



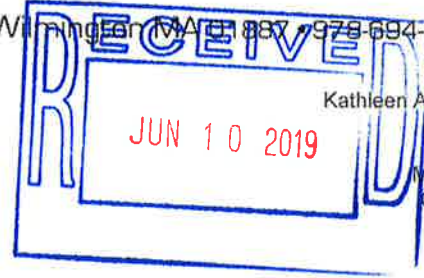
Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington (MA) 01897 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 6, 2019

Mr. Sammy Nabulsi
Rose, Chinitz & Rose
One Beacon Street
Boston, MA 02108

Mr. John Shea
Mackie Shea P.C.
20 Park Plaza, Suite 1118
Boston, MA 02116

RE: WETLANDS/QUINCY
DEP File #059-1416
WETLANDS/BOSTON
DEP FILE #006-1593
Long Island Bridge
SUPERSEDING ORDER
OF CONDITIONS

Dear Mr. Nabulsi and Mr. Shea:

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), is issuing the enclosed Superseding Orders of Conditions (SOC). These Superseding Orders allow the projects referenced above based upon: 1) information and plans submitted; 2) information gathered during a meeting with the parties; and 3) reasons MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act Regulations.

The proposed projects entail the reconstruction of the Long Island Bridge between Moon Island and Long Island in Quincy Bay and Boston Harbor. The City of Boston closed the bridge in 2014 due to public safety concerns and the bridge superstructure was demolished in 2015. The new bridge is proposed to be constructed by placing a new superstructure on the existing piers. Associated construction activities include improvements to the access roadways on both islands, installation of stormwater management structures on Long Island and removal of two existing piers (Pier 1 and Pier 15). Temporary spud pilings and moorings will be installed during the construction period. The City of Boston filed two (2) Notices of Intent ("NOIs") for the project, one in Quincy and one in Boston. The NOI in Quincy was denied by the conservation commission and was appealed by the City of Boston. The NOI in Boston was approved by the conservation commission and was appealed by the City of Quincy. The two appeals were consolidated for the purposes of MassDEP's review.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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Based upon a review of the information contained in the file, MassDEP has determined that the two sites collectively contain the following Areas Subject to Protection Under the Act: Land Under the Ocean (LUO); Rocky Intertidal Shore; Coastal Beach; Coastal Bank; Land Subject to Coastal Storm Flowage (LSCSF); and 100-foot Buffer Zone associated with Coastal Bank. Impacts to these areas associated with each of the NOIs are described in more detail below.

The NOI filed in Quincy states that approximately 5,218 s.f. of Buffer Zone associated with Coastal Bank, 80 s.f. of Coastal Beach and Rocky Intertidal Shore (Land Containing Shellfish) and 592 s.f. of LSCSF will be temporarily disturbed due to the placement of four (4) temporary pipe piles at the Moon Island end of the bridge. Approximately 126 s.f. of Buffer Zone will be permanently altered as a result of roadway and lighting improvements. In addition, approximately 512 s.f. of Coastal Bank will be temporarily altered as a result of the removal of Pier 1.

The NOI filed in Boston states that approximately 7,767 s.f. of Buffer Zone to Coastal Bank will be temporarily altered due to work on the existing roadway. Approximately 538 s.f. of permanent impact to Buffer Zone will occur due to other related roadway and stormwater improvements. Approximately 120 s.f. of Coastal Beach and Land Containing Shellfish, 40 s.f. of Land Under the Ocean and 118 s.f. of LSCSF will be temporarily altered for the installation of six (6) pipe piles at the Long Island end of the bridge. Approximately 30 linear feet of Coastal Bank will be temporarily altered for work at Pier 15 during construction of the superstructure and 340 s.f. of Coastal Bank will be restored.

The City of Boston filed an appeal with MassDEP in response to the Quincy Conservation Commission's (QCC) Order of Conditions denying the project. The QCC's denial was based primarily on its concerns about the structural integrity of the existing bridge piers. The Order cited the need for more information about potential impacts to wetland resource areas if the existing piers were found to need repair or replacement and noted the applicant's apparent unwillingness to provide a more in-depth evaluation. The QCC also found that an alternatives analysis provided in the Notice of Project Change filed with MEPA on the use of a ferry service and docks instead of reconstructing the bridge was insufficient. The QCC denied the project based on a finding that the work could not be conditioned to meet the performance standards as well as due to a lack of information.

The City of Quincy filed an appeal with MassDEP in response to the Boston Conservation Commission's (BCC) Order of Conditions approving the project. Quincy's appeal cited a number of issues, including the inadequacy of the OOC to protect Land Under the Ocean from potential impacts, concerns about the structural integrity of the bridge piers, and the alleged failure of the project to consider the impacts of future sea level rise.

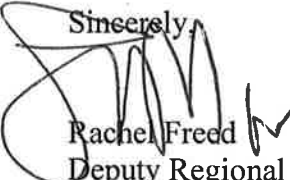
In lieu of a site visit, MassDEP convened a meeting at its Northeast Regional Office on November 14, 2018. In attendance were you and other representatives of the Cities of Boston and Quincy. During the meeting, issues relevant to the appeal were discussed and MassDEP identified additional information that would be needed in order to complete its review.

On November 28, 2018, MassDEP issued an information request to the City of Boston

requesting additional information, including details about the proposed stormwater management design along with a set of full-sized plans with details. The City provided a response along with full-sized plans, including revisions, on January 11, 2019. The City of Quincy submitted comments on Boston's response on February 1, 2019. After reviewing the information provided by both parties, MassDEP issued a second request for information to Boston on February 14, 2019. A response from the City of Boston was received on March 25, 2019. Comments on Boston's response were submitted by the City of Quincy on April 17, 2019.

MassDEP has reviewed all of the information provided by the parties and has found that the project meets the performance standards under the Act and Regulations for the affected wetland resource areas in Quincy and Boston. Impacts to coastal wetland areas will be minimized and disturbed wetland areas will be restored in place. The project will provide stormwater treatment to the maximum extent practicable, as required for a redevelopment project. Therefore, it is MassDEP's opinion that the project as proposed and conditioned herein adequately protects the interests of the Act and Regulations. Please be advised that MassDEP reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this Superseding Order of Conditions, please do not hesitate to contact me at 978-694-3258 or at rachel.freed@mass.gov.

Sincerely,

Rachel Freed

Deputy Regional Director
Bureau of Water Resources – NERO

cc: Conservation Commission, Boston City Hall, Room 805, Boston MA 02201
Conservation Commission, City of Quincy, 55 Sea Street, Quincy MA 02169



Massachusetts Department of Environmental Protection
 Bureau of Water Resources – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

006-1593
 MassDEP File #
 eDEP Transaction #
 Boston
 City/Town

A. General Information

1. From: Northeast Regional Office
 Massachusetts Department of Environmental Protection (MassDEP/the Department)

2. This issuance is for (check one): a. Superseding Order of Conditions
 b. Amended Superseding Order of Conditions

3. To: Applicant:
Para Jayasinghe
 a. First Name, Last Name
City of Boston Public Works Department
 b. Company
 c. Organization
One City Hall Plaza, Room 710
 d. Mailing Address
Boston MA 02201
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
City of Boston
 a. First Name b. Last Name
 c. Organization
One City Hall Plaza
 d. Mailing Address
Boston MA 02201
 e. City/Town f. State g. Zip Code

5. Project Locus
Long Island Bridge Boston
 a. Street Address b. City/Town
0107066000 N/A
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: e. Latitude Longitude



A. General Information (cont'd)

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):

_____		_____	
a. County		b. Certificate (if registered land)	
_____		_____	
c. Book		d. Page	

7. Dates: 5/2/2018 6/6/2018
 a. Date NOI Received b. Date Local Order Issued c. Date of SOC Site Visit

8. Final Approved Plans and Other Documents (attach additional plans or document references):

See attached list

_____		_____	
a. Plan Title		b. Prepared By	c. Signed and Stamped By
_____		_____	
d. Final Revision Date		e. Scale	
_____		_____	
f. Additional Plan or Document Title		g. Date	

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act - Following the review of the above-referenced Notice of Intent and based on the information provided in this application, and supplemental information provided by the applicant, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|--|--|---|
| 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"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. This Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.



B. Findings (cont'd)

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the Regulations at 310 CMR 10.00. 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 the 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 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 Act's interests, 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).**

Inland Resource Area Alterations: Check all that apply below. (For Approvals Only)

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the Resource Area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. sq. ft.	b. sq. ft.		
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. ft	b. total sq. ft		
	Sq feet within 100 feet	c. sq. ft.	d. sq. ft.	e. sq. ft.
	Sq feet between 100-200 feet	g. sq. ft.	h. sq. ft.	i. sq. ft.
			f. sq. ft.	j. sq. ft.



B. Findings (cont'd)

Coastal Resource Area Alterations: Check all that apply below. (For Approvals Only)

10. Buffer Zone Impacts: Shortest distance between limit of project disturbance and Resource Area boundary specified in 310 CMR 10.02(1)(a) (if available) _____ a. linear feet

11. Designated Port Areas - Indicate size under Land Under the Ocean, below

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
12. <input checked="" type="checkbox"/> Land Under the Ocean	40 a. sq. ft.	40 b. sq. ft.		
	_____	_____		
	c. c/y dredged	d. c/y dredged		

13. Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.

14. <input checked="" type="checkbox"/> Coastal Beaches	120 a. sq. ft.	120 b. sq. ft.	120 sf c. c/y nourish.	120 sf d. c/y
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15. <input type="checkbox"/> Coastal Dunes	_____	_____	_____	_____
	a. sq. ft.	b. sq. ft.	c. c/y nourish.	d. c/y

16. <input checked="" type="checkbox"/> Coastal Banks	30 a. linear feet	30 b. linear feet		
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17. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. sq. ft.	b. sq. ft.		

18. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.

19. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. sq. ft.	b. sq. ft.		

	_____	_____		
	c. c/y dredged	d. c/y dredged		

20. <input checked="" type="checkbox"/> Land Containing Shellfish	120 a. sq. ft.	120 b. sq. ft.	120 c. sq. ft.	120 d. sq. ft.
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21. Fish Runs - Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

	_____	_____		
	a. c/y dredged	b. c/y dredged		
22. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	118 a. sq. ft.	118 b. sq. ft.		



B. Findings (cont'd)

23. Riverfront area

_____ a. total sq. ft.

_____ b. total sq. ft.

Sq feet within 100 feet

_____ c. sq. ft.

_____ d. sq. ft.

_____ e. sq. ft.

_____ f. sq. ft.

Sq feet between 100-200 feet

_____ g. sq. ft.

_____ h. sq. ft.

_____ i. sq. ft.

_____ j. sq. ft.

24. Restoration/Enhancement for Inland and/or Coastal Resource Area Projects:

_____ a. sq. ft. of BVW

_____ b. sq. ft. of salt marsh

25. Stream Crossing(s):

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings



C. General Conditions under Massachusetts Wetlands Protection Act

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on ____ [date] unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Department 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 sq. ft. or more than three sq. ft. in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands Program
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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"File Number 6-1593 "

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 MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department.
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 Department 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 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 and/or Bank (Inland), 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 Department.
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 Department, 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.
19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



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- 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 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 BMPs 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 Pollution 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, and 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.



Massachusetts Department of Environmental Protection

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- 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 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.
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

Special Conditions (see attached)

D. Findings under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.



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E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a Special Condition pursuant to General Conditions # 4 or # 6.

Issued by: **Massachusetts Department of Environmental Protection:**

 Northeast Regional Office
 MassDEP Regional Office

 Wetlands Program Chief Signature
 Rachel Freed

 Wetlands Program Chief Printed Name

 June 6, 2019

 Date

F. Appeal Rights and Time Limits

The applicant, the landowner, the conservation commission, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
 Office of Appeals and Dispute Resolution
 Department of Environmental Protection
 One Winter Street, 2nd Floor
 Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – NERO
 Wetlands Program
 205B Lowell Street
 Wilmington MA 01887

In the event that a ten-resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).



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Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- a) The MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- b) The complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- c) If the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- d) If the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- e) The names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;
- f) A clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- g) A copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- h) A statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- i) If asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File # _____

eDEP Transaction # _____

City/Town _____

G. Recording Information

Prior to commencement of work, this Superseding Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry’s Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Department.

To: Massachusetts Department of Environmental Protection Northeast Regional Office
 Issuing Authority
205B Lowell Street, Wilmington MA 01887
 MassDEP Regional Office Address

Please be advised that the Order of Conditions for the Project at:

Project Locus (Street and Town) : MassDEP File Number

Has been recorded at the Registry of Deeds of:

County Book Page

For: Property Owner

and has been noted in the chain of title of the affected property in:

Book Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number Signature of Applicant

SUPERSEDING ORDER OF CONDITIONS
DEP File #006-1593
Special Conditions

20. All work shall conform with the Notice of Intent and attachments, and the following plans, reports and Special Conditions:
- a) Plans entitled, "Long Island Bridge Over Boston Harbor, Superstructure Replacement Package, for permitting only" (10 sheets), prepared by Boston Public Works Department, dated 12/21/2018, not stamped or signed.
 - b) Letter from City of Boston to MassDEP, dated January 10, 2019, regarding MassDEP Information Request, with Memorandum prepared by SVT and dated 1/4/2019, with attachments 1 – 6.
 - c) Letter from City of Boston to MassDEP dated March 25, 2019, regarding MassDEP Information Request #2, with Memorandum prepared by SVT and dated 3/8/2019, including Exhibits 1 – 3 and two (2) plans:
 - i) Exhibit 1: Plans entitled, "Pre-Development Drainage Areas," (Figure 1) and "Post-Development Drainage Areas," (Figure 2), prepared by Boston Public Works, dated March 8, 2019, not stamped or signed.
 - ii) Exhibit 2: Calculations of water quality flow rate.
 - iii) Exhibit 3: "Long-Term Pollution Prevention Plan & Post-Construction Operation and Maintenance Plan," dated (revised) 1/4/2019 and CDS Guide from Contech.
 - iv) Plans consisting of 2 sheets, entitled, "Coastal Resource Area Restoration Plan, Moon Island," (Sheet 1) and "Coastal Resource Area Restoration Plan, Long Island," (Sheet 2), both dated 3/8/2019.
21. This Superseding Order supersedes all previous Orders issued for this project, DEP File #059-1416. All work shall conform to the Notice of Intent and plans referenced above unless otherwise specified in this Superseding Order. In case of a conflict, the Conditions of this SOC shall prevail.
22. A copy of this Superseding Order shall be included in all construction contracts and shall supersede any conflicting requirements.
23. A copy of this Superseding Order as well as the plans and reports referenced in Condition 20 shall be available on site while activities regulated by this Order are being performed. In addition to the applicant, all contractors and subcontractors shall be held responsible for compliance with this Superseding Order.
24. No work shall commence on-site until all appeal periods have elapsed and this Superseding Order of Conditions has been recorded with the Registry of Deeds and MassDEP has been formally notified via the form provided at the end of this Order.
25. This Superseding Order shall apply to any successor or assigns in interest or control and any other party engaging in activity on the property identified in the Notice of Intent.

26. Any proposed or executed change in the plans approved under this Superseding Order shall require the applicant to file a new Notice of Intent with the conservation commission or to inquire of MassDEP in writing whether the change is substantial enough to require a new filing. A copy shall be sent at the same time to the conservation commission. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

27. Members and agents of MassDEP and the conservation commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions contained in this Superseding Order, and may require the submittal of any data deemed necessary by MassDEP for that evaluation.

28. Prior to the start of work, the applicant shall obtain all other permits, variances and approvals required by federal, state or local regulations, and shall submit proof of such approvals to MassDEP and the commission.

29. Prior to the start of work, the applicant shall submit final construction plans stamped by a Massachusetts registered professional engineer to MassDEP and the commission. Any deviations from the plans referenced in this SOC must be noted.

30. Prior to the start of work, the applicant shall submit a construction sequence and schedule to MassDEP and the conservation commission for approval by MassDEP. The construction sequence shall address, but shall not be limited to, initial site preparation, erosion and sedimentation controls and turbidity controls for work on land and in-water; protection of existing drainage systems; identification of stockpiling and staging areas; parking and storage of construction vehicles and equipment; wheel wash stations; and seasonal considerations. A plan showing the location of the construction-related activities listed above shall be included. Work shall not commence until MassDEP has approved the construction sequence and staging locations.

31. Prior to the start of work, the applicant shall develop a spill management plan for spills of fuel or hydraulic fluids and shall submit it to MassDEP and the commission for review. A quick-absorbent material such as "Speedy Dry" or its equivalent must be stored in a dry and readily available area at the work site.

32. Prior to the commencement of any activity on the site, the applicant shall provide MassDEP and the commission with the name, address and contact information (phone numbers and email) of the person(s) designated to ensure that the conditions of the SOC are being met by all work on the site, including but not limited to ensuring that all sedimentation and erosion controls are functioning properly (Environmental Monitor). An emergency telephone number shall also be provided. The applicant is responsible for updating this information if it changes during the course of the project.

33. The persons designated above (Condition 32) shall be the Environmental Monitor (EM) and shall report in writing to MassDEP and the commission once every month while construction is

underway within the 100-foot buffer zone or on Land Subject to Coastal Storm Flowage, Coastal Bank, Coastal Beach or Land Under Water. The report shall at a minimum include a description of any erosion or turbidity control problems, progress on construction and any changes in construction schedule or sequence and any other recommendations for site management. The EM shall have authority to stop work if necessary in order to address erosion, sedimentation or pollution that may occur in or near wetland resource areas.

34. Prior to the start of work, the applicant shall obtain the services of a wetland scientist who has experience working in coastal resource areas. The name, qualifications and contact information for the wetland scientist shall be provided to MassDEP for approval, with a copy to the commission. The wetland scientist shall oversee the restoration of coastal resource areas on the site, including but not limited to obtaining selected plant species; restoring the grades of the resource areas; preparing areas for planting; installing plants and seeds; and monitoring the restored areas to ensure that they are stable. Newly planted areas shall be watered if needed and any plants that die shall be replaced with similar species. The wetland scientist shall be present during all stages of the restoration work.

35. Prior to the commencement of work, the applicant shall arrange a pre-construction meeting between the project supervisor, the contractor responsible for the work, the EM, the wetland scientist, a representative of the commission and MassDEP to ensure that the requirements of the SOC are understood. Arrangements for the meeting shall be made at least one (1) week in advance.

36. Prior to the start of work, erosion controls consisting of silt fencing or staked hay bales shall be installed between the limits of work and wetland areas. Orange construction fencing or another visible barrier shall be installed upgradient of these controls. These barriers shall serve as the limit of disturbance and shall be installed as close to the work area as possible. Upon installation of the erosion controls, the applicant shall notify MassDEP and the commission. Erosion controls shall be maintained in good condition and shall not be removed without the permission of MassDEP.

37. The applicant shall notify MassDEP and the commission in writing at least seven (7) business days prior to the start of work.

38. The contractor shall have a boat available at all times for the collection and removal of any project-related trash or debris that falls on the watersheet, and shall collect debris on a daily basis or more frequently if needed.

39. Construction refuse and debris shall be contained within a dumpster and shall be disposed of in a legal manner.

40. Boats, barges or other vessels shall not rest on tidal flats.

41. 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 resource area.

42. At no time during or after construction shall fill or other materials be placed, slump into or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify MassDEP and the commission if slumping, erosion or encroachment occurs.

43. The applicant shall immediately control any erosion problems that occur on the site and shall also immediately notify MassDEP and the commission. MassDEP reserves the right to require additional erosion and sedimentation controls it may deem necessary.

44. Excess soil, rock, debris and other materials excavated or generated during the course of this project shall be removed from the site and disposed of in a legal manner. Records as to the destination of all materials, including excess fill and loam, to be removed from the site shall be kept on file and shall be provided to MassDEP and the commission upon request.

45. Storing, servicing or cleaning of vehicles or portable equipment, including but not limited to fueling, changing, adding or applying lubricants or hydraulic fluids, or washing/rinsing, shall be performed outside the 100-foot buffer zone.

46. During work on this project, there shall be no discharge or spillage of fuel, oil or other pollutants, including sediments, onto any part of the site. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident or vandalism.

47. The applicant shall ensure that all catch basins on the project site are cleaned and maintained on a monthly basis during construction, and on a quarterly basis thereafter. Catch basins shall be protected with silt sacks or stone berms, or another method approved by MassDEP. Catch basins shall be inspected weekly during construction and after a rain event with more than 0.5 inches of precipitation.

48. During construction, paved surfaces shall be swept with a vacuum sweeper on a monthly basis when surfaces are not covered with ice or snow. Upon the completion of construction, paved surfaces shall be swept quarterly in accordance with the project's O&M Plan.

49. The applicant shall be responsible for maintaining all stormwater drainage structures, including but not limited to catch basins, hydrodynamic separators, infiltration structures, culverts, scuppers and outlets located on the site. All structures and facilities shall be managed and maintained in accordance with the project's Operation and Maintenance Plan referenced in Condition #20 and the conditions contained in this Superseding Order. This Condition shall remain in effect in perpetuity and shall be recorded on the Certificate of Compliance.

50. The applicant shall designate washout areas for concrete equipment. Washout areas shall not be located in the vicinity of storm drain inlets, stormwater conveyances, surface waters or wetlands.

51. Upon completion of the project, the applicant shall request a Certificate of Compliance from

MassDEP and shall submit the following information with the request:

- a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this Superseding Order of Conditions and setting forth deviations, if any exist;
- b) An as-built site plan prepared by a land surveyor or professional engineer registered in the Commonwealth of Massachusetts showing location and grades of the project, including but not limited to: pavement, roadways, sidewalks, site grading and drainage and stormwater structures. The plan shall include the date(s) of field work. In addition, a report on the condition of all stormwater structures shall be submitted to confirm that the Operation & Maintenance Plan has been implemented.
- c) A report by a wetland scientist describing the conditions of the coastal wetland restoration areas as well as any other wetland resource areas that were disturbed during the project.



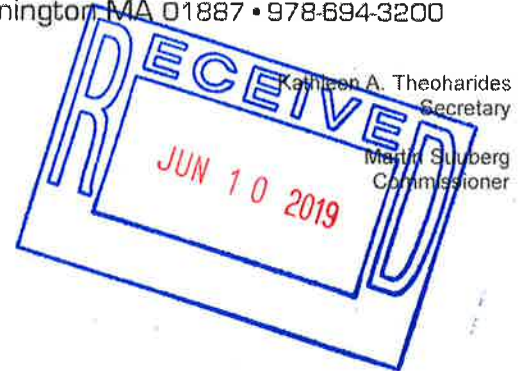
Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington, MA 01887 • 978-694-3200

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



June 6, 2019

Mr. Sammy Nabulsi
Rose, Chinitz & Rose
One Beacon Street
Boston, MA 02108

Mr. John Shea
Mackie Shea P.C.
20 Park Plaza, Suite 1118
Boston, MA 02116

RE: WETLANDS/QUINCY
DEP File #059-1416
WETLANDS/BOSTON
DEP FILE #006-1593
Long Island Bridge
SUPERSEDING ORDER
OF CONDITIONS

Dear Mr. Nabulsi and Mr. Shea:

In accordance with Massachusetts General Laws, Chapter 131, Section 40, the Northeast Regional Office of the Massachusetts Department of Environmental Protection, Wetlands Program (MassDEP), is issuing the enclosed Superseding Orders of Conditions (SOC). These Superseding Orders allow the projects referenced above based upon: 1) information and plans submitted; 2) information gathered during a meeting with the parties; and 3) reasons MassDEP has deemed necessary to protect the statutory interests identified in the Wetlands Protection Act Regulations.

The proposed projects entail the reconstruction of the Long Island Bridge between Moon Island and Long Island in Quincy Bay and Boston Harbor. The City of Boston closed the bridge in 2014 due to public safety concerns and the bridge superstructure was demolished in 2015. The new bridge is proposed to be constructed by placing a new superstructure on the existing piers. Associated construction activities include improvements to the access roadways on both islands, installation of stormwater management structures on Long Island and removal of two existing piers (Pier 1 and Pier 15). Temporary spud pilings and moorings will be installed during the construction period. The City of Boston filed two (2) Notices of Intent ("NOIs") for the project, one in Quincy and one in Boston. The NOI in Quincy was denied by the conservation commission and was appealed by the City of Boston. The NOI in Boston was approved by the conservation commission and was appealed by the City of Quincy. The two appeals were consolidated for the purposes of MassDEP's review.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.
TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Based upon a review of the information contained in the file, MassDEP has determined that the two sites collectively contain the following Areas Subject to Protection Under the Act: Land Under the Ocean (LUO); Rocky Intertidal Shore; Coastal Beach; Coastal Bank; Land Subject to Coastal Storm Flowage (LSCSF); and 100-foot Buffer Zone associated with Coastal Bank. Impacts to these areas associated with each of the NOIs are described in more detail below.

The NOI filed in Quincy states that approximately 5,218 s.f. of Buffer Zone associated with Coastal Bank, 80 s.f. of Coastal Beach and Rocky Intertidal Shore (Land Containing Shellfish) and 592 s.f. of LSCSF will be temporarily disturbed due to the placement of four (4) temporary pipe piles at the Moon Island end of the bridge. Approximately 126 s.f. of Buffer Zone will be permanently altered as a result of roadway and lighting improvements. In addition, approximately 512 s.f. of Coastal Bank will be temporarily altered as a result of the removal of Pier 1.

The NOI filed in Boston states that approximately 7,767 s.f. of Buffer Zone to Coastal Bank will be temporarily altered due to work on the existing roadway. Approximately 538 s.f. of permanent impact to Buffer Zone will occur due to other related roadway and stormwater improvements. Approximately 120 s.f. of Coastal Beach and Land Containing Shellfish, 40 s.f. of Land Under the Ocean and 118 s.f. of LSCSF will be temporarily altered for the installation of six (6) pipe piles at the Long Island end of the bridge. Approximately 30 linear feet of Coastal Bank will be temporarily altered for work at Pier 15 during construction of the superstructure and 340 s.f. of Coastal Bank will be restored.

The City of Boston filed an appeal with MassDEP in response to the Quincy Conservation Commission's (QCC) Order of Conditions denying the project. The QCC's denial was based primarily on its concerns about the structural integrity of the existing bridge piers. The Order cited the need for more information about potential impacts to wetland resource areas if the existing piers were found to need repair or replacement and noted the applicant's apparent unwillingness to provide a more in-depth evaluation. The QCC also found that an alternatives analysis provided in the Notice of Project Change filed with MEPA on the use of a ferry service and docks instead of reconstructing the bridge was insufficient. The QCC denied the project based on a finding that the work could not be conditioned to meet the performance standards as well as due to a lack of information.

The City of Quincy filed an appeal with MassDEP in response to the Boston Conservation Commission's (BCC) Order of Conditions approving the project. Quincy's appeal cited a number of issues, including the inadequacy of the OOC to protect Land Under the Ocean from potential impacts, concerns about the structural integrity of the bridge piers, and the alleged failure of the project to consider the impacts of future sea level rise.

In lieu of a site visit, MassDEP convened a meeting at its Northeast Regional Office on November 14, 2018. In attendance were you and other representatives of the Cities of Boston and Quincy. During the meeting, issues relevant to the appeal were discussed and MassDEP identified additional information that would be needed in order to complete its review.

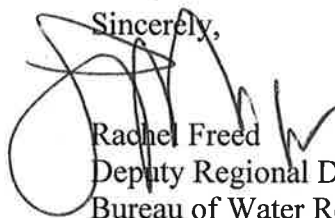
On November 28, 2018, MassDEP issued an information request to the City of Boston

requesting additional information, including details about the proposed stormwater management design along with a set of full-sized plans with details. The City provided a response along with full-sized plans, including revisions, on January 11, 2019. The City of Quincy submitted comments on Boston's response on February 1, 2019. After reviewing the information provided by both parties, MassDEP issued a second request for information to Boston on February 14, 2019. A response from the City of Boston was received on March 25, 2019. Comments on Boston's response were submitted by the City of Quincy on April 17, 2019.

MassDEP has reviewed all of the information provided by the parties and has found that the project meets the performance standards under the Act and Regulations for the affected wetland resource areas in Quincy and Boston. Impacts to coastal wetland areas will be minimized and disturbed wetland areas will be restored in place. The project will provide stormwater treatment to the maximum extent practicable, as required for a redevelopment project. Therefore, it is MassDEP's opinion that the project as proposed and conditioned herein adequately protects the interests of the Act and Regulations. Please be advised that MassDEP reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this Superseding Order of Conditions, please do not hesitate to contact me at 978-694-3258 or at rachel.freed@mass.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rachel Freed', is written over the typed name and title.

Rachel Freed
Deputy Regional Director
Bureau of Water Resources – NERO

cc: Conservation Commission, Boston City Hall, Room 805, Boston MA 02201
Conservation Commission, City of Quincy, 55 Sea Street, Quincy MA 02169



Massachusetts Department of Environmental Protection
 Bureau of Water Resources – Wetlands Program
Superseding Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

059-1416
 MassDEP File #

eDEP Transaction #
 Quincy
 City/Town

A. General Information

1. From: Northeast Regional Office
Massachusetts Department of Environmental Protection (MassDEP/the Department)

2. This issuance is for (check one): a. Superseding Order of Conditions
 b. Amended Superseding Order of Conditions

3. To: Applicant:
Para Jayasinghe
 a. First Name, Last Name
City of Boston Public Works Department
 b. Company
 c. Organization
One City Hall Plaza, Room 710
 d. Mailing Address
Boston
 e. City/Town
MA
 f. State
02201
 g. Zip Code

4. Property Owner (if different from applicant):
City of Boston
 a. First Name
 b. Last Name
City of Boston
 c. Organization
One City Hall Plaza
 d. Mailing Address
Boston
 e. City/Town
MA
 f. State
02201
 g. Zip Code

5. Project Locus
Long Island Bridge/Moon Island
 a. Street Address
6088B-1
 b. City/Town
Quincy
 c. Assessors Map/Plat Number
 d. Parcel/Lot Number
N/A

Latitude and Longitude, if known:
 e. Latitude
 Longitude



A. General Information (cont'd)

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):

Norfolk
 a. County _____ b. Certificate (if registered land) _____
 c. Book _____ d. Page _____

7. Dates: May 18, 2018 September 25, 2018 November 14, 2018
 a. Date NOI Received b. Date Local Order Issued c. Date of SOC Site Visit

8. Final Approved Plans and Other Documents (attach additional plans or document references):

See attached list
 a. Plan Title _____
 b. Prepared By _____ c. Signed and Stamped By _____
 d. Final Revision Date _____ e. Scale _____
 f. Additional Plan or Document Title _____ g. Date _____

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act - Following the review of the above-referenced Notice of Intent and based on the information provided in this application, and supplemental information provided by the applicant, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Department hereby finds the project, as proposed, is (check one):

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.



B. Findings (cont'd)

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the Regulations at 310 CMR 10.00. 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 the 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 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 Act's interests, 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).**

Inland Resource Area Alterations: Check all that apply below. (For Approvals Only)

- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the Resource Area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. sq. ft.	b. sq. ft.	c. sq. ft.	d. sq. ft.
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. sq. ft.	b. sq. ft.		
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. ft	b. total sq. ft		
Sq feet within 100 feet	c. sq. ft.	d. sq. ft.	e. sq. ft.	f. sq. ft.
Sq feet between 100-200 feet	g. sq. ft.	h. sq. ft.	i. sq. ft.	j. sq. ft.



B. Findings (cont'd)

Coastal Resource Area Alterations: Check all that apply below. (For Approvals Only)

10. Buffer Zone Impacts: Shortest distance between limit of project disturbance and Resource Area boundary specified in 310 CMR 10.02(1)(a) (if available) _____ a. linear feet

11. Designated Port Areas - Indicate size under Land Under the Ocean, below

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
12. <input type="checkbox"/> Land Under the Ocean	_____ a. sq. ft.	_____ b. sq. ft.		
	_____ c. c/y dredged	_____ d. c/y dredged		

13. Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.

14. <input checked="" type="checkbox"/> Coastal Beaches	80 _____ a. sq. ft.	80 _____ b. sq. ft.	80 sf _____ c. c/y nourish.	80 sf _____ d. c/y
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15. <input type="checkbox"/> Coastal Dunes	_____ a. sq. ft.	_____ b. sq. ft.	_____ c. c/y nourish.	_____ d. c/y
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16. <input checked="" type="checkbox"/> Coastal Banks	512 _____ a. linear feet	512 (restored) _____ b. linear feet		
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17. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. sq. ft.	_____ b. sq. ft.		
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18. <input type="checkbox"/> Salt Marshes	_____ a. sq. ft.	_____ b. sq. ft.	_____ c. sq. ft.	_____ d. sq. ft.
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19. <input type="checkbox"/> Land Under Salt Ponds	_____ a. sq. ft.	_____ b. sq. ft.		
--	------------------	------------------	--	--

	_____ c. c/y dredged	_____ d. c/y dredged		
--	----------------------	----------------------	--	--

20. <input checked="" type="checkbox"/> Land Containing Shellfish	80 _____ a. sq. ft.	80 _____ b. sq. ft.	80 _____ c. sq. ft.	80 _____ d. sq. ft.
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21. Fish Runs - Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above

	_____ a. c/y dredged	_____ b. c/y dredged		
22. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	592 _____ a. sq. ft.	592 _____ b. sq. ft.		



B. Findings (cont'd)

23. Riverfront area
- | | | | | |
|------------------------------|------------------|------------------|------------|------------|
| | a. total sq. ft. | b. total sq. ft. | | |
| Sq feet within 100 feet | c. sq. ft. | d. sq. ft. | e. sq. ft. | f. sq. ft. |
| Sq feet between 100-200 feet | g. sq. ft. | h. sq. ft. | i. sq. ft. | j. sq. ft. |
24. Restoration/Enhancement for Inland and/or Coastal Resource Area Projects:
- | | |
|-------------------|--------------------------|
| a. sq. ft. of BVW | b. sq. ft. of salt marsh |
|-------------------|--------------------------|
25. Stream Crossing(s):
- | | |
|-----------------------------------|---|
| a. number of new stream crossings | b. number of replacement stream crossings |
|-----------------------------------|---|



C. General Conditions under Massachusetts Wetlands Protection Act

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on ____ [date] unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Department 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 sq. ft. or more than three sq. ft. in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]



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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 MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department.
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 Department 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 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 and/or Bank (Inland), 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 Department.
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 Department, 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.
19. The work associated with this Order (the "Project")
 - (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the 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 Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 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 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 BMPs 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 Pollution 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, and 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.



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- 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 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.
20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.

Special Conditions (see attached)

D. Findings under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.



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E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a Special Condition pursuant to General Conditions # 4 or # 6.

Issued by: **Massachusetts Department of Environmental Protection:**

 Northeast Regional Office

 MassDEP Regional Office

 Wetlands Program Chief Signature

 Rachel Freed

 Wetlands Program Chief Printed Name

 June 6, 2019

 Date

F. Appeal Rights and Time Limits

The applicant, the landowner, the conservation commission, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
 Office of Appeals and Dispute Resolution
 Department of Environmental Protection
 One Winter Street, 2nd Floor
 Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP – NERO
 Wetlands Program
 205B Lowell Street
 Wilmington MA 01887

In the event that a ten-resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).



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Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

- a) The MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
- b) The complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
- c) If the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
- d) If the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that led to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
- e) The names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;
- f) A clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error is inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;
- g) A copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;
- h) A statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and
- i) If asserting a matter that is Major and Complex, as defined at 310 CMR 10.04(1), a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.



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G. Recording Information

Prior to commencement of work, this Superseding Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Department.

To: Massachusetts Department of Environmental Protection Northeast Regional Office
 Issuing Authority
205B Lowell Street, Wilmington MA 01887
 MassDEP Regional Office Address

Please be advised that the Order of Conditions for the Project at:

 Project Locus (Street and Town) MassDEP File Number

Has been recorded at the Registry of Deeds of:

 County Book Page

For: _____
 Property Owner

and has been noted in the chain of title of the affected property in:

 Book Page

In accordance with the Order of Conditions issued on:

 Date

If recorded land, the instrument number identifying this transaction is:

 Instrument Number

If registered land, the document number identifying this transaction is:

 Document Number Signature of Applicant

SUPERSEDING ORDER OF CONDITIONS
DEP File #059-1416
Special Conditions

20. All work shall conform with the Notice of Intent and attachments, and the following plans, reports and Special Conditions:

- a) Plans entitled, "Long Island Bridge Over Boston Harbor, Superstructure Replacement Package, for permitting only" (10 sheets), prepared by Boston Public Works Department, dated 12/21/2018, not stamped or signed.
- b) Letter from City of Boston to MassDEP, dated January 10, 2019, regarding MassDEP Information Request, with Memorandum prepared by SVT and dated 1/4/2019, with attachments 1 – 6.
- c) Letter from City of Boston to MassDEP dated March 25, 2019, regarding MassDEP Information Request #2, with Memorandum prepared by SVT and dated 3/8/2019, including Exhibits 1 – 3 and two (2) plans:
 - i) Exhibit 1: Plans entitled, "Pre-Development Drainage Areas," (Figure 1) and "Post-Development Drainage Areas," (Figure 2), prepared by Boston Public Works, dated March 8, 2019, not stamped or signed.
 - ii) Exhibit 2: Calculations of water quality flow rate.
 - iii) Exhibit 3: "Long-Term Pollution Prevention Plan & Post-Construction Operation and Maintenance Plan," dated (revised) 1/4/2019 and CDS Guide from Contech.
 - iv) Plans consisting of 2 sheets, entitled, "Coastal Resource Area Restoration Plan, Moon Island," (Sheet 1) and "Coastal Resource Area Restoration Plan, Long Island," (Sheet 2), both dated 3/8/2019.

21. This Superseding Order supersedes all previous Orders issued for this project, DEP File #059-1416. All work shall conform to the Notice of Intent and plans referenced above unless otherwise specified in this Superseding Order. In case of a conflict, the Conditions of this SOC shall prevail.

22. A copy of this Superseding Order shall be included in all construction contracts and shall supersede any conflicting requirements.

23. A copy of this Superseding Order as well as the plans and reports referenced in Condition 20 shall be available on site while activities regulated by this Order are being performed. In addition to the applicant, all contractors and subcontractors shall be held responsible for compliance with this Superseding Order.

24. No work shall commence on-site until all appeal periods have elapsed and this Superseding Order of Conditions has been recorded with the Registry of Deeds and MassDEP has been formally notified via the form provided at the end of this Order.

25. This Superseding Order shall apply to any successor or assigns in interest or control and any

other party engaging in activity on the property identified in the Notice of Intent.

26. Any proposed or executed change in the plans approved under this Superseding Order shall require the applicant to file a new Notice of Intent with the conservation commission or to inquire of MassDEP in writing whether the change is substantial enough to require a new filing. A copy shall be sent at the same time to the conservation commission. Any errors in the plans or information submitted by the applicant shall be considered changes and the above procedures shall be followed.

27. Members and agents of MassDEP and the conservation commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions contained in this Superseding Order, and may require the submittal of any data deemed necessary by MassDEP for that evaluation.

28. Prior to the start of work, the applicant shall obtain all other permits, variances and approvals required by federal, state or local regulations, and shall submit proof of such approvals to MassDEP and the commission.

29. Prior to the start of work, the applicant shall submit final construction plans stamped by a Massachusetts registered professional engineer to MassDEP and the commission. Any deviations from the plans referenced in this SOC must be noted.

30. Prior to the start of work, the applicant shall submit a construction sequence and schedule to MassDEP and the conservation commission for approval by MassDEP. The construction sequence shall address, but shall not be limited to, initial site preparation, erosion and sedimentation controls and turbidity controls for work on land and in-water; protection of existing drainage systems; identification of stockpiling and staging areas; parking and storage of construction vehicles and equipment; wheel wash stations; and seasonal considerations. A plan showing the location of the construction-related activities listed above shall be included. Work shall not commence until MassDEP has approved the construction sequence and staging locations.

31. Prior to the start of work, the applicant shall develop a spill management plan for spills of fuel or hydraulic fluids and shall submit it to MassDEP and the commission for review. A quick-absorbent material such as "Speedy Dry" or its equivalent must be stored in a dry and readily available area at the work site.

32. Prior to the commencement of any activity on the site, the applicant shall provide MassDEP and the commission with the name, address and contact information (phone numbers and email) of the person(s) designated to ensure that the conditions of the SOC are being met by all work on the site, including but not limited to ensuring that all sedimentation and erosion controls are functioning properly (Environmental Monitor). An emergency telephone number shall also be provided. The applicant is responsible for updating this information if it changes during the course of the project.

33. The persons designated above (Condition 32) shall be the Environmental Monitor (EM) and

shall report in writing to MassDEP and the commission once every month while construction is underway within the 100-foot buffer zone or on Land Subject to Coastal Storm Flowage, Coastal Bank, Coastal Beach or Land Under Water. The report shall at a minimum include a description of any erosion or turbidity control problems, progress on construction and any changes in construction schedule or sequence and any other recommendations for site management. The EM shall have authority to stop work if necessary in order to address erosion, sedimentation or pollution that may occur in or near wetland resource areas.

34. Prior to the start of work, the applicant shall obtain the services of a wetland scientist who has experience working in coastal resource areas. The name, qualifications and contact information for the wetland scientist shall be provided to MassDEP for approval, with a copy to the commission. The wetland scientist shall oversee the restoration of coastal resource areas on the site, including but not limited to obtaining selected plant species; restoring the grades of the resource areas; preparing areas for planting; installing plants and seeds; and monitoring the restored areas to ensure that they are stable. Newly planted areas shall be watered if needed and any plants that die shall be replaced with similar species. The wetland scientist shall be present during all stages of the restoration work.

35. Prior to the commencement of work, the applicant shall arrange a pre-construction meeting between the project supervisor, the contractor responsible for the work, the EM, the wetland scientist, a representative of the commission and MassDEP to ensure that the requirements of the SOC are understood. Arrangements for the meeting shall be made at least one (1) week in advance.

36. Prior to the start of work, erosion controls consisting of silt fencing or staked hay bales shall be installed between the limits of work and wetland areas. Orange construction fencing or another visible barrier shall be installed upgradient of these controls. These barriers shall serve as the limit of disturbance and shall be installed as close to the work area as possible. Upon installation of the erosion controls, the applicant shall notify MassDEP and the commission. Erosion controls shall be maintained in good condition and shall not be removed without the permission of MassDEP.

37. The applicant shall notify MassDEP and the commission in writing at least seven (7) business days prior to the start of work.

38. The contractor shall have a boat available at all times for the collection and removal of any project-related trash or debris that falls on the watershed, and shall collect debris on a daily basis or more frequently if needed.

39. Construction refuse and debris shall be contained within a dumpster and shall be disposed of in a legal manner.

40. Boats, barges or other vessels shall not rest on tidal flats.

41. 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 resource area.

42. At no time during or after construction shall fill or other materials be placed, slump into or fall beyond the limit of grading as shown on the plan. The applicant shall be responsible for inspecting and maintaining all slopes and shall immediately notify MassDEP and the commission if slumping, erosion or encroachment occurs.

43. The applicant shall immediately control any erosion problems that occur on the site and shall also immediately notify MassDEP and the commission. MassDEP reserves the right to require additional erosion and sedimentation controls it may deem necessary.

44. Excess soil, rock, debris and other materials excavated or generated during the course of this project shall be removed from the site and disposed of in a legal manner. Records as to the destination of all materials, including excess fill and loam, to be removed from the site shall be kept on file and shall be provided to MassDEP and the commission upon request.

45. Storing, servicing or cleaning of vehicles or portable equipment, including but not limited to fueling, changing, adding or applying lubricants or hydraulic fluids, or washing/rinsing, shall be performed outside the 100-foot buffer zone.

46. During work on this project, there shall be no discharge or spillage of fuel, oil or other pollutants, including sediments, onto any part of the site. The applicant shall take all reasonable precautions to prevent the release of pollutants by ignorance, accident or vandalism.

47. The applicant shall ensure that all catch basins on the project site are cleaned and maintained on a monthly basis during construction, and on a quarterly basis thereafter. Catch basins shall be protected with silt sacks or stone berms, or another method approved by MassDEP. Catch basins shall be inspected weekly during construction and after a rain event with more than 0.5 inches of precipitation.

48. During construction, paved surfaces shall be swept with a vacuum sweeper on a monthly basis when surfaces are not covered with ice or snow. Upon the completion of construction, paved surfaces shall be swept quarterly in accordance with the project's O&M Plan.

49. The applicant shall be responsible for maintaining all stormwater drainage structures, including but not limited to catch basins, hydrodynamic separators, infiltration structures, culverts, scuppers and outlets located on the site. All structures and facilities shall be managed and maintained in accordance with the project's Operation and Maintenance Plan referenced in Condition #20 and the conditions contained in this Superseding Order. This Condition shall remain in effect in perpetuity and shall be recorded on the Certificate of Compliance.

50. The applicant shall designate washout areas for concrete equipment. Washout areas shall not be located in the vicinity of storm drain inlets, stormwater conveyances, surface waters or wetlands.

51. Upon completion of the project, the applicant shall request a Certificate of Compliance from MassDEP and shall submit the following information with the request:

- a) A written statement by a professional engineer or land surveyor registered in the Commonwealth of Massachusetts certifying compliance with the approved plans referenced above and this Superseding Order of Conditions and setting forth deviations, if any exist;
- b) An as-built site plan prepared by a land surveyor or professional engineer registered in the Commonwealth of Massachusetts showing location and grades of the project, including but not limited to: pavement, roadways, sidewalks, site grading and drainage and stormwater structures. The plan shall include the date(s) of field work. In addition, a report on the condition of all stormwater structures shall be submitted to confirm that the Operation & Maintenance Plan has been implemented.
- c) A report by a wetland scientist describing the conditions of the coastal wetland restoration areas as well as any other wetland resource areas that were disturbed during the project.

