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 21, 2009

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

PROJECT NAME	: Science Park/West End Station Accessibility Improvements
PROJECT MUNICIPALITY	: Boston
PROJECT WATERSHED	: Charles
EEA NUMBER	: 14439
PROJECT PROPONENT	: Massachusetts Bay Transportation Authority (MBTA)
DATE NOTICED IN MONITOR	: July 8, 2009

Pursuant to the Massachusetts Environmental Policy Act (M.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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of improvements to the Science Park/West End Station on the Green Line (the "T") in Boston. The Massachusetts Bay Transportation Authority (MBTA) is proposing these improvements to comply with the American with Disabilities Act (ADA) requirements in accordance with an agreement the MBTA has with the Boston Center for Independent Living (BCIL). Improvements include the installation of elevators, replacement of two stairwells, platform improvements, provision of a secondary means of egress from the station, and miscellaneous station amenities including a visual announcement system and signage.

Estimated environmental impacts will be limited, as the project site is located on a previously disturbed site. The project will require a disposition of lands designated in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97 land), because the elevator shafts will impact approximately 1,325 square feet (sf) of land owned by the Department of Conservation and Recreation (DCR) on the Leverett Circle traffic island. The project site contains contributing resources to the Charles River Basin National Historic District.

Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(3) of the MEPA regulations because the project involves a State Agency Action and will result in the conversion of lands designated in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth. The project will require approval of an Article 97 Land Disposition by the Massachusetts State Legislature. The project must obtain a Chapter 91 (c.91) License from the Massachusetts Department of Environmental Protection (MassDEP). The project has received a Negative Determination of Applicability from the Boston Conservation Commission. The project will also obtain a Memorandum of Agreement (MOA) between the Federal Transit Administration (FTA) and the Massachusetts Historical Commission (MHC).

The project will be undertaken by the Massachusetts Bay Transportation Authority (MBTA), a State Agency. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Article 97 Land Disposition

The new elevators and lobbies will occupy approximately 1,325 sf of Article 97 lands. These Article 97 lands are owned by DCR and are located within the Leverett Circle traffic island. The project will require approval of the land disposition by the Legislature in accordance with Article 97 prior to MBTA use of the property in association with the station upgrades. The ENF also notes that permanent and temporary construction easements will be required from DCR to facilitate the placement of underground utilities and construction staging.

The MBTA should work with DCR to complete the Article 97 land disposition in a manner consistent with the Executive Office of Energy and Environmental Affairs (EEA) Article 97 Land Disposition Policy (the Policy). DCR has recommended that the MBTA prepare the required draft legislation for disposition in accordance with the Policy, identifying any fee or easement interests, with reference to replacement land of equal value. I note that a critical component of the Policy is compliance with the no-net loss provision for Article 97 lands. DCR has recommended that MBTA identify land under the MBTA's control for potential use as replacement land and work with DCR to review options within the Urban Parks District to meet their no-net loss obligation.

Wetlands, Waterways and Tidelands

The ENF states that the project will impact approximately 50 square feet (sf) of Bank and 50 sf of Riverfront Area as defined in the Massachusetts Wetlands Protection Act. The Boston Conservation Commission issued a Negative Determination of Applicability and concluded that a Notice of Intent would not be required for the project. A c.91 License will be required from MassDEP because the project site is located on filled tidelands. MassDEP has indicated that, based upon their review of the ENF, the Science Park/West End Station is accessory to the Green Line viaduct that carries the subway across the Charles River and therefore would be considered a water-dependent use project during the c.91 licensing process.

Pursuant to 301 CMR 13.02, I am declining to require an additional Public Benefit Review for the project. Furthermore, as a water-dependent project, it is presumed that this project will provide adequate public benefit in accordance with 301 CMR 13.04. I am satisfied that the project's impacts to tideland resources can be adequately addressed during the permitting process.

Historic and Archaeological Resources

The project site includes several historic resources including the Lechmere Viaduct, the Science Park/West End Station, and the Charles River Basin Historic District. Lechmere Viaduct is a contributing resource to the National Register Charles River Basin Historic District and the Science Park/West End Station is individually eligible for inclusion in the National Register. The project will directly impact these historic resources; however the Federal Transit Administration (FTA) intends to enter into a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC) regarding potential project design, impacts, and mitigation. MHC has indicated that the proposed plans reflect a design solution that is sensitive to the historic fabric while meeting the MBTA's accessibility goals.

The ENF also indicates that construction activities for the proposed elevator support foundations will impact sensitive archaeological strata at 14 to 19 and 60 feet below ground surface. However, MHC's comments indicate that the area of potential affect is in within a previously disturbed area due to existing utilities and construction. MHC has not recommended additional archaeological surveys.

The MBTA has outlined several measures within the ENF to mitigate potential impacts to historic resources. I commend the MBTA for proactively working with the Boston Landmarks Commission and the Cambridge Historical Commission throughout the design process to ensure that historic resources are incorporated and preserved to the extent practicable in the new station design. Specific mitigation measures include: establishment of an MOA between the FTA and MHC; archival photographic documentation; removal of ivy on some areas of the Lechmere Viaduct; restoration of ornamental features and masonry conservation on the Lechmere Viaduct; consultation with historic commission on the color and texture of the balustrade; employment of a masonry conservator on the general contractor's team; and incorporation of an historical interpretive display at Science Park/West End Station.

Stormwater/Wastewater

Runoff from the station roof/canopies will be collected and infiltrated into the groundwater. Minimal areas (0.027 acres) of new impervious area will be created in association with the project. The project is located in the City of Boston's Groundwater Conservation Overlay District (GCOD). The Boston Water and Sewer Commission (BWSC) indicated that the MBTA will be required to construct a structure capable of retaining a specific amount of stormwater accumulated on the site. The MBTA should confirm that the proposed stormwater infiltration system is compatible with the requirements of the GCOD. Finally, the MBTA should prepare a stormwater management plan in accordance with the guidance provided in the BWSC comment letter.

The project may provide an opportunity to reduce combined sewer overflow (CSO) discharges, if any, or sanitary sewer connections that serve the station (i.e., employee bathroom) that directly contribute to the Massachusetts Water Resources Authority (MWRA) system. Any sanitary connections serving the station should be tied into the local Boston Water Sewer Commission (BWSC) sewer, not into BWSC or MWRA CSO conduits. Additionally, storm drains serving the station should drain to groundwater or be tied into the separate storm drain system. Finally, the MBTA will be required to obtain a U.S. EPA National Pollutant Discharge Elimination System (NPDES) Construction General Permit for Storm Water Discharges for any dewatering activities associated with the project.

Construction Period

The MBTA anticipates at 24-month construction period with construction activities conducted in three phases to limit closure of the station platform and access points. For limited periods subway service may be suspended through the station, with replacement bus service provided at street level to accommodate passengers. I encourage the MBTA, through the use of community meetings, signage, website updates, etc., to communicate possible station service limitations to the general public in advance of station closures and provide information on construction progress.

The ENF states that removal of hazardous materials (asbestos, lead-based paint, fluorescent lighting fixtures, etc.) from the existing station infrastructure will be required in during the demolition process. These demolition activities should be conducted in accordance with applicable State and Federal regulations and implementation of Best Management Practices (BMPs). Furthermore, I encourage the MBTA to adopt BMPs to reduce the emissions of fugitive dust during the demolition and construction process in a manner consistent with 310 CMR 7.09.

I acknowledge the noise-related concerns raised by project commenters. The ENF states that the project will comply with all local, State and Federal noise regulations and guidelines and limit loud construction activities during the night-time hours. I encourage the MBTA to adopt construction protocols that limit noisy activities during the overnight hours as recommended by Representative Walz and City Councilor Ross in their comment letters on the project. Use of

noise and vibration control measures should be incorporated into project sequencing and design to ensure compliance with noise guidelines and mitigate potential noise impacts to the surrounding neighborhood.

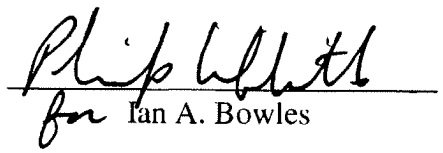
The project has the potential to cause traffic disruptions in the Leverett Circle area during the construction period due to possible lane closures, detours, and presence of construction vehicles. The MBTA must work with DCR and the City of Boston to prepare a traffic management plan to effectively mitigate these potential traffic circulation and congestion impacts. This traffic management plan should be coordinated with other construction projects in the areas, particularly the Craigie Dam Bridge improvements.

Given the ongoing operation of the Science Park/West End Station and the proximity of the project to urban parks, pedestrian access and safety during the construction process should be addressed within construction management protocols. Signage, safety barriers and other site modifications should be implemented to effectively convey pedestrian traffic within and around the project site.

The MBTA should confirm that the preparation of a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES Construction General Permit will not be required for the project. Regardless, I strongly encourage the MBTA to establish construction period BMPs to control erosion and sedimentation. Additionally, I encourage the MBTA to consider participation in the MassDEP Diesel Retrofit Program to mitigate the construction period impacts of diesel emissions. MassDEP staff is available to assist in the implementation of construction period diesel emission mitigation, which could include the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). Finally, I strongly encourage that construction equipment operate on ultra low sulfur diesel (ULSD) fuel, which will be required for off-road engines in 2010.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to State permitting.

August 21, 2009
Date



for Ian A. Bowles

Comments received:

07/28/2009	Massachusetts Historical Commission
07/29/2009	WalkBoston
08/05/2009	Massachusetts Water Resources Authority
08/06/2009	Boston Water and Sewer Commission
08/11/2009	West End Civic Association
08/11/2009	Department of Conservation and Recreation
08/11/2009	State Representative Martha M. Walz, 8th Suffolk District
08/11/2009	Michael P. Ross, Boston City Council
08/12/2009	Massachusetts Department of Environmental Protection - Boston

IAB/HSJ/hsj