



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>

December 12, 2007

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

PROJECT NAME : Proposed Swansea Mall Expansion
PROJECT MUNICIPALITY : Swansea
PROJECT WATERSHED : Narragansett/Mount Hope Bay
EEA NUMBER : 14133
PROJECT PROPONENT : Carlyle Swansea Partners, LLC, c/o Carlyle Development Group, Inc.
DATE NOTICED IN MONITOR : November 12, 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 a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project includes an expansion of the Swansea Mall located on Route 118 at Cousineau Drive in Swansea. The Swansea Mall has approximately 596,000 square feet (sf) of retail space on the 96.09-acre mall property. The project will consist of the demolition of the existing attached 93,100 sf Wal-Mart store and the construction of a new 160,000 sf freestanding Wal-Mart located approximately 200 feet south of the existing Wal-Mart. The new building will be located mostly within an area presently occupied by mall parking, but some grading, parking and a stormwater management basin will be constructed in presently undeveloped portions of the mall property.

Project impacts, as outlined in the ENF, include the alteration of 4.5 acres of land and the creation of 3.35 acres of new impervious area. The project will result in the creation of 2,042 new vehicle trips per day and generation of 5,556 gallons per day (gpd) of wastewater. The proponent has indicated that they have requested and received a variance from the Town of Swansea to reduce overall parking at the mall by a total of 152 spaces. Comment letters received on the project indicate that this variance has been appealed by an aggrieved party or parties. No direct wetland alteration is proposed, as on-site impacts will be limited to 100-foot buffer zone to wetland resource areas. The proponent has proposed mitigation for traffic impacts in the form of the installation of traffic signals at the Route 6/I-195 westbound ramps and the Route 6/I-195 eastbound ramps, as well as modification of the signal timing at the Route 6 at Swansea Mall Drive and the Hess Gas Station Driveway.

Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to Sections 11.03(6)(b)(13) because it requires a State permit and will result in the generation of 2,000 or more new average daily trips (adt) on roadways providing access to a single location. The project will require a Highway Access Permit from MassHighway. A Modification of Existing Groundwater Treatment Facilities (BRPWP68) approval may be required from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the United States Environmental Protection Agency (U.S. EPA). Finally, the project must obtain an Order of Conditions from the Swansea Conservation Commission, or in the case of appeal, a Superseding Order of Conditions from MassDEP.

Because the proponent is not seeking financial assistance from the Commonwealth for the current phase of the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction applies to impacts to transportation, wetlands, wastewater, and stormwater.

This project is not subject to the requirement to prepare a Mandatory Environmental Impact Report (EIR), per 301 CMR 11.03. Several commenters have requested that I require a discretionary Environmental Impact Report (EIR) for this project. While I recognize the concerns conveyed by various parties, I am confident that those issues related to *State* agency actions can be adequately addressed during the individual permitting processes with MassHighway and MassDEP. A number of the concerns expressed pertain to local roadways or those development details specific to the local Site Plan Review processes. I note that the proponent has committed to work with the Town of Swansea during the MassHighway approval process and the local review process to provide additional data related to the potential traffic impacts of this project.

Traffic and Transportation

MEPA jurisdiction is limited to impacts to designated State Highways and intersections. The proposed project is estimated to generate an additional 2,042 new vehicle trips on an average weekday. A MassHighway permit is required for access to I-195 and Route 6. The ENF included a traffic study prepared in conformance with the EOEEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessments. The Executive Office of Transportation (EOT) has indicated that the superstore component of the Wal-Mart is not expected to exceed the threshold for mandatory preparation of an EIR and, therefore, EOT has recommended that no further environmental review be required based on traffic.

Transportation-related mitigation measures outlined by the proponent include the installation of traffic signals at the Route 6/I-195 westbound and eastbound ramp intersections, as well as traffic signal modifications at the Route 6/Swansea Mall/Hess Driveway. EOT has indicated that this level of mitigation is satisfactory; however as part of the design review process with MassHighway the proponent will need to provide updated traffic counts to address the shift in traffic that may have occurred while the bridge over I-195 was under construction. EOT concluded that they believe that any remaining issues that may arise regarding the impact of this project can be adequately addressed during the MassHighway permitting process.

In response to comments made by the Southeastern Regional Planning and Economic Development District (SRPEDD) and other parties, the proponent's traffic consultant, Vanasse and Associates, Inc. (VAI), on behalf of the proponent, has committed to several additional steps to be undertaken during the local approval process. These commitments are outlined in a December 3, 2007 letter from VAI to Secretary Ian Bowles. While MEPA does not have jurisdiction over local roadway issues, I expect that the following measures will be undertaken by the proponent in accordance with the commitments outlined in the VAI letter:

1. Traffic counts- the completion of supplemental traffic counts to ensure that the collected data is representative of typical conditions, particularly in light of recent road work near the project site.
2. Safety Analysis – Full analysis and review of crash history data based on local police records for the Route 6 at Swansea Mall Drive and Hess Gas Station intersection.
3. Route 6 at Maple Avenue – Review of existing lane configurations to determine if modifications are necessary or appropriate.
4. All comments issued by SRPEDD in their November 28, 2007 comment letter will be addressed during the MassHighway state review and local permitting process for this project. The proponent should work with SRPEDD prior to filing with either review agency to ensure that concerns have been satisfactorily addressed.

Wetlands/Stormwater

The project will not result in the direct impact to on-site wetland resource areas. Approximately 3,000 sf of grading may occur within the 100-foot buffer zone to Bordering

Vegetated Wetlands (BVW). The ENF has noted that no new impervious areas will be introduced within the 100-foot wetland buffer zone. The proponent will be required to prepare an erosion and sedimentation control plan in accordance with NPDES CGP requirements. Furthermore, stormwater runoff quality and quantity controls should be designed in compliance with Swansea's NPDES Phase II MS4 designation. I anticipate that compliance with these measures will be included in the Notice of Intent filed with the Swansea Conservation Commission in conjunction with the Massachusetts Wetlands Protection Act.

I strongly encourage the proponent to investigate the implementation of low impact development (LID) techniques to further mitigate stormwater runoff from the project site. The primary tools of LID are the use of landscaping features and naturally vegetated areas in site design, which encourage the detention, infiltration and filtration of stormwater on-site, and the in-basin recharge of groundwater resources. Other tools include water conservation and use of pervious surfaces. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>. The proponent should strive to infiltrate roof runoff to the extent practicable given existing soil conditions for recharge to groundwater. I encourage the proponent to continue the exploration of innovative solutions to stormwater management to mitigate potential stormwater impacts from the project.

The proponent should design and construct the stormwater management system in accordance with the Massachusetts Stormwater Management Policy (SMP). Various on-site Best Management Practices (BMPs) include driveway and parking lot sweeping, deep sump hooded catch basins and an extended detention pond. The existing detention pond will be enlarged and modified to convey and treat additional stormwater flows from the new structure. The ENF included a discussion of project compliance with the SMP's nine standards, including a discussion of compliance with the 80% removal of total suspended solids (TSS) requirement, and confirmation that the stormwater management system has been designed to treat water quality and quantities associated with areas of higher potential pollutant loads. The proponent should provide supporting data and calculations for further consideration during the Notice of Intent process.

Wastewater

The project will generate an additional 5,556 gpd of wastewater. The ENF indicates that upon construction of the new Wal-Mart, the wastewater treatment facility (WWTF) will have an excess capacity of 27,016 gpd. MassDEP has confirmed that there will be adequate capacity at the WWTF to accommodate the increase. According to the MassDEP comment letter, if the project results in an increase or modification to the sewer system on-site, the project would be subject, at a minimum, to filing an application to MassDEP for a Modification of Existing Groundwater Treatment Facilities, BRPWP68.

Construction Period Impacts

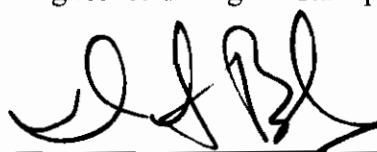
The proponent should prepare an erosion and sedimentation control plan in accordance with the NPDES CGP and any conditions outlined by the Swansea Conservation Commission. The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and work with Town officials and mall management to ensure that access to businesses and neighborhoods will not be adversely affected during the construction period.

The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. The proponent is reminded that off-road equipment engines must use low sulfur diesel (LSD) fuel as of July 2007. The proponent may also use on-road low sulfur diesel (ULSD) fuel.

The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required.

December 12, 2007
Date



Ian A. Bowles

Comments received:

11/17/2007 Maureen Estes
 11/19/2007 Roland and Margaret Dube
 11/21/2007 Eleanor Lazarek and Victor Lara
 11/26/2007 Juli Parker
 11/27/2007 Maureen Estes (2nd comment)
 11/28/2007 United Brothers of Carpenters and Joiners of America
 11/28/2007 Southeastern Regional Planning and Economic Development District (SRPEDD)
 11/30/2007 Peter J. Cura, P.C.
 12/02/2007 Mr. and Mrs. Raymond and Joyce Deuso
 12/03/2007 Cynthia A. Durfee
 12/03/2007 Massachusetts Department of Environmental Protection – SERO
 12/03/2007 Vanasse and Associates, Inc.
 12/03/2007 Executive Office of Transportation
 12/05/2007 Mrs. Jon Hinckeliff
 IAB/HSJ/hsj