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July 18, 2008

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

PROJECT NAME	: Swansea Commons
PROJECT MUNICIPALITY	: Swansea
PROJECT WATERSHED	: Narragansett Bay
EEA NUMBER	: 14262
PROJECT PROPONENT	: **Swansea Investment** Associates, LLC
DATE NOTICED IN MONITOR	: June 11, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Summary

The proposed project consists of the development of 304,000 sf (sf) of commercial retail and restaurant space in three separate buildings on the site of a 33.20-acre former cement manufacturing facility and asphalt batching plant located on Route 6 in Swansea. The project includes the construction of a 158,500 sf Lowe's Home Improvement Store and Garden Center, a 138,500 sf Target retail building, a 7,000 sf (175-seat) restaurant, 1,215 surface parking spaces, a private on-site wastewater treatment facility (18,000 gallons per day (gpd)), and associated stormwater management and utilities infrastructure. The project will generate approximately 11,910 new average daily vehicle trips (adt). Potable water use and wastewater generation is estimated at approximately 9,700 gpd respectively, and will be served by the Town of Swansea. The Proponent proposes to construct one five-lane site driveway on Route 6.

Permits and MEPA Jurisdiction

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) because it requires a State permit and involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03(6)(b)(15) because the project will result in the construction of 300 or more new parking spaces at a single location. The project requires an Indirect Vehicular Access Permit from the Massachusetts Highway Department (MHD) for access to Route I-95 and Route 6, and a U.S. Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from a construction site of over one acre. The project will require a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). An Order of Conditions will be required from the Swansea Conservation Commission for work within a wetlands resource area. The project also requires an air quality mesoscale analysis for ozone to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips. The project will require a Major Groundwater Discharge permit and an Approval to Construct a Water Treatment Facility from the MassDEP.

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required, or potentially required, state permits that have the potential to cause damage to the environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, wastewater, wetlands and stormwater.

Request for a Single EIR

In accordance with Section 11.05(7) of the MEPA regulations, the Proponent has submitted an Expanded ENF (EENF) with a request that I allow the Proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The EENF was subject to a 37-day review period pursuant to 301 CMR 11.05(7). The Proponent's request for a Single EIR was discussed at the MEPA site visit held for the project on June 27, 2008. Based on a review of the EENF, I hereby find that the document meets the regulatory requirements and I am permitting the Proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. The Proponent should prepare the Single EIR in response to the Scope outlined below.

SCOPE

General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. The Single EIR should include a copy of this Certificate and the comments submitted on the EENF.

Project Description and Permitting

This section should provide updates to the project description and discuss project phasing, if appropriate. The Single EIR should provide updates on the status of each state permit or agency action required, or potentially required, for the project, and the project's ability to meet applicable performance standards. The Single EIR should include an update on the local permitting process, particularly with respect to any state highway issues discussed.

Alternatives

In addition to the project development program presented in the EENF, the Proponent evaluated alternative site plan configurations including the No-Build alternative and the development alternative that would be allowed as-of-right at the site. The preferred alternative was selected based on local zoning, minimization of environmental impacts, market demand and general consensus with local neighborhood residents. According to the Proponent, the preferred alternative works best to meet the needs of the project while keeping resource area impacts minimal, providing significant improvements to on-site stormwater, and providing mitigation for project-related traffic. The preferred alternative may be carried forward to the Single EIR. The Single should continue to explore opportunities for minimizing the amount of impervious surface area associated with the proposed development project.

Transportation

The Proponent has prepared a Traffic Impact and Access Study (TIAS) in accordance with Executive Office of Energy and Environmental Affairs (EEA)/Executive Office of Transportation and Public Works (EOT) guidelines. Using the Institute of Transportation Engineers (ITE) Trip Generation Manual's Land Use Code (LUC) 862 (Home Improvement Store) and LUC 820 Shopping Center with Restaurant, the Proponent estimates that the project will generate approximately 11,910 average daily vehicle trips (adt). The main access to the site will be provided via a new five–lane site drive located on Route 6 immediately east of the Route 6/Michaels Avenue intersection.

The Proponent has committed to a transportation mitigation program in the EENF to address potential project-related traffic impacts and to help address existing operational and safety deficiencies. The following mitigation measures are proposed:

construction of a new traffic signal at the Route 6/Site Driveway intersection that will be coordinated with new traffic signals/system to be provided by others at the I-195 Eastbound Ramp, I-195 Westbound Ramp, Route 118, and the Swansea Place Main Site Drive;

geometric modifications to widen the eastbound approach to the Route 6/Site Driveway intersection to provide an exclusive right-turn lane, a through lane, and a shared through/left-turn lane;

- geometric modifications to widen the westbound approach to the Route 6/Site Driveway intersection to provide an exclusive left-turn lane, a through lane, and a shared through/right-turn lane; and,

- elimination one of two existing site driveways to the gas station located immediately to the north side of the proposed Route 6/Site Driveway intersection.

The Single EIR should discuss the right-of-way (ROW) implications of possible widening and describe how such ROW would be acquired. The Single EIR should include conceptual plans to clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to proposed improvements. Any proposed mitigation located within the state highway layout must conform to MassHighway standards including provisions for lane, median and shoulder widths and bicycle lanes and sidewalks. A schedule for the implementation of mitigation, based on the proposed construction phases of the project and approved by MassHighway, should also be included. I urge the Proponent to participate in any discussions and studies, which evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the project area. The Single EIR should describe how the Proponent's proposed mitigation plan will be implemented in association with any project phasing. The Single EIR should discuss the Proponent's coordination efforts with local area businesses and neighborhoods, proponents of other recent project area developments, MassHighway, the Town of Swansea and the Southeast Regional Planning and Economic Development District (SRPEDD). The Proponent must work closely with MassHighway's Public/Private Development Unit to successfully resolve any design issues for the overall traffic mitigation plan proposed for the project.

According to the comments received from the Swansea Fire Department, the Swansea Planning Board and others, the increased vehicle traffic anticipated from the proposed Swansea Commons project, along with other recently proposed projects including the Swansea Mall Expansion Project (EEA # 14133) and the RK Swansea Place Redevelopment Project, will impact the Town's ability to respond to public safety incidents in the area. I ask that the Proponent consult with MassHighway to determine the need for providing an Opticon emergency traffic control device with the proposed new traffic signal at the Route 6/Site Driveway intersection. I expect that MassHighway will review the need for providing an Opticon system of emergency traffic control along the Route6/Route 118 corridor during the permitting process for this and other development projects in the project area.

Transportation Demand Management (TDM)

As described in the EENF, the Proponent has proposed a Transportation Demand Management (TDM) plan for employees and patrons that will include an on-site rideshare program that will promote flexible employee carpooling and vanpooling opportunities, and preferential parking for employees that carpool. While I recognize the challenges inherent in developing a successful Transportation Demand Management (TDM) program for a commercial retail site, I remind the Proponent of its obligation to develop the maximum mitigation feasible to support that project's anticipated traffic impacts.

I ask that the Proponent evaluate all feasible TDM measures for employees and patrons to reduce peak employee traffic demand and to encourage alternative transportation modes. The Single EIR should continue to evaluate additional feasible TDM measures to further reduce vehicle trips to and from the site. The Proponent's proposed TDM plan should consider incorporating measures for reducing project generated vehicle trip generation including:

- the appointment of an Employee Transportation Coordinator (ETC);
- the use of staggered employee work hours;
- the implementation of an employee ride-matching program (carpooling and vanpooling);
- the implementation of a "Guaranteed Ride Home" program for employees;
- work closely with the Southeast Regional Transportation Authority (SRTA), the Town of Swansea and others to extend existing SRTA shuttle service and/or alternate transportation to the project site;
- the promotion of the use of on-site amenities including employee direct deposit banking;
- the installation of bicycle amenities including secured bicycle storage racks at each building;
- the construction of bicycle shoulders along site driveways; and,
- the construction of sidewalks along site driveways and along Route 6.

All project tenants and businesses should be required to participate in the proposed TDM program. The TDM plan should describe any monitoring necessary to ensure its success. The Single EIR should demonstrate the Proponent's commitment to implement, monitor, and continuously fund a proposed TDM plan. The Proponent's TDM plan should be incorporated as part of the Proponent's transportation mitigation program.

Transit

The Proponent should consult with the Town of Swansea, SRTA, and other Route 6/Route 118 area businesses in Swansea to identify opportunities for extending transit service, and ridesharing to the project site. Specifically, I encourage the Proponent to coordinate with the Town of Swansea, and the proponents for other recently proposed commercial retail developments in the project area including the Swansea Mall Expansion Project (EEA # 14133), and the RK Swansea Place Redevelopment Project, to discuss coordination of these projects with any existing transit and/or shuttle services to promote transit use by employees and patrons. . The Proponent should provide a report on this consultation in the Single EIR.

Pedestrian and Bicycle Facilities

The Single EIR should describe the internal vehicular and pedestrian circulation plan for the project site upon the completion of the proposed project. The Single EIR should illustrate on a reasonable scaled map of the project site, where the Proponent proposes to construct new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage. The Single EIR should discuss the feasibility of providing a sidewalk along the south side of Route 6. The Proponent should continue to evaluate the feasibility of additional traffic, transit, pedestrian, and bicycle improvements within the project site in response to the local traffic concerns that may arise out of the proposed commercial retail and restaurant development project.

Greenhouse Gas Emissions Policy and Protocol

The proposed project is subject to EEA's Greenhouse Gas (GHG) Policy http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf. which requires the Proponent to quantify project-related GHG emissions and propose and quantify the impact of mitigation measures to reduce GHG emissions.

The Proponent submitted the results of the GHG analysis with the EENF. In the analysis, the Proponent calculated GHG emissions from both mobile and stationary sources. The GHG emissions analysis evaluated the change in carbon dioxide (CO_2) emissions from project-related traffic and direct and indirect building sources. Direct and indirect CO_2 emissions from proposed building sources were calculated using the EQUEST Model. The Proponent calculated GHG emissions from project-related traffic using the U.S. Environmental protection Agency's (EPA) COMMUTER Version2 model. The final project design (Full Build Condition with Improvements) is estimated to generate 1,586.7 tons per year of CO_2 emissions from direct and indirect stationary sources and 149,538.6 tons per year of CO_2 emissions from mobile sources. When compared to the base case (Full Build Code Compliant Condition), this reflects a reduction from (CO_2 emissions for direct and indirect stationary sources of about 86.9 tpy (5.2 percent) and 95.3 tpy (0.063 percent) for mobile sources. The total CO_2 reduction from the base case is estimated at 182.2 tpy (0.120 percent).

As mitigation for GHG emissions from mobile sources, the Proponent has committed to modify existing roadway and intersection configurations and signal phasing and timing to increase roadway capacity and reduce delays at project-area intersections. The Proponent has also committed to design and implement a TDM program as described above to reduce project-generated vehicle trips. The following mitigation measures were listed in the EENF to help reduce GHG emissions from stationary sources:

- use highly-reflective (high-albedo) roofing materials;
- incorporate motion sensors and lighting and climate control;
- maximize interior daylighting; and,
- install high-efficiency HVAC systems.

In this section of the EENF, the Proponent provided a brief discussion of numerous sustainable design/GHG mitigation measures listed in the United States Environmental Protection Agency's (EPA's) Energy Star Program and EEA's GHG Policy that the Proponent determined did not fit the project location, were not advanced for the proposed building type and were cost prohibitive for a project of this scale.

The Division of Energy Resources (DOER) in the Executive Office of Energy and Environmental Affairs reviewed the GHG mitigation measures in the EENF for consistency with comparable projects. According to the comments received form DOER, the Proponent must consider the incorporation of additional mitigation alternatives to achieve greater energy reductions. Energy efficient techniques not selected should be explained, and this information assists in the determination that the alternative selected has avoided, minimized, and mitigated CO_2 emissions.

I note that in February 2008, Lowe's submitted an EENF for a similarly sized store and garden center in North Adams (EEA #14180) which noted the corporate-wide initiative to evaluate its buildings against LEED criteria.[i] The EENF for the North Adams Lowe's project outlined a list of LEED (Leadership in Energy and Environmental Design) measures that Lowe's prototype buildings and construction program qualify for without modifications. It provided a list of sustainable design elements that are incorporated into most newly constructed Lowe's stores.

In the Single EIR, the Proponent should address the project's consistency with the Massachusetts Building Code's adoption of the International Energy Efficiency Building Code. DOER has requested that the Proponent consider for adoption into the project, where feasible, the GHG mitigation measures listed below. DOER also recommends that the Proponent contact the New Construction division of its electricity provider in Swansea to take advantage of potential rebates available for the installation of highly energy efficient equipment.

Building Orientation
The Single EIR must provide a detailed description of the proposed building orientation for the project and how this orientation will impact energy usage.

High-Efficiency HVAC Systems
The Single EIR needs to provide more information regarding the HVAC system, including the gas heating system. It is not possible to evaluate whether the system being proposed is highly efficient based on an Energy Efficiency Ratio (EER) of 9.5.

Energy Efficient Interior Lighting
The Single EIR should discuss the feasibility of installing enhanced or "Super T8" lighting, T5 or metal halide lighting, and for all exit signs, LED lighting.

Third Party Building Commissioning
The EENF indicates that third party building commissioning is technically infeasible to the project. The Single EIR should demonstrate how the project complies with the MA Building Code's requirement for building commissioning by a third party.

[i] In a study from the New Buildings Institute (NBI), it was reported that building performance averages are 25-30 percent more efficient for LEED certified buildings than non-LEED buildings, and gold-platinum LEED rated buildings are 45 percent better than the national average, which approaches the interim goals of Architecture 2030, (a non-profit organization dedicated to reducing GHG emissions by changing the way developments are planned, designed, and constructed). The NBI study also shows a good correlation between modeled and actual building performance, providing assurances to developers and regulators that these measures will be effective. Additional information on energy efficiency/renewable rating systems is available at a number of websites including: http://www.buildinggreen.com/, http://energystar.gov/, www.architecture2030.org/. For new construction, core and shell, and commercial interiors relating to LEED certified buildings, information is available on the following website: http://www.usgbc.org/DisplayPage.aspx?CMSPageID=222. In addition, for a Massachusetts perspective, consultation with green building experts can be obtained through the Green Building Roundtable: http://www.greenroundtable.org, located in Boston.

Building Energy Management Systems
The Single EIR should re-evaluate the feasibility of implementing energy performance monitoring of the building, possibly through a building management system.

Duct Insulation
The Single EIR should note, and construction should reflect that all ducts would be sealed with mastic, tested, and then insulated, since duct leakage can be a major factor in energy losses.

Roof and Wall Insulation
The Single EIR should describe the insulation and R-value the proponent proposes to install for use in the project. This section of the Single EIR should identify discuss the environmental waste implications associated with 'super' insulation.

On-site renewable energy sources into projects
DOER recommends that at a minimum, the roof be constructed to support the added weight of a solar photovoltaic (PV) system for potential installation during project construction or at a future date. The Single EIR should provide a life-cycle cost analysis considering the support of subsidies through the Commonwealth Solar and RPS programs, to evaluate the feasibility of installing a PV system during project construction under two scenarios: 1) construction, ownership and operation of a PV system by Lowe's and Target; or 2) construction, ownership, and operation of a PV system by a third party that will then enter into a long-term power purchase agreement with Lowe's and Target for the electricity produced by the system. If neither of these scenarios is economically feasible at this time, the Single EIR should evaluate the opportunity for installing PV at a future date and discuss the Proponent's willingness to host a third party owned PV array under a favorable power purchase agreement.

The Single EIR should provide technical and cost analyses to document the rationale for not making a commitment to specific mitigation recommendations. Although it is unnecessary to provide a complete technological and financial analysis of all GHG reduction mitigation measures, it will benefit the Proponent to use functional and quantitative analyses and mock ups to assess feasible greenhouse gas reduction measures for the project type, starting with measures that offer the greatest energy reductions, and then considering opportunities to improve ongoing operations. These assessments should either lead to commitments to adopt mitigation measures or the Single EIR should do a credible job in explaining why a particular efficiency or green power generation component is impracticable. Similarly, the Single EIR should evaluate the feasibility of purchasing power generated by renewable energy sources for any portion of the electricity use on the site.[2] The Proponent should consult with the DOER regarding the modeling parameters to be reported in this section of the Single EIR.

[2] In the spirit of the corporate commitment to evaluate its buildings against LEED criteria, I note that LEED certification for New Construction/Retail requires a 35 percent to 50 percent contribution of green power.

Wetlands

According to the information provided in the EENF submittal, the project will result in permanent impacts to approximately 2,600 sf of Isolated Land Subject to Flooding (ILSF) to accommodate the construction of the proposed surface parking lot. As illustrated in the project site plan included in the EENF, the project will also result in the alteration of approximately 5.5 acres of the 100-ft wetlands buffer area resulting from site grading and roadway construction, buildings, and stormwater management infrastructure. In its comments, the Division of Marine Fisheries (DMF) has indicated that a pond located along the western side of the property is connected to the tidal waters of the Cole River and serves as a passage/migration route for the American Eel (*Anguilla rostrata*).

The Single EIR should identify the 100-ft wetlands buffer area and describe the project's temporary and permanent impacts to wetland buffer. The Single EIR should include an analysis of design alternatives to avoid, minimize and mitigate impacts to BWV resource areas. The Proponent should also examine methods of avoiding or minimizing encroachment into the 100-foot wetland buffer area. The Proponent has proposed to replicate approximately 6,450 sf of on-site wetlands at a ratio (approximately 2.5:1) to be located adjacent to existing BVW along the project site's northeast property line. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the Single EIR that, at a minimum, includes: replication location(s) delineated on plans, a list of wetlands plant species in areas to be altered, and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Stormwater

As described in the EENF, the project's stormwater management system has been designed to comply with MassDEP's Stormwater Management Policy and Guidelines and will incorporate the use of a closed drainage system employing deep sump hooded catch basins to convey storm flow and roof runoff to a system of surface and subsurface detention and infiltration basins with water quality treatment, including a rain garden and a stormwater wetland, prior to discharge to adjacent BVW resources areas connected to the Cole River.

The Single EIR should demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with MassDEP's recently revised Stormwater Management Policy (SMP). The Single EIR also should explain how water quality and quantity impacts would be controlled in compliance with the stormwater standards. In addition, this section of the Single EIR should include a maintenance program for the proposed drainage system will be required to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. The Single EIR should investigate feasible methods of reducing the project's impervious surfaces to increase the points of infiltration within the project site.

I note that new Stormwater Management regulations have been promulgated, effective January 2, 2008, that require the Proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit http://www.mass.gov/envir/lid/. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: http://www.epa.gov/owow/nps/lid/.

As described in the EENF, the 33.2-acre project site is located within the 100-year floodplain. The SEIR should include a detailed discussion of flood elevations within and adjacent to the project site. According to MassDEP, the project design must use the floodplain profile for the project site based on information contained in the most recent (2006) Federal Emergency Management Act (FEMA) Flood Insurance Rate Map (FIRM). The Proponent should respond to MassDEP's comments and include in the SEIR a quantification of the project site's existing and post-construction flood storage capacity for project site.

Water Supply

The potable and fire protection water supply needs for the Swansea Commons project (estimated at approximately 9,700 gpd) will be served by the Town of Swansea's municipal water supply system. The water supply for the project's proposed irrigation system will be provided by the Proponent's construction of new on-site private water supply wells. The Single EIR should include a description of the proposed irrigation system for the project. I strongly encourage the Proponent to incorporate water conservation in the project design to comply with the March 1989 state plumbing code. Specifically, the Proponent should commit to using efficient commercial water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines).

Wastewater

The Proponent has proposed to construct a private on-site wastewater treatment facility (WWTF) with a design capacity of (18,000 gpd) to treat and discharge the project's wastewater flows. The WWTF will be located on the southerly side of the project site. The proposed project's treated wastewater flows will be discharged to groundwater via two proposed subsurface leaching fields to be located beneath proposed surface parking areas in the central and northwestern portions of the project site.

Hazardous Wastes

As described in the EENF, the project site contains areas where releases of petroleum products to soil were reported (RTN 4-6030, 4-16469) in 1994, 2001. Remedial actions involving the excavation of contaminated spoils have been completed for these release sites pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000. The SEIR should present a summary of the remediation efforts undertaken at the site to date and a description of how the Proponent proposes to continue to comply with the remediation requirements under the MCP. I strongly recommend that the Proponent consult with MassDEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on these hazardous waste sites, and to evaluate the Proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction. The Proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions if contamination is encountered during project construction.

Construction Period Impacts

The Single EIR should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. MassDEP has noted that demolition and construction activities must comply with both Solid Waste and Air Quality control regulations. The Proponent should carefully review MassDEP's comments and demonstrate the project's consistency with the applicable Solid Waste and Air Quality control regulations. I sstrongly encourage the Proponent to participate in MassDEP's Clean Air Construction Initiative (CACI) and the MassDEP Diesel Retrofit Program to mitigate the construction-period impacts of diesel emissions to the maximum extent feasible. The CACI program helps Proponents identify appropriate mitigation for minimizing air pollution from construction vehicles such as retrofit of construction equipment with particulate filters and oxidation catalysts and/or use of on-road low sulfur diesel (LSD) fuel. The Proponent should consult with MassDEP during the preparation of the Single EIR to develop appropriate construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs).

For more information on these technologies, see: http://www.epa.gov/otaq/retrofit/verif-list.htm. The project includes demolition and reconstruction, which will generate a significant amount of construction and demolition (C&D) waste. MassDEP encourages the project Proponent to incorporate C&D recycling activities as a sustainable measure for the project. 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 5.

Mitigation

The Single EIR should include a separate chapter on mitigation measures. This chapter should include Draft Section 61 Findings (in the form of an updated letter of commitment for the for all state agencies that include clear commitments to implement mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation.

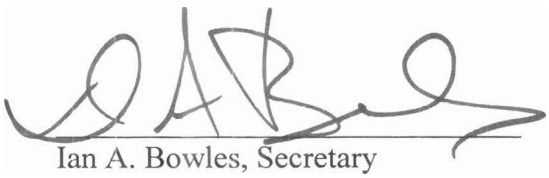
Responses to Comments

In order to ensure that the issues raised by commenters are addressed, the Single EIR should include a response to comments. This directive is not intended to, and shall not be construed to, enlarge the scope of the Single EIR beyond what has been expressly identified in the initial scoping certificate or this certificate.

Circulation

The Single EIR should be circulated to all who submitted commented on the EENF as listed below, to the Town of Swansea, to any agency from which the Proponent may require a permit or approval, and to any others as required by Section 11.16 of the MEPA regulations. A copy of the Single EIR should also be made available for public review at the Swansea Public Library.

July 18, 2008
DATE



Ian A. Bowles, Secretary

Comments Received

06/30/08	Division of Marine Fisheries
07/08/08	Town of Swansea Planning Board
07/07/08	Town of Swansea Planning Board
07/08/08	Town of Swansea, Conservation Commission
07/08/08	Town of Swansea, Fire Department
07/11/08	New England Regional Council of Carpenters – Local 1305
07/11/08	Department of Environmental Protection (MassDEP) – SERO
07/11/08	Executive Office of Transportation (MassHighway, MassHighway)

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