*The Commonwealth of Massachusetts*
*Executive Office of Energy and Environmental Affairs*
*100 Cambridge Street, Suite 900*
*Boston, MA 02114*

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/envir

August 22, 2008

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

| | |
|---|---|
| PROJECT NAME | : Bayside Development |
| PROJECT MUNICIPALITY | : Boston |
| PROJECT WATERSHED | : Boston Harbor |
| EEA NUMBER | : 14273 |
| PROJECT PROPONENT | : Corcoran Jennison Companies |
| DATE NOTICED IN MONITOR | : July 9, 2008 |

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR). In a separate Certificate issued today I have established a Special Review Procedure (SRP) to guide the review of this project.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the redevelopment of the Bayside Exposition Center site into a mixed-use development. The project will retain the existing office and hotel buildings on the 27.8-acre site and the existing Bayside Exposition Center will be demolished. The first phase of development (Phase I) will include: the redevelopment of the Bayside Office buildings to include ground floor retail, expansion (78 rooms) of the Double Tree Hotel, 300 dwelling units above ground floor

retail, 250,000 gross square feet (gsf) of retail/restaurants, 105,000 gsf of office above ground floor retail, a total of 1,884 parking spaces and three new parking garages. The second phase of the project (Phase II) will include approximately 650 residential units in as many as six buildings. The project will include intersection improvements to accommodate vehicular and pedestrian traffic, as well as overall site landscaping and stormwater management improvements.

Anticipated environmental impacts outlined in the EENF include a reduction of on-site impervious area by 3.6 acres, an increase of 8,380 vehicle trips per day to a site total of 11,575 vehicle trips per day, a reduction in total parking spaces by 411 to 1,884, an increase in water use by 174,850 gallons per day (GPD) for a total of 220,946 GPD, and an increase in wastewater generation by 158,955 GPD for a site total of 200,860. The project site contains approximately 10.8 acres of filled private tidelands subject to Chapter 91 (c.91) and its implementing regulations (310 CMR 9.00). The project site is adjacent to Department of Conservation and Recreation (DCR) beaches, parklands, and roadways.

Jurisdiction and Permitting

This project is subject to MEPA review and the preparation of a mandatory EIR because it requires a State agency action and exceeds several MEPA thresholds. The project will result in the conversion of land held for natural resource purposes in accordance with Article 97 (301 CMR 11.03(1)(b)(3)), the discharge of more than 100,000 gallons per day (GPD) of wastewater (301 CMR 11.03(5)(b)(2)), the construction of more than 0.5 miles of new sewer mains outside of an existing roadway (301 CMR 11.03(5)(b)(3)(c)), the construction of a nonwater-dependent use on more than one acre of tidelands (301 CMR 11.03(3)(a)(5)), and will generate 3,000 or more new average daily trips on roadways providing access to a single location (301 CMR 11.03(6)(a)(6)). The project will require an Access Permit from DCR for impact to DCR-controlled roadways. The project will also require a land transfer from DCR. A c.91 License and a Sewer Connection/Extension Permit will be required from the Massachusetts Department of Environmental Protection (MassDEP). The project must obtain an 8(m) permit from the Massachusetts Water Resources Authority (MWRA). Coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA) will be required. The project may be subject to Coastal Zone Management federal consistency review. The project must obtain an Order of Conditions from the Boston Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. Numerous other approvals from the City of Boston (including Article 80) will also be required. The project is subject to the EEA/MEPA Greenhouse Gas (GHG) Emissions Policy.

The ENF indicated that the project may receive financial assistance for infrastructure improvements and will require a c.91 License. Therefore, MEPA jurisdiction is broad in scope and extends all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

Request for Single EIR and SRP

In accordance with Sections 11.05(7) and 11.09 of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA for Phase I of the project with a Single EIR, rather than require the usual two-step Draft and Final EIR process, and to establish a SRP for evaluating Phase II of the project. The Expanded ENF and request for a SRP received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I hereby find that the Expanded ENF meets the regulatory standards. As noted above, I have also issued a separate Certificate establishing a Special Review Procedure (SRP). Pursuant to the Certificate establishing the SRP, the Proponent must file a Notice of Project Change (NPC) describing the potential cumulative environmental impacts of the Full Build phase of the Project (Phase I and Phase II combined) prior to commencement of any portions of the Phase II development. I will then issue a Certificate on the NPC that outlines a Scope for a Full Build Single EIR for the Full Build of the project. In consideration of the above, I will allow the proponent to prepare a Single EIR for Phase I of the project in fulfillment of the requirements of Section 11.07 of the MEPA regulations.

I acknowledge the proponent's efforts in developing the EENF, which contained information that has been particularly helpful in understanding the project and potential project impacts on tidelands and transportation infrastructure. While I am allowing the proponent to prepare a Single EIR for Phase I of the project, several items have been identified in comments on the EENF that must be addressed in detail in the Single EIR. I retain my authority to require further review in the form of a Supplemental Single Environmental Impact Report if issues outlined in this Scope and in comments are not thoroughly addressed in the Single EIR. The proponent may, if they so choose, file a joint Project Impact Report (PIR) and Single EIR with both the BRA and MEPA, responding collectively to the separate scopes issued by each agency

## SCOPE

General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope.

Project Description and Permitting

The Single EIR should include a detailed description of the proposed project and describe any changes to the project since the filing of the EENF. Within the EENF summary form it was unclear if the total impact calculations provided were for the first phase of development (Phase I) or the overall development program (Phase I and Phase II). The Single EIR should provide clear calculations of environmental impacts associated with the first phase of the project and provide a

conceptual estimate of cumulative project impacts associated with Full Build condition (based upon the building program presented in the EENF). The Single EIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The Single EIR should include a list of required permits and approvals and provide an update on the status of each permit and/or approval.

Alternatives

The project will alter the existing conditions of the project site through the construction of this mixed-use development. The project provides an opportunity to redevelop the exhibition center, hotel and office area into a vibrant mixed-use community with increased open space and transit oriented features.

The Single EIR should analyze the following alternatives:

- A No-Build Alternative;
- A Modified Entry Alternative that removes the use of North Site Drive as a project site entry point;
- A Modified Preferred Alternative that accommodates a public roadway that separates the buildings on the project site and DCR's West Link Park; and
- A Preferred Alternative.

The Single EIR must also include a summary (and associated supporting graphics) of previously considered design alternatives that were discarded during the Columbia Point master planning process or other neighborhood design meetings. These previously discarded conceptual design plans should be presented in the Single EIR to support the proponent's conclusion that the Preferred Alternative avoids, minimizes, and mitigates damage to the environment.

It is possible that, subsequent to the completion of the alternatives analysis, the Preferred Alternative could be modified in comparison to that presented in the EENF. The Single EIR should identify the impacts for each of the alternatives on land alteration (including impervious area), tidelands, traffic, parking, drainage, and wastewater in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. The Single EIR should specifically address how each alternative will not preclude the Proponent from meeting the necessary mitigation measures associated with required State agency actions (e.g., c.91 license, land transfers, etc.) for the Phase II development. I encourage the Proponent to use the guidance provided in State Agency comment letters that refer to Phase II design and layout to assist in meeting the aforementioned directive. Phase I alternatives should not prevent Phase II from avoiding, minimizing or mitigating damage to the environment, both as a discrete phase or when considering the project's cumulative impacts.

The Single EIR should identify and explain any project phasing, including potential impacts on construction sequencing and traffic patterns. The Single EIR should provide an update on the Columbia Point Master Plan and the project's consistency with plan goals.

Land

The project is located proximate to numerous DCR properties. The project is bounded by DCR's Old Harbor Reservation that includes Carson Beach, Mother's Rest, Old Harbor Park, and West Link Park. Vehicular access to the site is provided in part via DCR's William J. Day Boulevard (Day Boulevard) from a leased access road (North Site Drive) that crosses DCR property. The project will require an Article 97 disposition of land to 1) convey a proposed easement (to replace the existing temporary lease) and 2) to realign the North Site Drive across DCR property.

The Single EIR should identify existing Article 97 lands adjacent to the project site, ownership of the parcels, and the boundaries of the areas proposed for transfer. The Single EIR should provide an analysis of the project's compliance with the Executive Office of Energy and Environmental Affairs' (EEA) Article 97 Land Disposition Policy. As requested by DCR, this analysis should include: 1) an assessment of the feasibility of the project absent any disposition of DCR real property interests, 2) an assessment of the value in use of the easement as it contributes to the project as a whole, and 3) the means by which the Proponent will address the no-net loss of open space requirement of the Land Disposition Policy.

DCR has noted an apparent lack of neighborhood open space provided on-site for the Phase I development. The Boston Parks and Recreation Department (BPRD) has expressed similar concerns regarding usable passive and active open space given potential increases in neighborhood populations. I anticipate that the Proponent will prepare an open space impact assessment as required by the BPRD for large-scale development projects. In the Single EIR the proponent should explore and incorporate into the Preferred Alternative additional quality active recreation space, tot lots, playgrounds, or other community facilities on-site and evaluate ways to integrate open space and public areas into the site design. The Proponent must ensure that the Phase I development will not preclude the ability of the project to meet City open space requirements during the Full Build condition. I encourage the Proponent to meet with the BPRD to discuss ways to meet City goals, needs, and guidelines with regard to open space in a manner commensurate with project impacts.

The Single EIR should include details regarding site grading and potential impact to DCR property. In particular, estimates on the amount of fill to raise the project site elevation, connections to existing off-site grades and potential impacts to adjacent off-site drainage.

Traffic and Transportation

The EENF included a traffic study that evaluated the estimated traffic trip generation associated with the Phase I build condition and the Full Build condition. The project site is

located proximate to existing bus, light rail and commuter rail stations and a portion of traffic trips to and from the site are expected to be diverted to public transportation. The EENF traffic and transportation study also evaluated pedestrian movements within the corridor. The Boston Transportation Department (BTD), the Massachusetts Highway Department (MassHighway) and DCR all have jurisdiction over some part of the traffic study area. DCR has custody and control of several roadways in the immediate vicinity of the project, including Morrissey Boulevard, Day Boulevard, Columbia Road and Kosciuszko Circle. Proposed intersection improvements in associated with mitigation efforts are limited to DCR and BTD roadways.

New traffic trips on the roadway system attributable to the project were determined after internal trips, transit and pedestrian trips, pass-by and diverted link trips were subtracted. The EENF estimates Phase I impacts to be approximately 6,710 new primary auto trips on a daily weekday and approximately 8,040 new primary auto trips on a daily Saturday. The EENF indicates that the Phase II development will add an additional 2,725 vehicle trips (adjusted). Therefore, the Full-Build condition, as presented in the EENF will generate approximately 9,120 new vehicle trips on a weekday and 10,765 new vehicle trips on a Saturday, when adjusted for internal trips, transit trips, etc. Unadjusted traffic trips are estimated at 21,560 new vehicle trips on a weekday and 26,210 new vehicle trips on a Saturday.

The Single EIR should include a revised and updated traffic study prepared in conformance with EOEEA/EOTPW Guidelines. In addition to a general response to comments, the Proponent shall provide a detailed response to the Traffic subsection of the comment letter dated August 15, 2008 submitted by DCR, and I hereby incorporate by reference the additional requests for information contained in that letter as part of the scope of the Single EIR. The updated traffic study should reflect the guidance provided in this DCR comment letter. The Single EIR should explicitly address how the project will accommodate bicycle and pedestrian traffic, including safety precautions and promotion of bicycle or pedestrian use through site design or other incentives. The Single EIR should include an updated Transportation Demand Management (TDM) plan that includes commitments to TDM measures to reduce overall vehicle trips to the project site.

The Single EIR should include conceptual plans for the proposed roadway improvements that should be sufficient detailed to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. The Single EIR should identify how each roadway improvement is consistent with applicable design and performance standards based upon roadway jurisdiction. Provisions for pedestrian and bicycle accommodations should be depicted on the conceptual plans, including those located on internal project roadways.

The project will contribute to an anticipated increased density in the Columbia Point neighborhood. The Single EIR should investigate the viability of providing an appropriately scaled on-site water transportation facility as a means to reduce vehicle traffic trips. If this is not feasible, I encourage the Proponent to work with local stakeholders to identify other appropriate water transportation enhancements in the Columbia Point neighborhood.

*Parking*

The EENF indicated that under existing conditions, the project site contains a total of 2,189 parking spaces. The site will contain a total of 1,884 total parking spaces during Phase I development, a reduction of 305 spaces from existing conditions. The EENF estimated that an additional 921 parking spaces will be added in Phase II, for a Full Build parking total of 2,805 parking spaces. I have received several comments expressing concern regarding the large number of parking spaces provided in the development program and the potential to promote vehicle trips to the site in lieu of viable public transportation, bicycle or pedestrian modes. The Single EIR should provide parking space/use ratio data, required parking minimums in accordance with City of Boston zoning, and projected need data to determine how the amount of proposed parking spaces were derived. The Single EIR should outline a Parking Demand Management plan, including parking spaces dedicated to ridesharing/carpooling, fee structures (if any), or other incentives that may be implemented to reduce vehicle trips to the project site and use of parking. Integral to a Parking Demand Management program is data to determine the number of users and overall parking behaviors; I strongly encourage the Proponent to prepare a draft parking monitoring plan for inclusion in the Single EIR.

Air Quality

The EENF included a mesoscale analysis for the Phase I portion of the project. Mesoscale emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx) were calculated for four scenarios: 2008 Existing, 2013 No-Build, 2013-Build, and 2013 Build with Mitigation. The analysis used the U.S. EPA MOBILE6.2 Mobile Source Emission Factor Model, and followed protocol approved by MassDEP. MassDEP has indicated that due to the high number of vehicle trips and expected air emission impacts, the Proponent must implement a number of measures to reduce these impacts and comply with air quality regulations and policies.

MassDEP has concluded that the estimated vehicle trips used in the EENF mesoscale analysis may underestimate the potential emission impact of the project. MassDEP has identified three key issues pertaining to the mesoscale analysis: 1) the origin of the vehicle trip numbers used for the analysis, 2) the apparent use of adjusted trips in the analysis, and 3) the use of adjusted trips from Phase I alone. As part of the Single EIR, the Proponent should provide a revised mesoscale analysis prepared in accordance with MassDEP standards that considers impacts from both the Phase I and Full Build condition. The proponent should consult with MassDEP prior to undertaking an updated study to confirm that appropriate assumptions are made and suitable mitigation measures (i.e. incentives to reduce trips to the project site) are proposed.

Greenhouse Gas Emissions (GHG)

The proposed project is subject to EEA's Greenhouse Gas (GHG) Emissions Policy and Protocol which requires that proponents quantify project-related GHG emissions and propose

and quantify the impact of mitigation measures to reduce GHG emissions. A copy of the GHG Emissions Policy and Protocol may be found at: http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf.

The EENF included an analysis of potential GHG emissions associated with Phase I of the project. The GHG Policy requires that Proponents quantify GHG emissions for a baseline scenario, a build scenario, and a build with mitigation scenario. I note that in the EENF, the Proponent presented the Build with Mitigation scenario as the Preferred Alternative.

The Single EIR should reflect a commitment to pursue additional GHG mitigation measures. The recent enactment of comprehensive energy reform and economy-wide greenhouse gas regulatory mandates in Massachusetts is a clear indication that the Commonwealth understands the risks posed by global climate change and is committed to ensuring that Massachusetts does its part to reduce its greenhouse gas emissions. This law will require that the Commonwealth quantify all sources of GHG emissions and take effective steps to minimize contributions from each sector. Because this project will be phased over many years, the proponent should anticipate that future phases of the project may be subject to requirements to reduce GHG emissions consistent with the new legislation. In view of the foregoing, I am convinced that the proponent will honor its commitment to sustainability with a more detailed description of measures it will implement to reduce GHG emissions in the Single EIR and consider establishing a target for reductions in project-wide GHG emissions that will be achieved for each phase.

The Proponent has shown a 30 percent reduction in $CO_2$ emissions for the Build with Mitigation scenario in the EENF. This reduction is noteworthy; however it appears higher than comparable projects with similar stationary and mobile source GHG measures. The Single EIR must demonstrate how the Proponent has calculated this reduction, and how the proposed mitigation measures will achieve the predicted reduction, or any predicted higher reduction resulting from additional GHG mitigation measures proposed in the Single EIR. This updated GHG analysis should be prepared after consultation with MassDEP, Division of Energy Resources (DOER), and the MEPA office to confirm modeling assumptions, proposed mitigation measures, and other modeling protocols.

Commenters have outlined additional GHG reduction measures that were not considered in the EENF GHG analysis. The Proponent should evaluate the feasibility of the additional suggested measures.

The Single EIR should respond to the comments by MassDEP/DOER with respect to:

- Explanation of building orientation and discussion of expected impacts on energy usage;
- Energy efficient exterior lighting;
- Interior day-lighting of buildings;
- Duct insulation;
  Incorporation of third-party building commissioning;
- Implementation of building energy management systems;

- Roof and wall insulation;
- Windows;
- **On-site renewable energy** sources. The Single EIR should evaluate the use of photovoltaic (PV) systems in accordance with the recommendations of DOER. The Single EIR should also investigate the use of solar thermal sources on-site;
- District heating and cooling systems or if this is infeasible, HVAC systems;
- Water supply and wastewater treatment facility energy demands; and
- Materials management.

If the proponent chooses not to model a specific mitigation measure recommended by MassDEP/DOER because it determines the measure to be infeasible for this particular project, the Single EIR must justify why modeling was not conducted. If, after further evaluation of a GHG mitigation measure using energy modeling software, the proponent does not propose to implement the measure, the Single EIR should provide technical and cost analyses to document the rationale for not making the commitment.

The GHG analysis should include updated indirect emissions sources information based on a revised mesoscale analysis. The GHG analysis should be based on the version of the Massachusetts State Building Code in effect at the time of the filing of the Single EIR. The Single EIR should evaluate both the anticipated GHG impact of new construction, as well as the GHG impacts associated with existing facilities that will remain part of the project (i.e. the existing office building and hotel). I encourage the Proponent to consider retrofitting building systems or materials in the office and hotel buildings as a way to reduce net $CO_2$ emissions from the project site. The proponent should clarify which specific measures will be implemented, provide supporting modeling data that reflects the implementation of these measures, and clearly depict how these measures reduce GHG emissions in a future Build with Mitigation scenario. The Single EIR should clearly present modeling data inputs, the results of calculations used to quantify Existing Conditions, the Build Conditions, and the impact of proposed emissions-reduction mitigation. If the proponent uses graphics, graphics should be produced so that the reader can understand the results and understand the potential $CO_2$ reductions associated with individual mitigation measures. In the Single EIR, the proponent should fully explain any trade-offs inherent in the evaluation of GHG reduction measures, such as increased impacts on some resources to avoid impacts to other resources. If it is not possible to implement significant GHG emissions reduction measures on site, the Proponent should consider off-site mitigation measures or offsets as outlined in the GHG Policy.

Wetlands, Waterways and Tidelands

The project site contains approximately 10.8 acres of filled private tidelands. The project site also contains 26.7 acres of Land Subject to Coastal Storm Flowage. The site is entirely separated from the nearest flowed tidelands in Dorchester Bay by the DCR Old Harbor Reservation. The EENF has noted that since the project itself is not directly located on Dorchester Bay, the Proponent has focused on improving the access to these areas from the surrounding street and public transit network in order to meet the public benefit components of

the c.91 Regulations. The MassDEP Waterways Regulation Program (WRP) has indicated that a relatively small portion of the Phase I buildings are subject to c.91 jurisdiction, but each of the conceptual buildings shown for Phase II are entirely or substantially within c.91 jurisdiction. Parking areas, roadways, open space and utilities are also located within c. 91 jurisdiction. The Single EIR should also document the proportion of filled tidelands within the Phase I area that will be covered by the buildings to be constructed in that phase.

The WRP has acknowledged the Proponent's request for a consolidated written determination (CWD) for Phase I, which would allow for the separate c.91 licensing of each building, as necessary. The WRP has stated that each phase of the project and the project in its entirety should comply with the c.91 regulations. The Single EIR should provide an updated discussion of how the project will meet the c.91 regulatory requirements, noting that the entrance roadway from Day Boulevard may also require c.91 authorization. I encourage the proponent to continue to explore ways to enhance public access and enjoyment of the parkland adjacent to the project site. Such mitigation may include maintenance agreements, signage, or other access enhancements to ensure continued public access to the area. Finally, in the advancement of the Phase I design and layout, the Proponent should consider the potential impact of Phase I design on the ability to meet future c.91 requirements associated with Phase II and full build-out.

The Office of Coastal Zone Management (CZM) has requested additional information in the Single EIR regarding the location and extent of flood zones on the project site. The Single EIR should provide details regarding how the flood zones were delineated and provide an overlay of the zones on a plan showing the current elevations. The Proponent has indicated in the EENF that the site will be graded to raise the lowest portions of the site out of the flood zone. The EENF also noted that considerations for sea-level rise will be worked into the final elevations of buildings and grades. The Single EIR should elaborate on how elevations will be adjusted to allow for sea-level rise, including the source of anticipated sea-level rise data. The Proponent should address the CZM recommendations regarding the potential for wave propagation impact to the proposed area of fill, channelization of flow, and alternative project designs that may reduce potential impacts associated with the proposed project. A conceptual discussion of these mitigation measures should be presented in the Single EIR.

Stormwater

The Single EIR should evaluate stormwater runoff impacts during construction and post-construction periods. The Single EIR must demonstrate that source controls, pollution prevention measures, erosion and sedimentation control, and the post-development drainage system will be designed in compliance with the MassDEP Stormwater Management regulations (SMR). Consideration should be given to the presence of contaminated groundwater, sediment or stormwater in the development of Best Management Practices (BMPs) for the erosion control plan. In compliance with the SMR, the Single EIR should include a discussion of what types of low impact development (LID) and integrated management practices (IMP) were considered for use on the project site and those that will be implemented into the final project design.

Existing and proposed drainage conditions should be confirmed in the Single EIR, including any modifications or connections that may be necessary within DCR roadways subsequent to intersection improvements. The Proponent should outline how stormwater discharges will be handled if the new CSO is not complete by the time Phase I goes online. The Single EIR should address how as much stormwater as possible will be retained on-site and the feasibility of recharging groundwater through the infiltration of stormwater from roof runoff or other sources.

Wastewater / Water

The project will generate a total of approximately 200,860 GPD of wastewater. Wastewater generated by the project will discharge into the Boston Water and Sewer Commission (BWSC) sewer system, which flows into the MWRA system and ultimately to the Deer Island Wastewater Treatment Facility.

The MWRA has noted that given the location of the existing (MWRA Sewer Section 175) and the new Combined Sewer Overflows (CSO) facilities planning near the project site, the Proponent will be required to file an MWRA 8(m) permit application. The proponent should actively work with the MWRA during this permitting process. Additional project permitting requirements may be necessary for wastewater discharges from the project site. These permitting requirements would be associated with groundwater discharges, the use of gas/oil separators in the proposed parking garages and/or discharges from hotel laundry or commercial wastewater.

The Proponent should confirm that the water, sewer, and storm drainage systems serving the project site have sufficient capacity to meet the project demands. The Single EIR should include estimates of peak water demand for the proposed project and include irrigation water demand (if any) in both daily flow and peak water demand estimates. The Single EIR should outline a plan for water reduction measures that will be incorporated into site design and operations. MassDEP routinely requires Proponents proposing to add significant new wastewater flow to assist in the reduction of infiltration and inflow (I/I) to ensure that the additional wastewater flows are offset by the removal of I/I. The Proponent should work with the BWSC, and consult with MassDEP, to remove a minimum 4:1 ratio of I/I removal.

Construction Period Impacts

The Single EIR should provide updated information on construction sequencing, phasing and construction period impacts. The Single EIR should conceptually address how existing uses on or adjacent to the project site (i.e. the Teacher's Parcel, etc.) will continue to operate during the construction period. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. The Single EIR should discuss and commit to a plan for reuse and recycling of construction materials. The proponent should consult with MassDEP for appropriate standards and guidelines for managing demolition and construction waste.

I encourage the proponent to outline in the Single EIR the measures that will be implemented to reduce construction-period diesel emission mitigation. Current options to reduce the emissions include the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). Additionally, MassDEP has recommended that the Proponent use ultra low sulfur diesel (ULSD) fuel in construction equipment. Commitments to these mitigation measures may be outlined in the Single EIR.

Mitigation

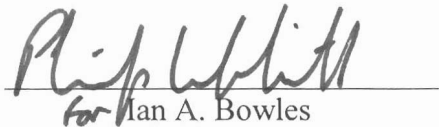
The Bayside project provides numerous opportunities for mitigation of anticipated project impacts. The Single EIR should outline a clear commitment to viable and effective mitigation measures to offset projected environmental impacts. The Single EIR should include a separate chapter summarizing proposed mitigation measures. The proposed mitigation measures should anticipate to the extent possible the necessary mitigation measures associated with Phase II of the development and discuss how Phase I mitigation measures will not preclude any necessary mitigation for Phase II of the development. This chapter should also include a draft Section 61 finding for each state agency that will issue permits for the project. Each draft Section 61 finding should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation based upon discrete project construction milestones.

Comments/Circulation

The Single EIR should contain a copy of this Certificate and a copy of each comment letter received. 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 this certificate.

The proponent should circulate the Single EIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the Single EIR should be made available for review at the local branch of the Boston Public Library.

August 22, 2008
Date



for Ian A. Bowles

Comments received:

08/13/2008 Massachusetts Water Resources Authority
08/15/2008 Office of Coastal Zone Management
08/15/2008 Boston Parks and Recreation Department

08/15/2008 Boston Water and Sewer Commission
08/18/2008 Massachusetts Department of Environmental Protection – NERO
08/18/2008 Department of Conservation and Recreation
08/18/2008 WalkBoston
08/18/2008 The Boston Harbor Association

IAB/HSJ/hsj