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February 17, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME	:	Boston State Hospital
PROJECT LOCATION	:	Boston
PROJECT WATERSHED	:	Charles River
EOEA NUMBER	:	10681
PROJECT PROPONENT	:	Commonwealth of Massachusetts, Division of Capital Asset Management
DATE NOTICED IN MONITOR	:	January 11, 2006

As Secretary of Environmental Affairs, I hereby determine that the Single Environmental Impact Report (Single EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

This project consists of the redevelopment of the 170-acre parcel of land formerly known as Boston State Hospital, under the direction of the Commonwealth's Division of Capital Asset Management (DCAM). Project elements include the demolition of most or all of the existing structures; site clean-up and remediation; conveyance of site sub-parcels to developers; construction of commercial and institutional uses; development of housing; and provision of recreational uses and open space.

The proposed development was authorized by Section 301 of the Commonwealth's 1995 Fiscal Year Budget. Section 301, which resulted from a 10 year effort by citizen's advisory groups, members of the community, the Legislature and DCAM to consider appropriate alternatives for reuse of the site, established a master planning process. That process was presided over and approved by the Boston State Hospital Citizen's Advisory Committee (CAC), comprised of representatives of the community, mental health interests, legislators, and City of Boston agencies.

Goals and guidelines for reuse of the site were developed by the CAC. The project goals include creation of permanent jobs (with job training and day care); development of low and moderate income housing; provision of benefits for clients of the Department of Mental Health; and preservation and creation of areas of natural beauty, open space and community gardens.

MEPA History

An Environmental Notification Form (ENF) was filed in 1996. The proposed site development program, which was to occur in two or more phases, was based on the 1995 Master Plan for Boston State Hospital, which was updated in 2003. The Certificate on the ENF issued on May 10, 1996 included a scope for an Environmental Impact Report (EIR). A Final Record of Decision allowing certain aspects of the project to proceed prior to completion of the EIR was issued on June 14, 1996.

At that time, Phase I was to be limited to the demolition of deteriorated structures and proper disposal of demolition debris; conveyance of one remaining building to the Massachusetts Audubon Society; removal of asbestos associated with the removal of on-site steam lines; removal of solid waste piles and small amounts of hazardous wastes; conveyance of site sub-parcels to selected developers; and development of a 67-acre environmental education center and wildlife sanctuary by the Massachusetts Audubon Society on the northern half of the West Campus. The Audubon project has been completed and is now operating, and others are underway. In addition, buildings have been demolished and DCAM is conducting significant site remediation.

On January 31, 2002 the proponent filed two Notices of Project Change (NPC) requesting expansions of the Phase I waiver. The first involved substituting a 50,000 to 78,000 square foot pharmaceutical research and manufacturing facility, the Massachusetts Biologic Laboratories (MBL), for a previously proposed commercial greenhouse facility. The second was a request to allow a 100-unit residential development on the East Campus, Harvard Commons, to be included in the Phase I waiver. The amended Phase I waiver was issued on March 11, 2002.

On February 25, 2005 the Secretary issued a Certificate on an Expanded NPC that was filed with MEPA. The Expanded NPC mainly focused on the Olmsted Green proposal, to be located on 24 acres of Parcel 2A on the West Campus, and all of Parcel 2B – 14.5 acres of the East Campus consisting of housing; a nursing facility; a job training, education and job advancement center and recreation facility; Heritage House; an urban farm/food production center; and accessory parking for the components. The Expanded NPC also included information about the 2000 state legislation authorizing the Commonwealth to transfer a portion of the site to the City of Boston for construction of a 1,250-student high school. This area originally was to be developed as 900,000 square feet of mixed use development. Olmsted Green will be undertaken by Lena Park Community Development Corporation and New Boston Development Partners

("Lena New Boston.") The proponent requested authorization to submit a Single EIR, rather than the usual two-step Draft and Final EIR, and this request was granted in the Expanded NPC Certificate.

State Permits and Jurisdiction

The project categorically required the preparation of a mandatory Environmental Impact Report (EIR). It will require a Sewer Extension and Connection Permits, air plan approval, an asbestos removal permit, and Water Quality Certification from the Department of Environmental Protection (DEP). It will also require a sewer discharge permits from the Massachusetts Water Resources Authority (MWRA). In addition, the proponent must provide notice to DEP before demolition, asbestos removal and construction can begin. The project must comply with the NPDES General Permit for Stormwater Discharges Associated with Construction Activities. The project proponent is an agency of the Commonwealth. Therefore, MEPA jurisdiction extends to all aspects of the project that may have impact on the environment.

I find that the Single EIR is generally responsive to the Certificate on the Expanded NPC issued on February 25, 2005. The state permitting agencies have adequate information on which to base their permit decisions and to make the required Section 61 Findings. However, additional clarification as outlined below will assist the permitting agencies in the required Section 61 Findings. The proponent can finalize the details of any mitigation in the state permitting process.

Traffic and Transportation

The proponent originally proposed to mitigate the impacts of the traffic on Morton Street by removing the existing traffic signal at West Main and Morton Streets. This traffic signal, however, provides the only signalized access and egress to the site. Lena/New Boston has indicated its willingness to negotiate agreements with the Boston Transportation Department (BTD) and the Department of Conservation and Recreation (DCR) to retain this traffic signal. The proponent should contact and provide copies to the CAC of the agreement with DCR and BTD.

Wastewater

In order to fulfill the Section 61 Finding obligation, and consistent with the coordinated approach that is adopted in the Massachusetts Water Resources Authority (MWRA) sewer service area, the sewer system improvements that eliminate infiltration and inflow (I/I) from the MWRA wastewater system are required to provide mitigation for new discharges to public sewers. In order to issue the appropriate Sewer Extension/Connection Permits for the various elements of the project, the proponent should provide DEP with documentation of the work

performed, or to be performed, including the following:

- Improvements to onsite infrastructure, which reduce excessive I/I and eliminate illegal inflow sources to the sanitary sewer, and work to detect and eliminate improper sanitary waste connections to storm drains; and
- Improvements to the city's sewer system to reduce excessive I/I and eliminate illegal inflow sources.

Wetlands

The project would alter 3,000 square feet of wetland area #2 to remove contaminated soils. This wetland would be restored to existing conditions. In addition, about 10,000 square feet of wetland area #3 is proposed to be modified into a water feature, which is not described in the Single EIR. The Single EIR also does not mention wetlands impacts due to stormwater system design work, which are referenced in Appendix F (page 5-59). The proposed activities in wetlands resource areas exceed the threshold for a 401 Water Quality Certification (WQC), as acknowledged in the Single EIR. As part of the 401 WQC process for DEP, an alternatives analysis will be required. Practicable alternatives applicable to 401 permitting are those that can be implemented after considering costs, existing technology, and logistics in light of overall project purposes. The proponent should also consult with the CAC and Mass Audubon to address their concerns with work in the wetland area.

Stormwater Management

The stormwater management system design proposes to use extensively integrated management practices or low-impact development techniques for quantitative and contaminant control of stormwater. The Single EIR did not demonstrate that the project would conform to the Stormwater Management Policy (SMP) and standards. Without this information, DEP is unable to confirm that the stormwater system design is consistent with the SMP. In addition, the West Campus Conceptual Utilities Plan must be modified to ensure that there is adequate treatment and peak rate control prior to discharging stormwater runoff to this wetland area.

The project site is located within the medium-stressed Charles River Basin, according to the Water Resources Commission's Stressed Basins in Massachusetts report, which emphasizes the need for recharge of groundwater in medium and highly-stressed basins. Infiltration of stormwater in stressed basins is a requirement in the NPDES Phase II Stormwater Permit. Therefore, the infiltration system design for this project should conform to the NPDES permit the requirements for the City of Boston.

Air Quality

DEP will be developing Section 61 Findings for this project and would like to include a clean air construction initiative (CACI) commitment to ensure that the proponent will address this important air quality issue. I encourage the proponent to commit to participating in the DEP Diesel Retrofit Program as a way to mitigate adverse construction-period impacts from diesel emissions.

Recycling Issues

The proponent has committed to developing a list of recycled content materials for construction specifications; to developing and implementing a plan for construction contractors to separate reusable or recyclable materials; to avoid waste and optimize material use; and to donate excess and reusable materials.

Hazardous Material

The Single EIR describes hazardous material releases occurring in the vicinity of the project site, under Release Tracking Numbers 3-0013282, 3-0021321, 3-0019713, 3-22202, 3-23321, 3-23329, and 3-23321. However, the Single EIR did not acknowledge that five of the sites are not in compliance with the Massachusetts Contingency Plan, including the following:

- RTN 3-21371, Tier Classified January 2, 2003, the Phase II Report and a Phase III Report are overdue.
- RTNs 3-23320, 3-23321, 3-23329, and 3-23337 are all out of compliance. They were all reported on October 27, 2003, but did not Tier Classify or RAO within the one-year deadline.

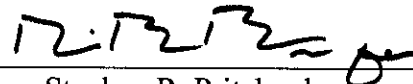
The proponent should consult with DEP on this issue prior to permitting.

Conclusion

I am satisfied that the project has avoided and mitigated environmental impacts to the extent feasible, and that the state permitting agencies have adequate information to base their permit decisions, and sufficient permitting authority to ensure that any remaining issues are adequately addressed.

February 17, 2006

Date



Stephen R. Pritchard

Comments received:

02/07/06 Boston State Hospital CAC
02/10/06 Department of Environmental Protection, NERO
02/10/06 Mass Audubon
02/10/06 Memorandum to Boston Redevelopment Authority
02/16/06 City of Boston Environment Department
02/17/06 Response to CAC Comments from Lena Park Community Development Corporation & New Boston Development Partners

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