

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114-2524

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.
SECRETARY

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

December 1, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ESTABLISHING A SPECIAL REVIEW PROCEDURE

PROJECT NAME : Snow and Ice Control
PROJECT MUNICIPALITY : Statewide
PROJECT WATERSHED : Statewide
EOEA NUMBER : 11202
PROJECT PROPONENT : Massachusetts Highway Department
DATE NOTICED IN MONITOR : August 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby establish a **Special Review Procedure** for the above-referenced project. Because provisions for GEIRs were removed from the MEPA regulations when they were revised in 1998, MEPA review going forward will be governed by this Special Review Procedure¹. In a separate Certificate on the Generic Environmental Impact Report (GEIR), I am requiring supplemental environmental review in the form of an Environmental Status and Planning Report (ESPR), which will serve under the terms of this Special Review Procedure as a Supplemental Environmental Impact Report.

This GEIR is a continuation of submissions for Snow and Ice Control by the Massachusetts Highway Department (MassHighway). Prior GEIRs were prepared in 1978 and 1995; a Certificate requiring the current GEIR was issued in 1997. As proposed in 1997, the project consisted of a description of the methods used by state agencies to control snow and ice on roadways, the impact these methods have on the environment, and the mitigation implemented to compensate for these impacts. The agencies participating in the development of the current GEIR were to include MassHighway, the Massachusetts Turnpike Authority (MTA), and the Metropolitan District Commission (MDC; now the Department of Conservation and Recreation, or DCR). MassHighway was the designated lead agency in preparing the GEIR. The GEIR was scoped to be the basis for management and regulation of snow and ice control measures on state-owned roadways in Massachusetts. A key purpose of the GEIR was to protect

¹ For the purposes of 301 CMR 11.05(7), which requires that an Expanded Environmental Notification Form (EENF) be filed in conjunction with a request for a Special Review Procedure, I find that the GEIR provides sufficient information to allow me to accept the GEIR as the EENF.

sensitive resource areas and determine whether a proactive (rather than reactive) approach is needed.

In establishing a scope for an ESPR, I am building on a process employed by the Massachusetts Port Authority (Massport), which has been successfully used at both Logan International Airport and Hanscom Field, where the ESPR has replaced the GEIR process. In Massport's case, the ESPR is updated every five years, and provides an effective mechanism for reporting on baseline environmental conditions and management measures, assessing current conditions and likely trends in the industry, describing and analyzing the impacts and benefits of current and project future levels of use, proposing modifications to management measures, and identifying measures to avoid, minimize and mitigate for impacts.

Because MassHighway periodically reviews and makes adjustments to its management of snow and ice control based on safety, economic, environmental, and practical considerations, I believe that ongoing periodic reporting through the ESPR process is appropriate and necessary. I also concur with comments on the GEIR that express concern that the current approach to MEPA review, whereby GEIRs have been completed periodically and separated by multiple years, has not been an effective means of assessing and addressing the environmental impacts associated with MassHighway's snow and ice control programs. My intent is to provide MassHighway and the relevant state agencies the flexibility to identify and address aspects of MassHighway's snow and ice control programs that have environmental impacts in a manner that best serves both the agencies' and MassHighway's respective regulatory and roadway management responsibilities.

SPECIAL REVIEW PROCEDURE

The proponent, MassHighway, shall prepare an Environmental Status and Planning Report (ESPR) Work Plan with a Draft Scope of Work for the ESPR. In a separate Certificate, I am issuing a scope to guide the preparation of this Work Plan for the future ESPR, which shall be filed for my review no later than December 31, 2007. I am also requiring the proponent to prepare a subsequent ESPR. The ESPR shall follow the regulatory requirements for the content of an Environmental Impact Report at 301 CMR 11.07 as modified by this Special Review Procedure and the Certificate on the GEIR.

The ESPR shall be based on formal consultation with the Department of Environmental Protection (MassDEP), the Department of Conservation and Recreation (DCR), and the Natural Heritage and Endangered Species Program (NHESP), and in coordination with The Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, and the Massachusetts Turnpike Authority (as Authorities with roadway management responsibilities). The ESPR shall present a proposed work plan that represents consensus, to the extent feasible, among MassHighway, MassDEP, DCR, and NHESP, regarding how the issues raised by the GEIR and agency comments will be addressed. The work plan shall identify a schedule for

providing that information for MEPA review in the form of subsequent ESPRs. If necessary, the ESPR shall also contain a request to modify this Special Review Procedure that reflects the proposed work plan and schedule.

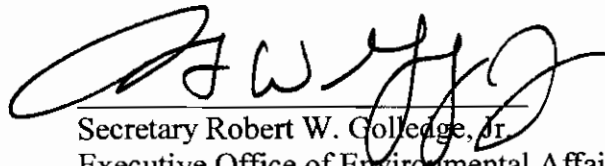
The proponent shall circulate the ESPR in accordance with 301 CMR 11.16. I will publish notice of availability of the ESPR in the *Environmental Monitor*, and accept public comment for 30 days. Within seven days of the close of the public comment period, I shall issue a Certificate which determines the adequacy of the ESPR.

Prior to filing the ESPR with MEPA, MassHighway shall convene at least one meeting of individuals and organizations who have commented on the ENF Certificate of 1997 and the 2006 GEIR to review and discuss the proposed work plan. I believe that such review and discussion, in conjunction with agency consultation described above and a 30-day review and comment period is sufficient to assist me in reviewing this project. I am therefore not establishing a Citizens Advisory Committee (CAC) at this time.

After careful review, I find that establishing a Special Review Procedure serves the purposes of MEPA, and provides meaningful opportunities for public review, analysis of alternatives, and consideration of cumulative environmental impacts.

DECEMBER 1, 2006

Date



Secretary Robert W. Colledge, Jr.
Executive Office of Environmental Affairs

Date

Commissioner Luisa Paiewonsky
Massachusetts Highway Department