at West Chop Light

1. The Coast Guard contracted for nationwide lead, asbestos and radon assessments of Coast Guard owned housing in the mid to late 1990's. "The primary components of the assessment involved asbestos and lead-based paint surveys of USCG family housing units. Additional testing was conducted for lead-in-water, -dust, and -soils at the housing units." The assessments were conducted by licensed inspectors. Records of this testing for the West Chop Housing units has not been found at the Base Cape Cod Housing office nor on the PSC-PSD-fs environmental assessment repository. (Exhibits 70, 92, 94 and 97).

2. On April 17, 2004, a licensed inspector from Franklin Analytical performed a lead inspection of the two West Chop Housing units. The Lead Inspection/Risk Assessment Reports provide X-Ray Fluorescence readings (XRF) of the architectural components of the houses and list if the surface tested was moveable/impacted (M/I), accessible/mouth-able (A/M), loose (L) or not accessible (NA). The report cover page notes "Pb (lead) equal to or greater than 1.0 mg/cm² with x-ray fluorescence is dangerous." Many surfaces in both houses have XRF readings greater than 1.0 mg/cm². A few are also noted as M/I, A/M, or L. No contract or procurement records for this service were found, and no records further explaining the readings or recommending action items were found. No records were found that Franklin Analytical sent samples for laboratory analysis. No records were found that Franklin Analytical sampled the soil or other structures on the property for LBP. (Exhibits 71, 81, 94, 96 and 97).
3. In 2007 CEUP contracted for Phase I/Phase II investigations for more than a dozen First District (D1) lighthouse properties considered for divestiture including West Chop. The Phase I Environmental Site Assessment (ESA) was to determine if Recognized Environmental Conditions (RECs) were present on the West Chop Light site. The Phase II Limited Site Investigation (LSI) was to sample for common contaminants at lighthouses including lead in soil. One REC was documented: "The historic use of lead-based paint on all structures within the USCG property represents a REC. Lead-based paint tends to chip from buildings in flakes which then causes elevated concentrations of lead within the surrounding soils." Results of the Phase II LSI indicated "the surface soil has been impacted by historic use of lead-based paint to an extent significantly above the U.S. Environmental Protection Agency (EPA) standards." The consultant recommended "additional investigation activities be conducted to fully delineate the extent of lead contamination from historic use of lead-based paint on all Site structures." The report revealed elevated concentrations of lead in the soil with results at the Major, Action and Monitor levels. No records were available demonstrating these results were transferred or communicated to the Housing Office at Base Boston or at AIRSTA/Base Cape Cod. (Exhibits 72, 81 and 91).
4. In July 2012, a Health Risk Assessment Report is prepared following the USCG Housing Tiger Team site assessment including representatives from SEHO, the HAL, CG-1223, AHO and LHO. The assessment is conducted on 10 July 2012. The West Chop units are 2 of 9 housing units visited on Martha's Vineyard and are part of a nationwide effort to develop a strategy for managing the Coast Guard's housing inventory. The report documented deficiencies noting paint "behind and/or on the radiators was deteriorated and flaking" in both units. Furthermore, in the West Chop 2 unit, the paint on the wall at the entrance leading to the basement was deteriorated." The 2004 Franklin Analytical test results were referenced. The report recommended that a lead-based paint risk assessor inspect the homes to determine the health risk to occupants and advise of appropriate corrective action. It also recommended that the AHO and LHO visually assess known lead and asbestos containing areas for disturbances annually. The assessment did not include the condition of the soils or the other structures on the site. (Exhibits 73 and 97).

5. In October 2012, the “*Hazardous Building Material Inspection Report for West Chop 1&2*” was prepared by H&S Environmental Consultants for CEU Providence. The purpose of the inspection was to identify and confirm the presence and/or absence of Asbestos Containing Materials (ACMs), Lead Containing Paints (LCPs), and Radon gases in preparation for possible site activities including renovation and/or demolition to the West Chop properties.” A licensed lead inspector found building components that contained dangerous levels of lead.” Furthermore, many surfaces were found to be M/I, A/M, or have loose/chipping/peeling/deteriorated. The report recommended the surfaces be replaced, covered in encapsulating paint, or made intact. The report did not include an assessment of the soils or the other structures on the property. (Exhibit 74).
6. In July 2014, Rhode Island Analytical prepared the *West Chop 1/West Chop 2 LBP Inspection & Risk Assessment Report*. The goal of the evaluation “was to measure the extent of remaining lead hazards to determine if the properties are lead safe.” The inspection was performed by a Massachusetts Licensed Environmental Lead Inspector and Risk Assessor. The report’s conclusion stated, “There are limited areas with minor to moderate LBP damage and some surfaces with elevated lead in dust levels. Even though the surfaces have LBP over the regulatory thresholds, the fact that they are in sound condition would render them lead safe. Also, “Although high levels of lead were detected around the perimeter of each house, the soil is currently not a hazard because of sufficient ground cover. As long as the covering remains in place, the soil will be considered lead-safe.” The report included laboratory results for paint chip sampling, interior dust sampling and soil sampling. The report did not address the condition of other structures on the site. This report was e-mailed from CEU Providence to the AHO on 25 January 2016 and as part of larger attachment of test results and scopes of work. (Exhibits 69, 75, 79 and 80).
7. On December 11, 2013 Environmental Lead Detection prepared a report to the contractor that “on August 3, 2015 a licensed Inspector/Risk Assessor had visually surveyed the lead abatement work conducted at the West Chop houses and it was determined that all surface treatments had been satisfactorily completed as detailed in the Lead Abatement Work Plan.” On October 21, 2015 and again on October 27, 2015 the inspector conducted post abatement clearance dust wipe sampling. The letter concluded, “These properties are now in what could be characterized as a lead safe condition. In order that this lead safe condition be maintained, surfaces that were covered as an abatement method must remain covered.” The letter does not address the other structures on the site or the soils. The letter is included with the request to rescind CG-13’s inadequacy report so is seen by many. (Exhibit 76).

Opinions

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This investigation is closed unless otherwise ordered. If additional information is required, please contact me at (b)(6) & (b)(7)(C) and (b)(6) & (b)(7)(C)

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Exhibits:

- (1) Project Drawings: Lead Paint Removal & Miscellaneous Work at Light Keepers Quarters, West Chop, MA
- (2) Meeting Minutes: Conference Call – CG Housing on Martha’s Vineyard 2 July 2014
- (3) Not used
- (4) Not used
- (5) G-SEC Memo 05090 of 13 Sep 2004 (Lighthouse Property Divestiture Policy)

- (6) CG-13 Memo 11101 of 24 Aug 2012 (D1 Housing Inadequacy Declaration)
- (7) E-mail between (b)(6) & (b)(7)(C) (CGD ONE (drm)) and (b)(6) & (b)(7)(C) (CGD ONE (dm)) and trailing e-mails.
- (8) U.S. Coast Guard Restoration Project Work 2013 E-POP (Environmental Compliance & Restoration) Spend Plan
- (9) CG SILC Memo 11000 of 9 Jan 2013 (2014 AFC-43 C-POP Results)
- (10) CG CEU Providence Memo 11000 of 07 Jan 2013 (Project Development Submittal West Chop Housing Units)
- (11) CG SMC Memo 11000 10 Jan 2013 (PDS Endorsement)
- (12) CG-438 Memo 11000 of 6 Feb 2013 (PDS Approval)
- (13) E-mail between (b)(6) & (b)(7)(C) (CG-438) and (b)(6) & (b)(7)(C) (CG SILC) of 30 Jan 2013 (Project execution with lighthouse funds)
- (14) CG-122 Memo 11101 of 30 Apr 13 (CG-122 Deferral Request)
- (15) Not used
- (16) CG-43 Memo 11000 of 05 May 2014 (CG-43 Decision Memo)
- (17) West Chop 1/West Chop 2 LBP Inspection & Risk Assessment Report (excerpt)
- (18) CG CEU Providence Memo 11000 of 02 Dec 2014 (excerpt) (Project Development Submittal)
- (19) CG SILC end 11000 of 08 Jan 2015 (PDS Endorsement)
- (20) CG-438 Memo 11000 of 11 Feb 2015 (PDS Endorsement)
- (21) CG CEU Providence Memo 11000 of 19 Jun 2015 (PDS Update)
- (22) CG CEU Providence Ltr 4280 of 14 Apr 2015 (Contract Award)
- (23) Modification 0001 Scope of Services for Repair West Chop Housing – Martha’s Vineyard and Amendment of Solicitation/Modification of Contract
- (24) Lead Abatement Work Plan
- (25) Environmental Lead Detection Ltr of 11 Dec 2015
- (26) CGBI Project Detail Report: Repair West Chop Housing
- (27) Real Property Environmental Liability Project Documentation Sheet
- (28) CG HSWL SC (se-fo) Det Boston Memo 5100 of 04 Dec 2018 (West Chop Lead Exposure Health Risk Assessment and Test Results)
- (29) Not Used
- (30) CG-1223 Memo 11101 of 06 May 2009 (Rescind Diversion of Government Housing)
- (31) CG-13 Memo 11101 of 24 Aug 2012 (D1 Housing Inadequacy Declaration)
- (32) CG SILC Memo 11000 of 9 Jan 2013 (2014 AFC-43 C-POP Results)
- (33) CG-122 Memo 11101 of 30 Apr 13 (CG-122 Deferral Request)
- (34) Martha’s Vineyard Family Housing: Review of Alternatives to Renovate Existing, Purchase New, or Lease Family Housing
- (35) Trip Report 9-12 September 2013
- (36) E-mail between (b)(6) & (b)(7)(C) (PSC-PSD-fs) and (b)(6) & (b)(7)(C) (CG-1223) of 20 Nov 2013
- (37) Table A - Housing Requirements Analysis – STA Menemsha 21 Oct 2013
- (38) E-mail between (b)(6) & (b)(7)(C) (CG-1223) and (b)(6) & (b)(7)(C) (CGD One (drm)) documenting difficulty finding leases
- (39) CG-43 Memo 11000 of 05 May 2014 (CG-43 Decision Memo)
- (40) E-mail between CAPT Regan and CAPT Kondratowicz (Sector SENE) of 14 May 2014 documenting challenging housing situation
- (41) E-mail between (b)(6) & (b)(7)(C) (CG Base Boston Housing) and CAPT Kondratowicz (Sector SENE) and (b)(6) & (b)(7)(C) (CEU Providence) of 27 Jun 2014 and trailing e-mails documenting D1 visit to West Chop and challenging housing situation)
- (42) Meeting Minutes: Conference Call CG Housing on Martha’s Vineyard 2 July 2014
- (43) E-mail between (b)(6) & (b)(7)(C) (CG Sector SENE) and Meeting attendees of 3 Jul 2014 forwarding the conference call meeting minutes

- (44) E-mail between (b)(6) & (b)(7)(C) (CG Base Boston Housing) and (b)(6) & (b)(7)(C) (CEU Providence) of 03 Sep 2014 and trailing e-mails requesting BCA supporting information.
- (45) E-mail between (b)(6) & (b)(7)(C) (CG Base Boston Housing) and (b)(6) & (b)(7)(C) (CG Base Cape Cod Housing) and (b)(6) & (b)(7)(C) (STA Menemsha) of 16 Oct 2014
- (46) Martha's Vineyard Housing Survey
- (47) AFC43 Project/Real Property Update "Coast Guard Housing Martha's Vineyard, MA)
- (48) Business Case Analysis Coast Guard Housing Martha's Vineyard, MA
- (49) CG CEU Providence Memo 11010 of 17 Oct 14 (Request to Reactivate the West Chop Housing
- (50) CG CEU Oakland end 11010 of 21 Oct 2014 (Reactivation Request Endorsement)
- (51) CG SILC end 11010 of 27 Oct 2014 (Reactivation Request Endorsement)
- (52) CG-43 Memo 11010 of 04 Feb 2015 (Reactivation Request Endorsement)
- (53) CG-1333 Memo 11010 of 19 Feb 2015 (Reactivation Request Approval)
- (54) CG Base Boston Memo 11101 of 09 Mar 2016 (Request to Rescind Inadequacy Declaration)
- (55) CG-13 Memo of 21 March 2016 and CG PSC-PSD-fs end 11101 of 10 Mar 2016 (Endorsement and Approval of Request to Rescind Inadequacy Declaration)
- (56) Form CG-5267 submitted 18 Dec 2013
- (57) DD Form 1746 submitted 04 Dec 2017
- (58) E-mail between (b)(6) & (b)(7)(C) (CG Base Cape Cod Housing) and CAPT Pak (CG-DOL) of 05 Mar 2019
- (59) E-mail between CAPT Millican (Base Boston) and (b)(6) & (b)(7)(C) (CGD One) of 01 Mar 2016
- (60) Not used
- (61) E-mail between (b)(6) & (b)(7)(C) (CG Base Cape Cod Housing) and CAPT Pak (CG-DOL) of 01 Mar 2019 regarding command housing designations
- (62) E-mail between (b)(6) & (b)(7)(C) (CG-1333) and CAPT Pak (CG-DOL) of 28 Feb 2019 regarding command housing designations
- (63) CG Designated Command Housing
- (64) CG Base Boston Memo 11101 of 09 Mar 2016 (Request to Rescind Inadequacy Declaration)
- (65) CG-13 Memo of 21 March 2016 and CG PSC-PSD-fs end 11101 of 10 Mar 2016 (Endorsements)
- (66) Not used
- (67) Not used
- (68) Environmental Lead Detection Ltr of 11 Dec 2015
- (69) E-mail between (b)(6) & (b)(7)(C) (CEU Providence) and (b)(6) & (b)(7)(C) (Base Cape Cod Housing) and E-mail between (b)(6) & (b)(7)(C) (Base Cape Cod Housing) and (b)(6) & (b)(7)(C) (BASE Boston Housing) regarding HMIS updates
- (70) Lead, Asbestos, & Radon Assessment Report No. 18 of February 1997 (excerpt) and Lead, Asbestos, & Radon Assessment Report #49 of May 1999
- (71) Lead Inspection/Risk Assessment Report by Franklin Analytical Services 13 Apr 2004
- (72) Phase I/II Environmental Site Assessment Report West Chop Light March 2008
- (73) CG HSWL SC (se-fo) Det Boston Memo 5100 of 11 Aug 2012
- (74) Hazardous Building Material Inspection report for West Chop 1 & 2 October 2012
- (75) Rhode Island Analytical West Chop 1/West Chop 2 LBP Inspection & Risk Assessment Report 31 Jul 2014
- (76) Environmental Lead Detection Ltr of 11 Dec 2015
- (77) CG HSWL SC (se-fo) Det Boston Memo 5100 of 04 Dec 2018 (West Chop Lead Exposure Health Risk Assessment)

- (78) EMSL Analytical Inc. Test Report 22 Aug 2018
- (79) E-mail between (b)(6) & (b)(7)(C) (CG Base Cape Cod Housing) and CAPT Pak (CG-DOL) of 05 Mar 2019
- (80) Summary of Interview - (b)(6) & (b)(7)(C)
- (81) Summary of Interview - (b)(6) & (b)(7)(C)
- (82) Summary of Interview - CAPT Smith II
- (83) Summary of Interview - CAPT Roschel
- (84) Summary of Interview - (b)(6) & (b)(7)(C)
- (85) Summary of Interview - (b)(6) & (b)(7)(C)
- (86) Summary of Interview - (b)(6) & (b)(7)(C)
- (87) Summary of Interview - (b)(6) & (b)(7)(C)
- (88) Summary of Interview - (b)(6) & (b)(7)(C)
- (89) Summary of Interview - CAPT Gesele
- (90) Summary of Interview - CAPT Millican
- (91) Summary of Interview - (b)(6) & (b)(7)(C)
- (92) Summary of Interview - (b)(6) & (b)(7)(C)
- (93) Summary of Interview - (b)(6) & (b)(7)(C)
- (94) Summary of Interview - (b)(6) & (b)(7)(C)
- (95) Summary of Interview - (b)(6) & (b)(7)(C)
- (96) Summary of Interview - (b)(6) & (b)(7)(C)
- (97) Summary of Interview - (b)(6) & (b)(7)(C)

Copy: DOL
CG LSC