



CITY OF BOSTON

THE ENVIRONMENT DEPARTMENT

Boston City Hall, Room 709 • Boston, MA 02201 • 617/635-3850 • FAX: 617/635-3435

June 8, 2018

Samuel Moffett
TRC Environmental
650 Suffolk Street
Lowell, MA 01854

CERTIFIED MAIL: 7015 0640 0001 0462 1524

RE: Notice of Intent for DEP File No. 006-1593 from TRC Environmental on behalf of the City of Boston Public Works Department for the proposed construction of a bridge connecting Moon Island to Long Island located in Boston Harbor, Boston, MA (LUO, Coastal Beach, Coastal Bank, LSCSF)

Dear Mr. Moffett,

Pursuant to the Massachusetts Wetlands Protection Act, General Laws, Chapter 131, Section 40, I have enclosed the Order of Conditions ("the Order") for the above referenced project. Please arrange to have the Order recorded at the Suffolk County Registry of Deeds in accordance with General Condition 9. Work on the project may not begin until the Boston Conservation Commission receives the completed Recording Information form.

In accordance with General Condition 12 of the Order, upon completion of the project a Request for a Certificate of Compliance (WPA Form 8A), must be filed with the Commission stating that the work has been satisfactorily completed. If the project filing included plans stamped by a registered professional engineer, architect, landscape architect or land surveyor a written statement by such professional must accompany the Certificate request confirming that the project has been completed in substantial compliance with the plans and the conditions of the Order.

Please make certain that all contractors and workers involved in the project review the permit conditions as required. Please also ensure that the pre-construction requirements listed in the section with the heading "Prior to Construction" are satisfied prior to the start of construction.

If you should have any questions regarding the enclosed Order of Conditions you may contact Boston Conservation Commission Staff at cc@boston.gov or 617-635-3850.

For the Commission,

Amelia Croteau, Executive Secretary
Boston Conservation Commission

cc: DEP NERO
Para Jayasinghe, PWD



Massachusetts Department of Environmental Protection

eDEP Transaction Copy

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Username: SMACARI

Transaction ID: 1022859

Document: WPA Form 5 - OOC

Size of File: 146.41K

Status of Transaction: In Process

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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 MassDEP File #:006-1593
 eDEP Transaction
 #:1022859
 City/Town:BOSTON

A. General Information

1. Conservation Commission BOSTON
 2. Issuance a. OOC b. Amended OOC

3. Applicant Details

a. First Name PARA b. Last Name JAYASINGHE
 c. Organization CITY OF BOSTON DPW
 d. Mailing Address ONE CITY HALL PLAZA, ROOM 710
 e. City/Town BOSTON f. State MA g. Zip Code 02201

4. Property Owner

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. Zip Code

5. Project Location

a. Street Address LONG ISLAND BRIDGE
 b. City/Town BOSTON c. Zip Code 02128
 d. Assessors 0107066000 e. Parcel/Lot# NA
 Map/Plat#
 f. Latitude 42.31046N g. Longitude 70.97693W

6. Property recorded at the Registry of Deed for:

a. County b. Certificate c. Book d. Page

7. Dates

a. Date NOI Filed : 5/2/2018 b. Date Public Hearing Closed: 5/16/2018 c. Date Of Issuance: 6/6/2018

8. Final Approved Plans and Other Documents

a. Plan Title: b. Plan Prepared by: c. Plan Signed/Stamped by: d. Revised Final Date: e. Scale:
 CITY OF BOSTON
 PUBLIC WORKS
 DEPARTMENT
 BRIDGE
 SUPERSTRUCTURE STV NIKOLE A BULGER, P.E. April 30, 2018 1"=80'
 REPLACEMENT
 LONG ISLAND
 BRIDGE

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:



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- | | | |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

a. The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

b. The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

a. linear feet

Inland Resource Area Impacts:(For Approvals Only):

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet
		<u> </u> h. cubic feet		



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8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

Coastal Resource Area Impacts:

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	40			
	a. square feet	b. square feet		
	0			
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	120	0		
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes				
	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	30			
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores				
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes				
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds				
	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	120			
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		



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which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"

[or "MassDEP"]

File Number : "006-1593"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period



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- BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with



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all applicable federal, state, and local laws and regulations.

- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHMENT



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No

2. The Conservation Commission hereby (check one that applies):

a. DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:



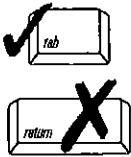
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E. Signatures

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.
 This Order must be signed by a majority of the Conservation Commission.

6/6/2018
 1. Date of Issuance
5
 2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

[Signature]

[Signature]
[Signature]
[Signature]

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

6/8/2018

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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Signature of Applicant

Rev. 4/1/2010

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20. The term "Applicant" as used in this Order of Conditions refers to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission must be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to the issuance of the Certificate of Compliance.
21. The property that is the subject of this Order and upon which the project is located will be referred hereinafter as "the subject property" or the "project site".
22. A member of the Conservation Commission or its agent may enter and inspect the property and the activities that are the subjects of this Order of Conditions (OOC) at all reasonable times, with or without probable cause or prior notice, and until a Certificate of Compliance (COC) is issued, for the limited purpose of evaluating compliance with this OOC.
23. The Applicant is hereby instructed to review such conditions with all contractors and workers involved in on site operations prior to the commencement of construction on this project. Any contractors and workers arriving after construction commences must also be apprised of these conditions.
24. The Applicant must attach a copy of this Final Order of Conditions (hereinafter "the Order") to the contract documents associated with this project.
25. The Commission reserves the right to impose additional conditions or require the submittal of additional information as necessary to protect the interests of the Act.
26. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water must cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Boston Conservation Commission (hereinafter "the Commission").
27. Where relevant, all facilities and equipment will be continually operated and maintained so as to comply with the conditions and the Massachusetts Wetlands Protection Act (hereinafter "the Act"). The Applicant, owner, successor or assigns will be responsible for maintaining all on-site drainage structures and outfalls, assuring the lasting integrity of the surface cover on the site and site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site and/or off-site wetland resource areas. This condition is a **maintenance** condition, and will not expire upon the issuance of a Certificate of Compliance.
28. A copy of the Order, including all referenced documents and plans, and all other subsequent approvals and directives issued by the Commission, must be available for inspection at the work area.
29. All project generated discharges, including stormwater, authorized by a NPDES permit, will be subject to the terms of the NPDES permit which is incorporated herein by reference pursuant to 310 CMR 10.03 (4). The Applicant must submit the NPDES permit to the Commission.
30. If required for the project, the Applicant will submit the Water Quality Certificate issued by the Massachusetts Department of Environmental Protection, pursuant to Section 401 and 404 of the federal Clean Water Act, to the Commission. If one is required, the terms of the Water Quality Certificate will be made part of this Order of Conditions. In no case will they exempt the proponent from any other condition of this Order. If a conflict arises between requirements of this Order and the requirements of the Water Quality Certificate the Applicant will request an amendment of this Order of Conditions to review the condition causing the conflict.
31. There may be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetland resource areas or 100-foot Buffer Zone (hereinafter "buffer zone") associated with those resource areas. Any equipment used in any wetland resource area or buffer zone that uses fuel, oil or hydraulic fluid must be inspected daily for leakage. Any equipment that requires repair must be repaired outside of any wetland resource area or buffer zone. Any equipment that uses fuel, oil and/or hydraulic fluid must be staffed at all times while operational within wetland resource areas or buffer zone. Equipment must not be re-fueled within any wetland resource areas.

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32. The Applicant and/or their contractor will develop a spill management plan for any hazardous materials that may be employed during work in the buffer zone or over the water. Specifically, the Applicant should prepare to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area at the work site, and on any project related vessels, for use in the event petroleum-based fluids are spilled or leaked. The contractor must have an oil sorbent boom at the project site and deploy the boom immediately upon observing any petroleum sheen on the watersheet. The spent material should be containerized and disposed of properly.
33. The Applicant must inform the Commission of any violation of this Order and any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The Applicant or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 9:00 AM - 5:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500. On the date of the issuance of this Order, the appropriate contact is Amelia Croteau, Conservation Agent: cc@boston.gov
34. The Applicant must submit for Commission staff review and approval an Oil Spill Prevention, Control and Countermeasure Plan, which must specify the containment measures and notification protocol to be implemented should a fuel spill occur. The fuel tanks must also have a leak detection system. The plan should include the continued maintenance of emergency fuel booms at the facility. The approved plan will be incorporated into this Order by reference herein, and will not expire upon issuance of a Certificate of Compliance.
35. Anti-degradation provisions of the Massachusetts Surface Water Quality Standards protect all waters including wetlands. The contractor must take all steps necessary to assure that the proposed activities will be conducted in a manner which will avoid violations of said standards.
36. Any mitigation measures required by federal, state, or other local agencies that may impact wetlands resource areas must be submitted to Commission staff for review to determine what level of permitting or authorization will be necessary.
37. All project related correspondence and submittals to the Boston Conservation Commission regarding this Final Order must indicate the DEP File number: 006-1593.

Prior to Construction

38. Prior to construction start up, the Applicant must submit final plans stamped by a registered professional engineer to Commission staff. Commission staff will determine if there have been significant revisions made to the plans referenced in this Order that may require further Commission review.
39. In advance of construction start-up on any section of this project, the Applicant must notify the Commission and, at the request of the Commission, may arrange an on-site conference of representatives of the Commission, the contractor, the project engineer and the Applicant to ensure that all the conditions of this Order are understood. The Commission must be notified at least 48 hours in advance of the date upon which construction activities on the site are to proceed. All appropriate construction impact mitigation measures must be in place prior to initiation of work on the project site.
40. The Applicant and/or their contractor must provide to the Commission written notification of the name, title, address and telephone numbers of the person or persons designated by the project proponent to be responsible for compliance with the Order on site. An emergency telephone number must be provided in the event that action is required during non-working hours.
41. The project supervisor overseeing daily operations at the site must read this Order and sign a copy of each page, indicating that each condition has been read and understood. These signed pages must be submitted to Commission staff.

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42. Before work at this site commences, the Applicant or their contractor must submit a final erosion and sediment control plan for review and approval by Commission staff. Final plans showing the points of discharge, wheel wash stations, sedimentation tanks and basins, oil separating equipment and other engineering structures should be provided to the Commission with a certified engineer's stamp and signature. To satisfy this condition the Applicant may submit a Storm Water Pollution Prevention Plan (SWPPP) required under the NPDES Construction General Permit for Storm Water Discharges for Construction Activities. The approved plan will be a condition of this Order by reference herein.
43. Prior to the commencement of construction and site clearing, an erosion and sediment control barrier must be installed along the limit of activity between all work areas and wetland resource areas. Hay bales or straw bales should be double staked (where possible) with bales butted against each other. If straw wattles or filter sox are used, they should be anchored in place. If specified, geotextile siltation fence should be installed no further than twelve (12) inches from the down-gradient side of the barrier. These barriers must be inspected daily and after significant rain events (greater than 0.5 inches of precipitation) and maintained as necessary, including the removal of accumulated sediments. The contractor will ensure that additional erosion and sediment control materials are available for immediate installation to replace those that are damaged or degraded. Erosion control measures should be removed upon completion of work and after disturbed areas are stabilized. The geotextile fence will constitute a limit-of-work line, beyond which no work or clearing of vegetation may occur.
44. The contractor must submit a construction materials and equipment staging plan 30 days prior to construction for Commission staff review and approval. Project related staging areas will be subject to all conditions herein. Staging areas located outside the project footprint, as indicated on the approved project plan of record, and within wetland resource areas and the buffer zone may be subject to further Commission review.
45. The Applicant must submit a construction and post-construction snow management plan for Commission staff review and approval. Snow from landside areas may not be plowed or otherwise deposited into the waters of Boston Harbor or adjacent coastal beaches or banks. Deicing material and sand must be stored and contained in areas that will not allow for their migration into wetland resource areas. Prior to April 1st, all sand and salt from winter application must be removed from the site. The approved snow management plan will be a perpetual maintenance condition that will not expire upon issuance of a Certificate of Compliance.

During Construction

46. The Applicant, owner, successor or assigns must regularly remove and dispose of debris on all wetland resources areas on the project site. This is a perpetual **maintenance** condition that will not expire upon issuance of a Certificate of Compliance.
47. The Applicant must maintain the project site free of trash and debris during any down time or hiatus in the project during the term of this Order.
48. The Applicant and/or their contractor must clean the work area at the end of each workday to prevent wind deposition of fugitive dust and accumulation of debris in the buffer zone or wetland resource areas. All stored excavate or fill must be contained with appropriate best management practices when not in use. Special attention should be given by the contractor to securing covers on stored excavate, fill, dumpsters and roll-off containers over the weekend or during down time.
49. Disposal of all construction materials, demolition debris and excess fill must be done in accordance with applicable federal, state, and local laws. Proof of proper disposal must be provided in the form of copies of bills of lading, disposal receipts or manifests to Commission staff upon request.
50. All project-related materials must be contained from migration into wetland resource areas and all practical precautions must be used during any water-based demolition/construction work. The Applicant and/or their contractor will be responsible for the removal of any project-related debris, material, machinery or equipment lost, dumped, thrown into, or otherwise entering any wetland

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resource area, regardless of whether it is within or outside of the project limits. The proponent must seek Commission approval for any remedial action involving substantial impacts to wetland resource areas.

51. The contractor must have a boat available for the collection and removal of project related trash and debris within wetland resource areas and on the watershed. The contractor will contain and collect all floating debris that results from the project and collect it along with solid waste including trash. The collected debris and trash will be placed into containers and periodically removed for proper disposal. The boat should also be used to check the boom.
52. All vessels working at this site must be maintained in seaworthy condition. Should any vessel or barge associated with the project sink the Commission must be informed immediately. The proposed work and placement of barges should be coordinated with vessels that navigate in the affected waterways. All vessels and floating equipment must be anchored or moored when not in use and have proper lighting per U.S. Coast Guard requirements. Barges must be anchored with spuds or tied off to a secure structure; under no circumstances should construction equipment on the barge be utilized for purposes of anchoring. Project related vessels may not rest upon tidal flats.
53. All deck gear and equipment stored on project-related vessels must be secured at the end of each workday and inspected for any leakage. All project-related vessels must have a spill kit containing sorbent materials on the vessel at all times. All material stored on project related vessels must be contained so as not to enter the resource area. Petroleum product and hydraulic fluids must be stored within leak-proof lockers secured to the deck of the vessel.
54. On-site discharge of untreated, decanted water from construction dewatering to resource areas is prohibited. If on-site discharge becomes necessary, the Applicant must submit a plan indicating dewatering methodology, water quality monitoring measures, and staging location of dewatering equipment for Commission staff review and approval. Any approved dewatering must treat decanted water according to additional conditions deemed necessary by Commission staff.
55. The Applicant must provide the Commission with copies of the Operations and Maintenance Log for all stormwater BMP's on the subject site yearly. Copies must be provided for a minimum of three years after completion of construction and specify dates of inspections, repairs, replacement, maintenance and cleaning actions, and names of individuals or contractors conducting said maintenance.
56. Repair or replacement of stormwater infrastructure may not commence in advance of a forecasted rain event.
57. Any new or reconstructed catch basins, or any new or replaced sections of sidewalk or pavement adjacent to surface drains on the project site, must have a permanent plaque within one foot of the structure that states "Don't Dump - Drains to Boston Harbor."
58. Trucks entering and leaving the site must have their loads completely covered in compliance with M.G.L. Chapter 85 § 36. Vehicles that accumulate soil or any unconsolidated material on their tires due to exposed ground conditions at the site must be thoroughly washed to avoid tracking of material onto the public way.
59. The contractor must have designated washout areas for concrete equipment that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Washout areas may not be located in the vicinity of storm drain inlets, stormwater conveyance, surface waters or wetlands.
60. Excavation equipment may access the inter-tidal area only during periods of low tide and utilize rubber-tired vehicles.
61. There may be no parking of contractor or laborer vehicles in any resource area or associated buffer zone without proper stormwater controls or best management practices installed.

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62. Construction activity will be confined within the limits of work as represented on the final plan of record. There may be no staging of construction materials, storage of construction equipment, clearing or disturbance to land beyond the limit of work.
63. There may be no overnight stockpiling or storage of construction material including unconsolidated material, debris, petroleum products or hydraulic fluids (or equipment containing these products or fluids) within the buffer zone, 25 feet of the coastal bank, or the 100-year flood plain unless such stockpiling or storage is located on currently paved/impervious surfaces where appropriate BMPs are in place to prevent impacts from such storage on adjacent resource areas. Erosion and sediment control containment measures must be installed and maintained between wetland resource areas and any stored construction materials or staged construction equipment. Under no circumstances may the project contractor store, stage or locate unconsolidated material or construction equipment not directly associated with the project and subject site within resource areas or the buffer zone. At the request of the Applicant, Commission staff may authorize construction lay-down areas within the buffer zone for storage of equipment *during the construction period only*.
64. The Applicant or their contractor must keep a daily log summarizing all construction and demolition activities of this project on every day that such activity occurs, noting turbidity conditions, occurrence of fish kills, debris removal from resource areas and evaluations of measures employed to reduce turbidity and other impacts to the water and wetland resources. The condition of all drainage, erosion controls and sedimentation structures must be noted in the daily log, as well as the performance of maintenance activities on such structures. The contractor must provide Commission staff with a draft construction inspection form prior to commencement of work on the project site. This log must be kept at the work area and made available upon demand by Commission staff.
65. All land-side areas disturbed during construction must be stabilized as soon as possible upon completion of construction. Loaming and seeding should occur within (5 - 30) days of final grading. Disturbed resource areas landward of the high water line and buffer zone mark should be secured by a biodegradable erosion control mats while vegetation establishes. Barren areas should be stabilized with a temporary cover of rye or other grass if work on the project is interrupted for more than 30 days. If the season is not appropriate for plant growth, then exposed surfaces may be stabilized by straw, snow fence, or other U.S. Natural Resources Conservation Service - recommended methods. The Applicant or their contractor will ensure a mature cover of vegetation is established on previously disturbed or exposed areas.
66. The contractor will conduct construction sequencing such that areas cleared of ground vegetation and earth materials are exposed for a minimum of time before they are covered, seeded, or otherwise stabilized to prevent erosion.
67. There may be no dumping of leaves, grass clippings, brush, fill or other debris into wetland resource areas. This condition is perpetual and will not expire upon issuance of a certificate of compliance.
68. All equipment and unconsolidated materials must be removed from the buffer zone and Land Subject to Coastal Storm Flowage (Special Flood Hazard Areas subject to inundation by the 1% annual chance flood) in advance of any forecasted coastal flooding event.

Additional Conditions

69. Following the completion of state and local review processes, the Applicants must submit final design plans, including landscaping and any modifications or additions to the project, to Commission staff to determine if further Commission review is required.
70. Prior to construction, the Applicant must submit a landscaping plan for Commission Staff review and approval, detailing the use of native species within the resource area and their associated buffer zones. Said species must be listed as native in either "The Vascular Plants of Massachusetts: A County Checklist First Revision" or the USDA PLANTS Database.

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71. In the interest of prevention of pollution and storm damage prevention, the Applicant should give consideration to future sea level rise over the design life of the project in planning for the protection or relocation of mechanical equipment, utilities and storage areas for hazardous materials.
72. Areas of the coastal bank that are excavated in conjunction with the removal of pier 15 shall be backfilled to match surrounding elevations and contours. In addition, these areas must be vegetated with native shade tolerant species to ensure stability of the slope.