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MASSACHUSETTS WATER RESOURCE AUTHORITY TOXIC REDUCTION AND CONTROL DEPARTMENT M.G.L. c.30, § 61, FINDINGS MADE PURSUANT TO 301 C.M.R. § 11.12(5)

EOEA PROJECT NAME: Hayward Place
PROJECT PROPONENT: Millenium Hayward LLC c/o Millenium Partners-Boston
EOEA NUMBER: 13301

MWRA PERMIT NUMBER: 45 103619

BACKGROUND

Millenium Hayward LLC c/o Millenium Partners-Boston applied for a permit from Massachusetts Water Resources Authority to discharge construction dewatering to MWRA's sewer system from construction at 580 Washington Street, Boston, MA. The permit is required by MWRA regulations at 360 C.M.R. §§ 10.007(1)(f) and 10.091.

As required by the Massachusetts Environmental Policy Act (MEPA), the proponent filed an Environmental Impact Report (EIR) for the project with the Secretary of the Executive Office of Environmental Affairs. On August 15, 2005, the Secretary issued a Certificate on the Final EIR for the project, determining that the Final EIR is adequate.

For any project for which an EIR was required, MEPA regulations require agencies that take an agency action on the project to make Section 61 findings, that is, to determine whether the project is likely, directly or indirectly, to cause any damage to the environment and make a finding describing the damage to the environment and confirming that all feasible measures have been taken to avoid or minimize the damage to the environment. 301 C.M.R. § 11.12(5). In the case of a project that requires a permit, but does not involve financial assistance, the agency shall limit its findings and mitigation measures specified as conditions to or restrictions on the agency action, to those aspects of the project that are within the subject matter of the required permit. 301 C.M.R. § 11.12(5)(c).

For MEPA's purposes, MWRA is considered an agency and its issuance of a permit is considered agency action. 301 C.M.R. 11.02(2). Thus, in this matter, MEPA regulations require MWRA to make Section 61 findings because the project required an EIR and now requires a permit from MWRA. MWRA's Section 61 findings are limited to those aspects of the project that are within the subject matter of the required permit: the impact on the environment of allowing the discharge of construction dewatering to MWRA's sewer system.

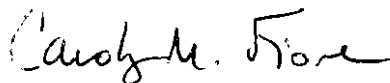
FINDINGS

MWRA finds that the discharge of construction dewatering drainage from 580 Washington Street to its sewer system will not cause damage to the environment, provided that the discharge meets MWRA's limits for sewer discharges, 360 C.M.R. §§ 10.021-10.025. Those limits were adopted to ensure that discharges to the sewer will not damage the environment. There have been many other similar discharges of construction dewatering to MWRA's sewer system without damage to the environment.

Based on its review of the documentation and sample data submitted by the permit applicant, MWRA has determined that the groundwater at the construction site should not contain excessive levels of pollutants and the discharge should comply with MWRA discharge limits, provided that the discharger takes certain mitigation measures. To help ensure that the discharge meets the limits, MWRA intends to include specific provisions in the permit it will issue to the discharger, including that the discharger:

- Comply with MWRA discharge limits, which are set forth in MWRA's regulations and the permit, and with a limit for total suspended solids set forth in the permit.
- Notify MWRA within 24 hours after it begins to discharge to the sanitary sewer, in the event that the recharge system fails.
- Sample its discharge to the sanitary sewer system, have the discharge analyzed by a certified laboratory for pollutants that may be present, and provide the results to MWRA. The permittee shall sample monthly for pollutants in its discharge, have the sample analyzed for those pollutants by a certified laboratory, and report the results to MWRA monthly.
- Stop its discharge immediately if its discharge is not in compliance with MWRA regulations or upon notice to stop by MWRA.
- Treat its discharge to the sanitary sewer system through sedimentation tanks, measure the depth of the sediments in the tank weekly, and remove the sediments when they reach a depth of one foot.
- Measure the daily flow of its discharge to the sanitary sewer system.

For the reasons stated above, MWRA finds that there will be no damage to the environment, with the implementation of the provisions it will include in the permit it will issue for the discharge.



Carolyn Fiore, Director
Toxic Reduction and Control
Date: