



CITY OF BOSTON

THE ENVIRONMENT DEPARTMENT

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

June 12, 2018

Robert Button
Vice President, CDM Smith Inc.
75 State Street, Suite 701
Boston, MA 02109

RE: Emergency Certification for Clean-up and Removal of Debris between Agazzi Road and Boylston Street, Victory Gardens, Back Bay Fens

Dear Mr. Button,

On behalf of the Boston Conservation Commission (the "Commission"), I have enclosed an Emergency Certification issued to Massachusetts Port Authority, pursuant to the Massachusetts Wetlands Protection Act, M.G.L. Ch. 131, § 40 and its regulations at 310 CMR 10.06, Emergencies, for the work referenced above.

All work must be conducted in accordance with the conditions listed on the certification. Please note the Emergency Certification will expire on July 12, 2018. The applicant must receive from the Commission an Order of Conditions or an extension to the Emergency Certification for work to be conducted beyond the expiration date. The Emergency Certification will be ratified by the Conservation Commission at the June 20, 2018 meeting.

If you have any questions I may be contacted at 617-635-4416.

For the Commission,

Amelia Croteau, Executive Secretary
Boston Conservation Commission

Enclosure

cc: DEP NERO
Mary Mancini, CDM Smith
Margaret Dyson, BPRD
Robert Rottenbucher, BPRD
Christopher Cook, BPRD



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Emergency Certification Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

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



- Issuance From: Boston Conservation Commission
Issuing Authority
1. Site Location: Muddy River - Boston (between Agazzi Road and Boylston Street)
2. Reason for Emergency:
Clean-up and removal of excessive debris within wetlands resource area due to illegal dumping. Debris includes solid waste, bio-waste and sharps that are a threat to environment & public health/safety.
3. Applicant to perform work: Clean Harbors through Purchase Order from Boston Parks and Recreation Department
4. Public agency to perform work or public agency ordering the work to be performed:
Boston Parks and Recreation Department
5. Date of Site Visit: June 6, 2018 Start Date: June 12, 2018 End Date*: July 12, 2018
* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.
6. Work to be allowed*:
Clean-up and removal of excessive debris (including solid waste, bio-waste and sharps) that has been illegally dumped within the resource area. Materials to be collected with hand shovels, rakes and wheel barrels and brought to upland areas. Should the Contractor find the need to utilize small tracked equipment to remove large debris and/or debris piles, they shall notify Commission Staff before the equipment is brought onto the site. Prior to any small tracked equipment being used, proper construction matting shall be laid along the general access ways to reduce impact to the wetland resource areas. Materials are to be placed in dumpsters and removed from the site for proper disposal.
- * May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

Chairman (or designee)

6/12/2018
Date

A copy of this form must be provided to the appropriate DEP Regional Office.



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C. General Conditions

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 Emergency Certification or subject to enforcement action.
2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.

D. Special Conditions

See attachment.

E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

Attachment A - Special Conditions
Emergency Certification
Muddy River, Victory Gardens, Back Bay Fens

8. If at any time during the implementation of the project a fish kill or significant water quality problem occurs in the vicinity of the project, all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Boston Conservation Commission (the "Commission").

9. There shall be no discharge or spillage of fuel, oil, or any other pollutant from this project into adjacent wetlands resource areas or associated 100-foot Buffer Zone ("buffer zone"). Any equipment used in the resource area or buffer zone that uses fuel, oil or hydraulic fluid shall be inspected daily for leakage. Any equipment requiring repair shall be repaired outside of the resource area and the buffer zone. Any vehicles, trucks or equipment that uses fuel, oil and/or hydraulic fluid shall be staffed at all times while operational within resource areas or buffer zone.

10. The "proponent" or their contractor shall be prepared to effectively deal with spillage of fuel or hydraulic fluids from equipment. A quick-absorbent material, such as "Speedy Dry" or equivalent, must be stored in a dry readily available area, and used in the event petroleum-based fluids are spilled or leaked. The spent material is then to be containerized and disposed of properly. An emergency fuel boom or absorbent pads shall be readily available in case any such spill threatens wetland resources.

11. The Commission reserves the right to amend this decision at any time upon evidence of alteration of wetland resource areas.

12. The contractor must inform the Commission of any violation of any other project related spill or accident that may impact wetland resource areas as soon as possible and at least by the end of the business day, and must take appropriate action to mitigate impacts from such spill or accident. The contractor or site supervisor must notify the City of any emergency by calling Commission staff at 617-635-3850 from 8:00 AM - 4:00 PM, Monday - Friday and, at all other times, by calling the Mayor's Office's 24-hour Hotline at 617-635-4500.