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

PROJECT NAME : Boston Cargo Terminal Project  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor - Mystic  
EEA NUMBER : 8161/14045  
PROJECT PROPONENT : **Marine Terminal** Development, L.L.C.  
DATE NOTICED IN MONITOR : June 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

The proponent proposes to redevelop the 29.8-acre Massport Marine Terminal (MMT) site located on Fid Kennedy Avenue and Seafood Way in Boston to include the construction of a multi-tenant inter-modal marine industrial facility that will accommodate seafood processing, cold storage, warehouse distribution and bulk cargo handling activities. The project site is located within the 129-acre Boston Marine Industrial Park (BMIP - EEA # 8161) which is owned by the Boston Redevelopment Authority/Economic Development and Industrial Corporation (BRA/EDIC) and leased to Massachusetts Port Authority (Massport). The project site is also included within the South Boston Designated Port Area (DPA). The proponent intends to enter into a long-term (2070) sub-lease agreement with Massport for the development and use of the site as an inter-modal marine industrial facility

The project as currently proposed will include the construction of approximately 510,550 square foot (sf) of new marine industrial space to be configured in three new buildings (Building A – approximately 279,000 sf, Building B – approximately 173,560 sf, and Building C – approximately 58,000 sf), a new 4.3-acre bulk cargo handling facility to be used for an import/export cement distribution operation, repair/renovation of a portion of the existing 900 linear foot (lf) North Jetty, and construction of a new 400 lf pile-supported barge berthing space immediately west of the North Jetty.

The project will involve the demolition of an existing one-story storage building, maintenance building and shed previously used by the Central Artery/Tunnel. The project's potable water demand (8,000 gallons per day (gpd)) and wastewater generation (appx. 7,000 gpd) will be served by the Boston Water and Sewer Commission (BWSC). The proponent has proposed to construct a total of five truck and automobile access drives into the project site from Fid Kennedy Avenue. As described in the ENF, the project will create 280 new surface automobile parking spaces and approximately 181 new truck loading spaces. Using the trip generation information based on data from the similar and nearby BFT Terminal operation and other similar business currently located within the BMIP, the proposed Boston Cargo Terminal project is estimated to generate a total of approximately 1,792 vehicle trips (646 automobile trips, 1,146 truck trips) on an average weekday.

### Jurisdiction /Project Review

The project is subject to environmental review pursuant to 301 CMR 11.01 (2)(a)(1) of the MEPA regulations because the project is being undertaken by an agency of the Commonwealth. The project is also subject to environmental review pursuant to 301 CMR 11.03 (6)(b)(14) of the MEPA regulations because it will generate 1,000 or more new vehicle trips per day (1,792 vtd) and construct 150 or more (280 total new parking spaces) new parking spaces at a single location. Because the proponent is being undertaken by an agency for the Commonwealth, MEPA has broad scope jurisdiction and extends to virtually all of the potential environmental impacts of the project that may cause significant Damage to the Environment. The project must comply with the provisions governing Designated Port Areas (DPAs) pursuant to 310 CMR 9.00. The project will require a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP); an Order of Conditions from the Boston Conservation Commission (and hence a Superseding Order of Conditions from MassDEP if the local Order is appealed).

### *Boston Marine Industrial Park*

The Boston Marine Industrial Park (BMIP) is comprised of approximately 192 acres of filled and flowed tidelands in South Boston and serves as a significant portion of the South Boston Designated Port Area (South Boston DPA). In 1990, the BRA/EDIC submitted to the MEPA Office a Draft Master Plan/ENF to accommodate the need for water-dependent manufacturing and industrial activities within the South Boston DPA (EEA #8161). In March 2000, the Secretary of Environmental Affairs issued a Certificate on the Final Master Plan for the BMIP and found that the Final Master Plan adequately and properly complied with the Massachusetts Environmental Polity Act and its implementing regulations. As noted in the Secretary's March 2000 Certificate, an important commitment of the Final Master Plan involved the designation of the BMIP as a Marine Industrial Park and ensured that a minimum of 67% of the BMIP would be devoted to water-dependent industrial uses and supporting DPA uses. The Final Master Plan allows general industrial uses and a small amount of commercial use for the remainder of the BMIP area.

The project must also comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The project will require a Sewer Compliance Certificate from the Department of Environmental Protection (MassDEP), and review by the Massachusetts Historical Commission (MHC). According to the information provided in the ENF, a significant portion (approximately 70 percent) of the project site appears to be located within the 100-year floodplain (A2 zone) and must therefore meet applicable state building codes (Section 3107.0) and comply with applicable federal flood plain management policies (Executive Order 11988, Flood Plain Management). The project may require a Consistency Review by the Office of Coastal Zone Management (CZM). Construction of the pile-supported large barge berthing space may also require a Section 404 Permit authorization from the U.S. Army Corps of Engineers (ACOE) under the Clean Water Act, the Rivers and Harbors Act (Section 10 Permit). I note that the proponent is voluntarily submitting the proposed Boston Cargo Terminal project for review and approval by the Boston Redevelopment Authority (BRA) in accordance with Article 80, Section 80B (Large Project Review) of the Boston Zoning Code. The proponent may also be required to obtain an Abrasive Blasting or Chemical Cleaning Permit from the Boston Air Pollution Control Commission for project construction activities.

In March 2005, MassDEP issued a Master Chapter 91 License (Boston Marine Industrial Park Master License No. 10233) to the BRA/EDIC which authorizes a mix of water-dependent industrial, nonwater-dependent industrial, general industrial, commercial and accessory uses to be located within the BMIP including the Massport Marine Terminal project site. Special Condition #5 of the Master License requires the BRA/EDIC to document to MassDEP all new structural alterations and changes of use in the Licensed area through a minor license revision procedure. MassDEP has requested that the BRA/EDIC consult with MassDEP to ensure that the proposed project's changes and alterations to the licensed area are conducted in accordance with License No. 10233. I ask that the BRA/EDIC provide the MEPA Office with an updated description of the allocation of land uses and activities to date within the BMIP including the proposed Boston Cargo Terminal project. The ENF notes that the proposed water-dependent industrial use activities undertaken by the Massachusetts Port Authority in and upon Boston Harbor may be exempt from MassDEP's Chapter 91 review and licensing pursuant to 310 CMR 9.03(3)(a). In its comments, MassDEP has requested that the proponent consult with its Waterways Regulation Program (WRP) to confirm the proposed project's water dependency status. The proponent must work closely with MassDEP to fully address the agency's comments as submitted to MEPA.

### Review of the ENF

#### *Wetlands*

As described in the ENF, the project involves temporary impacts to wetlands resource areas (Land Under the Ocean - LUO, Land Subject to Tidal Action - LSTA, and Land Subject to Coastal Storm Flowage - LSCSF) associated with the repair of the North Jetty and the construction of three pile-mounted berthing dolphins located along the project site's existing rip-rap shoreline.

The proponent has committed to employing silt curtains, hay bales and adsorbent containment booms to minimize the potential impacts to wetland and marine resources during project construction.

#### *Fisheries Resources*

According to the comments received from the Mass Division of Marine Fisheries (DMF), the project site is located within Boston's Inner Harbor which provides important habitat for the spawning and development of commercially and recreationally important winter flounder (*Pseudopleuronectes americanus*), and an important migratory pathway for the anadromous fish runs that serve as a food source for a number of federally managed fish species. This habitat is also used by the American lobster (*Homarus americanus*). The DMF has raised concerns with the potential impacts to marine fisheries resources associated with the proponent's construction activities, including the repair and partial removal of the North Jetty bulkhead and wharf structures and the construction of three pile-supported berthing dolphins. Potential construction-period impacts include increased turbidity resulting from dredged material in the water column, and the disturbance and loss of benthic community habitat. According to the information provided in the ENF, the project is expected to result in temporary impacts to marine and fisheries resources. I strongly encourage the proponent to consult with DMF during final project design. The proponent should commit to implement a Time-Of-Year (TOY) in-water construction restriction (February 15 – June 30) to protect winter flounder spawning and juvenile development.

#### *Stormwater*

According to the information provided in the ENF, the proposed project's stormwater management plan has been designed in compliance with MassDEP's Stormwater Management Policy for redevelopment projects. Stormwater runoff from paved areas and building roofs will be collected in a closed pipe system with oil/gas traps, deep sump catch basins with hooded outlets and water quality treatment devices. Most of the stormwater collected from the project site's paved areas and building roofs will be conveyed to additional on-site stormwater treatment units to be located upstream of two new proposed outfalls (east outfall, west outfall) prior to discharge to Boston Harbor. The stormwater collected from the smaller portion of the project site located adjacent to Fid Kennedy Avenue will be conveyed to BWSC's existing stormwater system located in the Fid Kennedy right-of-way. According to MassDEP, the project site is located next to existing shellfish growing areas. The proposed stormwater management plan must incorporate Best Management Practices (BMPs) identified in DEP's Stormwater Management Policy (Standard 6) for Critical Areas. The proponent must address the need to fully investigate all feasible methods for retaining the project site's stormwater and dewatering drainage on-site or conveying same to Boston Harbor. The stormwater management plan must also include a maintenance program for the drainage system to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems. I ask that the project proponent incorporate spill containment provisions in the final project design to ensure that surface spills of petroleum products that could occur during project construction and/or during normal operation of the inter-modal marine industrial facility can be contained and removed prior to release into the marine environment.

The proponent should consult with CZM, MassDEP and others during final project design to identify appropriate source control, pollution prevention and spill containment provisions. I anticipate that MassDEP's permitting process and the City of Boston's Article 80, Section 80B review process will include an extensive review of the proposed stormwater management plan. The proponent should continue to work closely with MassDEP and the City of Boston's Environment Department during the permitting process to address the comments received pertaining to the final design of the proposed stormwater management plan.

#### *Water/Wastewater*

The Boston Cargo Terminal project's potable water supply need (approximately 8,000 gallons per day (gpd)) will be served by the Boston Water and Sewer Commission (BWSC) through an existing 12-inch water main located in the Fid Kennedy Avenue and Seafood Way rights-of-way. The project's wastewater flows (approximately 7,000 gpd) will be conveyed to BWSC's sewer collection system located in Summer Street and Northern Avenue and on to the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility for treatment and discharge to Massachusetts Bay. I note that the City of Boston is a member community to the MWRA's sewer system and is required to assist in the ongoing coordinated efforts of MassDEP and MWRA in reducing infiltration and inflow (I/I) to ensure that the project's additional wastewater flows will be offset by the removal of I/I flows. The proponent may be required to offset the projects' new wastewater flows through the removal of approximately 28,000 gpd (4:1) of I/I) from the City's sewer collection and conveyance system. I strongly encourage the proponent to work closely with BWSC, MassDEP and others to identify I/I activities that will result in the minimum removal of approximately 28,000 gpd of I/I.

#### *Air Quality*

As currently designed, the proposed bulk cargo handling facility will operate to transfer cement from cargo ships docked at the facility to the on-site storage dome and silos, and subsequently offloaded to barges and trucks for offsite shipment. According to the comments received from MassDEP, the operation of the proposed bulk cargo handling facility will generate quantities of nitrous oxide (NO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur dioxide (SO<sub>2</sub>) and particulate emissions in exceedance of the Massachusetts Air Pollution Control thresholds (310 CMR 7.00). The project will therefore require the proponent to obtain a Non-Major Comprehensive Air Quality Plan Approval from MassDEP prior to the commencement of its construction. MassDEP has also indicated that other operations and activities proposed as part of the inter-modal marine industrial facility, including the proponent's proposed fish processing facilities, could generate air emissions and/or odor emissions that may also require a Comprehensive Air Quality Plan Approval from MassDEP.

I anticipate that MassDEP's Air Quality Plan approval process will include a rigorous and thorough review of the inter-modal marine industrial facility project's compliance with Massachusetts Air Pollution Control regulations. I encourage the proponent to work closely with MassDEP's Division of Air Quality during final project design and during the preparation of the Comprehensive Air Quality Plan Application for the project.

*Transportation*

The proponent has analyzed the potential impacts of service and loading functions on the area traffic network and the potential for conflicts between project-related traffic (vehicular, pedestrian, and other) and general traffic (vehicular, pedestrian, and other) in the project area. As described in the ENF, the additional traffic generated by the project will not result in significant impacts to traffic in the project area. According to the proponent's comments made during the MEPA site visit held for this project, the proponent has committed to establishing clearly marked automobile, truck and pedestrian internal circulation patterns within the project site. The proponent should consider providing a pedestrian walkway and bicycle facility improvements within the project site. The proponent should incorporate project design standards for plantings, street signage, sidewalk and crosswalk widths and paving to ensure that the pedestrian environment is generally appealing and efficient. The proponent should also investigate all potential pedestrian connections, and other opportunities in the area to determine if there are any additional pedestrian and bicycle linkage possibilities with this project.

*Transportation Demand Management*

The project has voluntarily committed to implementing a Transportation Demand Management (TDM) plan for project employees, tenants and patrons to minimize potential project-related impacts to traffic. The proponent's proposed TDM plan incorporates a number of measures designed to reduce project generated new vehicle trips including:

- providing designated preferential parking for carpoolers; and
- promoting employee and tenant use of MBTA Silver Line public transit system service (Routes SL2 and SL3) by posting Silver Line transit schedules in public spaces in Buildings A, B and C, and distributing Silver Line transit schedules to project employees.

I encourage the proponent to consider expanding the TDM plan to include additional measures to reduce project-generated vehicle trips including:

- the development of amenities including employee direct deposit banking and secured on-site bicycle storage racks;
- the implementation of an employee ride-matching program (carpooling and vanpooling) program; and,
- the construction of sidewalks, cross walks and signage along the north side of Fid Kennedy Avenue to connect the project site to connect to the existing pedestrian transportation system located along Fid Kennedy Avenue, Seafood Way and Tide Street.

All Boston Cargo Terminal project tenants and businesses should be required to participate in the proposed TDM plan. I note that the City of Boston may require the proponent to commit to additional mitigation measures that may result from the City of Boston's Article 80, Section 80B review process.

*Public Access*

To facilitate public access to the waterfront, the proponent has committed to construct an off-site public access harbor viewing platform to be located on the waterfront, at the northwestern corner of the Massport Marine Terminal property and approximately 600 lf north of the current HarborWalk terminus on Seafood Way. According to the ENF and the proponent's comments made during the MEPA site visit held for this project on July 24, 2007, the proposed public access harbor viewing platform will be similar in design to other existing public access viewing platforms located in the BMIP, including the public viewing area located next to Dry Dock #3, Vent 6 Park and International Cargo Port. The construction of an extension of the current HarborWalk terminus on Seafood Way north to the proponent's proposed public access harbor viewing platform is to be completed by others. I remind the proponent that the proposed public access harbor viewing platform must be designed to be wheelchair accessible and in compliance with relevant design criteria established under the Americans With Disabilities Act (ADA) and should incorporate HarborWalk signage. As I have described elsewhere in this Certificate, proposed pedestrian transportation improvements and public access amenities (public access harbor viewing platform) should be constructed concurrently with the construction of Buildings A and B.

*Historic/Archaeological*

According to comments received by the Massachusetts Historical Commission (MHC), the project site is located within the Boston Army Supply Base area which is listed in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth (MHC #BOS.RT). MHC has determined that the proposed inter-modal marine industrial facility project is unlikely to affect significant historic or archaeological resources.

*Hazardous Waste Remediation*

As noted in the ENF and MassDEP's comments, the project site contains areas where a release of hazardous waste material to soil or groundwater has been reported (RTN 3-19843, RTN 3-0026768). I strongly recommend that the proponent consult with MassDEP's Bureau of Waste Site Cleanup (DEP - BWSC) during the final design of this project to explore what impacts, if any, the proposed project might have on these hazardous waste release sites, and to evaluate the 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

The proponent may be required to develop a Construction Management Plan (CMP) for review and approval by the Boston Transportation Department (BTD) that will contain measures to alleviate dust, noise, and odor nuisance conditions associated with the project's construction. I note that additional construction mitigation may be required to protect existing BMIP tenants from construction impacts including noise, dust and debris.

The proponent should consult with the MassDEP, DMF, BRA/EDIC and others regarding appropriate construction mitigation measures. The proponent's demolition activities must comply with MassDEP's Solid Waste Management and Air Pollution Control regulations pursuant to M.G.L. Chapter 40, Section 54, and 310 CMR 16.05, respectively. All demolition and construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas. MassDEP comments indicate that the proponent is required to comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. MassDEP also recommends that the proponent commit to recycle construction and demolition waste. I strongly encourage the proponent to require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel (LSD) fuel. These measures can reduce exposure to diesel exhaust fumes and particulate emissions for workers and abutters.

### Project Phasing & Mitigation Commitments

According to the ENF, the Boston Cargo Terminal project will be constructed in three phases (Phases A, B and C) and each phase will be linked with appropriate construction mitigation measures. The construction of Building A, designed to accommodate fish processors/handlers and other perishable commodities businesses, will begin in late 2007. The construction of Building B, designed as a state-of-the-art industrial space, and the bulk cargo/cement handling facility, including the proposed renovation of the North Jetty, will be constructed in late 2008. Building C has been proposed to accommodate inter-modal transportation companies and will be constructed in 2009. I strongly recommend that those project elements pertaining to pedestrian transportation improvements and public access (proposed public access harbor viewing platform) be constructed concurrently with the construction of Buildings A and B.

Based on the information provided by the proponent and consultation with the relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served to adequately disclose the potential impacts and mitigation for the project, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

August 1, 2007

Date

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Ian A. Bowles, Secretary

Comments received: (continued on next page)

7/23/07      Massachusetts Historical Commission (MHC)

7/23/07      Massachusetts Division of Marine Fisheries (DMF)



Comments received: (continued)

- 07/23/07 Boston Water and Sewer Commission (BWSC)
- 07/23/07 Massachusetts Water Resources Authority (MWRA)
- 07/23/07 Ashforth Paradigm
- 07/24/07 Ashforth Paradigm
- 07/24/07 Office of Coastal Zone Management (CZM)
- 07/25/07 Department of Environmental Protection (DEP) – NERO
  
- 07/26/07 Tirrell Seafood & Shellfish, Inc. – Late Comment
- 07/30/07 Boston Harbor Association (BHA) – Late Comment
- 07/31/07 City of Boston, Environment Department – Late Comment

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