Energy Facilities Siting Board

980 CMR 13.00 Application Guidance

ATTACHMENT 1: COMMON CONDITIONS FOR EFSB CONSOLIDATED PERMITS

Effective Date: July 1, 2026

Updated: November XX, 2026

BACKGROUND AND PURPOSE

In accordance with 980 CMR 13.09, the Energy Facilities Siting Board ("Siting Board") is issuing the following Common Conditions. The primary purpose of the Common Conditions is to help guide the Applicant in developing draft permits (980 CMR 13.05) and the Presiding Officer when developing draft proposed conditions for the CEIF project (pursuant to 980 CMR 13.07(6)(a)) prior to the Conditions Conference (980 CMR 13.07(6)).

The Common Conditions pertain to the design, construction, operation, maintenance, and decommissioning phases of a clean energy infrastructure facility ("CEIF"); some are technology-specific conditions. The Common Conditions are organized by permit type and identify the Permit Enforcement Agencies ("PEA") whose usual jurisdiction relates to the subject matter of the condition. Each Common Condition names the PEA that would enforce that permit after the Siting Board issues the EFSB Consolidated Permit. Where multiple PEAs may have jurisdiction over any Common Condition, the Siting Board will identify the PEA with lead responsibility for enforcement of the condition.

The Siting Board expects to develop additional or revised Common Conditions over time and to adopt these changes after providing public notice and an opportunity for comment.

"Applicant" as used in the Common Conditions includes a Project owner/operator entity that submits (or authorizes a third-party submission of) an Application for an EFSB Consolidated Permit to the Siting Board. Applicant also includes any agent acting on the Applicant's behalf, including a contractor, subcontractor and successors in interest. Applicant, as used here, also encompasses the terms Licensee, Permittee, or Grantee.

Table of Contents

Background and Purpose 1
I. EFSB Common Conditions 1
A. Common Conditions Applicable to All CEIF 1
1. Administrative/Legal 1
2. Construction Phase 4
3. Operations and Maintenance Phase 13
4. Decommissioning 15
B. Additional Conditions Applicable Only to Clean Energy Storage Facilities (CESF) 16
1. Administrative/Legal Conditions 16
2. Construction Phase Conditions 17
3. Operation and Maintenance Phase Conditions 17
C. Additional Common Conditions Applicable Only to Transmission and Distribution Facilities 18
D. Additional Common Conditions Applicable Only to Anaerobic Digestion (AD) Facilities 19
E. Additional Common Conditions Applicable Only to Offshore Wind Interconnection Lines 20
1. State PEA-Enforced Conditions 20
2. Local PEA-Enforced Conditions 22
II. Other State Permits Common Conditions 23
A. MassDEP: Water Quality Certification ("WQC") 23
1. Project Plans and Changes 23
2. Pre-Construction 25
3. Environmental Training, Inspections, and Monitoring 28
4. Site Access and Materials Handling 31
5. Erosion, Sedimentation, and Dewatering Control 32
6. Construction Matting 34
7. Sediment and Soil Stockpiling 36
8. Pollution Prevention and Hazardous Materials 36
9. Wetland Replication, Restoration and Invasive Species Management 37
10. Specific Construction Procedures and Cleanup 42

11. General Compliance 42
B. MassDEP: Chapter 91 44
1. General License Conditions 44
2. Project Scope & Modifications 45
3. Construction & Maintenance 45
4. Public Rights & Access 46
5. Environmental Protection 47
6. Department Oversight & Enforcement 47
7. Use Conditions 48
8. Projects in Designated Port Areas 48
C. MassDEP: Post-Closure Use Permit 49
1. General Permit Conditions 49
2. Operations, Maintenance Conditions, and Environmental Monitoring 55
3. Standard Conditions 58
D. Local PEA/MassDEP: Order of Conditions/Superseding Order of Conditions 61
1. Final Plan of Record 61
2. General Conditions Under Massachusetts Wetlands Protection Act 61
3. Environmental Monitoring and Reporting 65
4. Stormwater Control and Maintenance Requirements (for projects subject to Massachusetts Stormwater Standards) 69
5. Mitigation Conditions 72
6. Special Conditions 73
E. DCR: Construction Access Permit 77
1. Condition of Premises 77
2. Permit Term 77
3. Administration Fee; Restoration, Consideration; & Mitigation 77
4. Requirements 77
5. Inspections, Access, and Permits 78
6. Public Safety 78
7. Restoration of Premises 79
8. Traffic Management 80
9. Environmental Impacts and Reporting 81
10. Operating Schedule 82

11. Risk of Operation and Indemnification 83
12. Insurance 83
F. MassDOT: State Highway Access Permit ("Curb Cut") 85
G. MassDOT: Indirect Access Permit 92
H. Massachusetts Bay Transportation Authority (MBTA): Zone of Influence Review 93
I. MWRA: 8(m) Permit 96
1. MWRA Water and Sewer Standard 8(m) Permit Terms and Conditions 96
2. MWRA Water Operations Special Terms and Conditions 98
J. MWRA: Temporary Construction Site Dewatering Permit 103
K. Department of Fire Services (DFS): Aboveground Storage Tank Permit 116
L. NHESP: Massachusetts Endangered Species Act Take/No-Take Determination 117
1. Conditional Determination 117
2. Conservation and Management Permit Conditions 118
III. Regional Permit Common Conditions 122
A. Cape Cod Commission Development of Regional Impact Decision 122
IV. Local Permits 123
A. Site Plan Approval 123
Permit Enforcement Agency: Local PEA 123
1. General Conditions 123
2. Before Any Site Work 123
3. During Construction 124
4. Before the Issuance of Any Certificate of Occupancy 125
5. After Occupancy 125
6. Ongoing Operational and Management Conditions: 125
7. Building Permit 125
B. Stormwater Management Permit 127
Permit Enforcement Agency: Local PEA 127
1. Administrative & General Conditions 127
2. Pre-Construction Requirements 127
3. Erosion Control & Site Management 128
4. Inspection & Maintenance 129
C. Order of Conditions (See II.D above) 130

Permit Enforcement Agency: Local PEA 130
D. Street Opening Permit 131
Permit Enforcement Agency: Local PEA 131

I. EFSB COMMON CONDITIONS

A. Common Conditions Applicable to All CEIF

1. Administrative/Legal

1. Compliance with All Laws: The Applicant shall comply with all applicable federal, state, and local laws, statutes, and regulations, not otherwise exempted by the Siting Board, in the construction and operation of the Project**. [EFSB-enforced]**

2. Compliance with EFSB Baseline Standards: The Applicant shall comply with all applicable Baseline Health, Safety, Environmental and Other Standards established by the Board in Attachment 2 of 980 CMR 13.00 Regulation Guidance, as then in effect. **[EFSB-enforced]**

3. Permit Enforcement: The Applicant shall comply with determinations made by the identified PEA for each condition. Where the Siting Board has identified more than one PEA for a particular condition, the Applicant shall consult with each PEA who may have concurrent judication over the subject matter of the condition. **[EFSB-enforced]**

4. Submission of Documents: During the compliance and enforcement phase of project development, the Applicant shall submit all required filings, documentation, or written communications relating thereto to the EFSB portal as well as directly to the PEA(s) named as the enforcement agency in the EFSB Consolidated Permit . **[EFSB-enforced]**

5. Project Changes: The Applicant shall construct and operate the Project in conformance with all aspects of the Project as presented to and approved by the Board in its Decision. The Applicant shall notify the Siting Board, other State PEAs, and the Local Government(s) in advance of any material variations to the proposal (e.g., project design, equipment, technology, manufacturer, operating characteristics, or control systems) so that the Siting Board may decide whether to inquire further into a particular issue. The Applicant is obligated to provide the Siting Board with sufficient information on changes to the Project, as approved, to enable the Siting Board to make such determinations in consultation with other PEAs. **[EFSB-enforced]**

6. Project Completion Compliance Report: The Applicant shall comply with all conditions contained in the Siting Board's Decision. Within ninety (90) days of Project completion, the Applicant shall submit a report to the Siting Board, state PEAs, and Local Government(s) documenting compliance with all conditions contained in this Decision, noting any outstanding conditions yet to be satisfied and the expected date and status of compliance. **[EFSB-enforced]**

7. Project Construction Commencement: The Applicant shall commence Project construction within three (3) years of: (1) an EFSB Consolidated Permit; or (2) the latter of: (a) a Consolidated State Permit issued by the Siting Board; or (b) a Consolidated Local Permit issued by Local Government. The time allowed to commence construction shall begin at the conclusion of all judicial appeals applicable to the EFSB Consolidated Permit. An extension request, for good cause, relating to an EFSB Consolidated Permit must be filed with, and may be approved by, the Siting Board. **[EFSB-enforced]**

8. State Permits: The Applicant shall provide the Local Government(s) with a copy of each permit issued by the Siting Board; a Local Government shall not delay the issuance of any other necessary local decision or permit because of the non-receipt of any state permits. **[EFSB-enforced]**

9. Submittals to the Presiding Officer: The Applicant shall submit all deliverables to the Siting Board's electronic filing portal and recipients on the service list. **[EFSB-enforced]**

10. Transfer of Ownership or Control: The Applicant shall notify the Siting Board, other state PEAs, and Local Governments in the filing portal within seven (7) days of any change of ownership of the Project, change of Project lease holder, change of Project operating company, or any other change of ownership or control of the Project or the land upon which the Project is sited. Applicants shall provide to the Siting Board, other PEAs, and Local Government(s) proof of the transfer to a successor. Within thirty (30) days of transfer of ownership to a successor, or at a mutually convenient time, the successor shall meet with the Local Government(s) to review the pre-construction or ongoing construction activities or, if the Project is in operation, the operating conditions of the Project. Any successor owner, operator, lessee, or controlling entity shall assume without interruption all applicable conditions, including but not limited to monitoring requirements, financial assurances, corrective-action responsibilities, emergency response obligations, and decommissioning requirements, imposed by the EFSB Consolidated Permit**.** **[EFSB-enforced]**

11. The Applicant shall work with applicable state and federal agencies to finalize and implement Time-of-Year ("TOY") restrictions and Best Management Practices ("BMPs") to avoid, minimize, and/or mitigate impacts to wetlands, wildlife and plant habitats, coastal and ocean resources. **[EFSB-enforced]**

    The Applicant shall work with applicable state and federal agencies to finalize wetlands, wildlife and plant habitat, coastal, and ocean resource monitoring plans. **[EFSB-enforced]**

12. Emergency Response Plan: The Applicant shall create an emergency response plan ("ERP") that meets the applicable requirements of the Siting Board's Uniform Set of Baseline Health, Safety, Environmental, and Other Standards, and 980 CMR 13.00. **[EFSB-enforced]**

13. Bond and Fee Payments: The Applicant shall submit bond and fee payment, as appropriate, to the Local Government(s) prior to commencing construction of the Project. **[Local PEA-enforced]**

14. Final Plan Submittals: The Applicant shall deliver hard copies and electronic copies of the final plans to the Local Government(s) no less than 10 days before the pre-construction meeting. The Applicant shall ensure final plans include all relevant final legal addresses, as approved by the municipal assessor, for the subject lot(s) and all structures on the subject lot(s). **[Local PEA-enforced]**

2. Construction Phase

a. State PEA-Enforced Conditions

15. Chemicals and Hazardous Materials: Thirty days prior to construction, the Applicant shall submit to the Siting Board, with a copy to the Local Government and MassDEP, a Spill Prevention, Control, and Countermeasure Plan ("SPCC Plan") to ensure that all chemicals and hazardous materials shall be handled in accordance with local, state, and federal laws during construction and operation of the Project. Before construction, and updated as needed, the Applicant shall provide to the Local Government(s) and MassDEP a full list of chemical and hazardous materials that will be present on site. The Applicant shall ensure all equipment refueling, service, or cleaning occurs in designated areas outside of Wetlands Resource Areas as defined in 310 CMR 10.00 to the extent practicable. The Applicant shall implement, for equipment that cannot be readily removed from Wetland Resource Areas (i.e., fixed drill rigs, equipment operating on barges, pumps and/or dewatering equipment, etc.), secondary containment, drip catch pans, or other appropriate measures during refueling or servicing equipment to prevent release of fuels, oils, or other hazardous materials to the environment. The Applicant shall ensure a spill kit, including adsorbents, is always present at the site for all equipment present. The Applicant shall ensure operators be trained to report and respond to fuel, lubricant, and other releases. The Applicant shall handle all hazardous waste in accordance with 310 CMR 30.000. The Applicant shall maintain and make available to all employees upon request all safety data sheets ("SDS") for the hazardous materials used or stored at the Project site. **[MassDEP-enforced]**

16. Substation/Switching Station Hazardous Fluid-Filled Electrical Equipment: The Applicant shall ensure that permanently installed, hazardous fluid-filled electrical equipment within a substation or switching station has at least 110 percent secondary containment capacity for such fluids. **[MassDEP-enforced]**

17. Construction Work Hours: The Applicant shall limit the Project's construction work hours to 7:00 a.m. to 7:00 p.m. on Monday to Friday, and 8:00 a.m. to 6:00 p.m. on Saturdays and not work on Sundays or legal holidays observed in Massachusetts, as published by the Secretary of the Commonwealth. Should the Applicant need to extend construction work hours beyond the above-noted hours and days, with the exception of emergency circumstances on a given day necessitating extended hours, or construction work that requires a longer continuous duration than normal work hours allow, the Applicant shall seek prior written permission from the relevant Local Government(s) before commencing such work. If the Applicant's request for extended construction hours is denied by a Local Government, the Applicant may seek prior approval, in writing, from the Siting Board director. The Applicant shall promptly inform the relevant Local Government(s) of any emergency work occurring outside of normal construction work hours. The Applicant shall comply with 527 CMR 1.00, Chapter 16 and NFPA 241 relative to safeguarding construction, alteration, and demolition operations during construction. **[Local PEA-enforced]**

18. The Applicant shall notify the Local Government(s) if anticipated work hours will negatively impact rush-hour traffic conditions. The Applicant may suggest alternative work hours to offset impacts on rush-hour traffic. **[Local PEA-enforced]**

19. Off-Site Screening: The Applicant shall, upon request of any person or entity owning property directly abutting the Project whose view has materially changed due to construction of the Project, consult with the abutter and discuss appropriate and reasonable off-site screening. Such screening may include shrubs, trees, window awnings, and fences, provided that operating and maintenance requirements for the Project are unhindered. Such vegetative screening shall include, but not be limited to, native, drought-resistant plantings and shall not include any invasive and/or nuisance plantings listed in the most recent Massachusetts Prohibited Plant list as published by the Massachusetts Department of Agricultural Resources. Prior to or upon completion of construction, the Applicant shall notify affected owners of abutting property in writing of the option to request that the Applicant provide off-site screening. The Applicant shall honor all reasonable and feasible requests for off-site screening that it receives from directly abutting property owners, once agreed upon with abutting property owners, within six months of completion of construction or as soon as practical thereafter. **[EFSB-enforced]**

20. Provide Decision to General Contractor: The Applicant shall provide a copy of the Siting Board's Decision, including all conditions and attachments, to its general contractor no later than thirty (30) days before construction commencement. **[EFSB-enforced]**

21. Site Visits: The Applicant shall permit the Siting Board, other state PEAs, and Local Government(s) the right to conduct site visits during construction and upon completion of the Project for purposes of verifying compliance with permit conditions and other requirements. The Siting Board, other state PEAs, and Local Government(s) shall conduct inspections such that they do not unreasonably impede construction and operation of the facility and such visits will accommodate relevant safety and security standards as determined by the Applicant. **[EFSB-enforced]**

b. Local PEA-Enforced Conditions

22. Air Impacts from Vehicles and Equipment: The Applicant shall consider use of electric vehicles and equipment when practicable and cost-justified during Project construction.

The Applicant shall ensure that all diesel-powered, non-road construction equipment with engine horsepower ratings of 50 and above, and to be used for 30 or more days over the course of construction, be certified to the most recent U.S. EPA Tier 4 emissions standards or have U.S. EPA-verified (or equivalent) emissions control devices, such as oxidation catalysts, particulate filters, or other comparable technologies (to the extent that they are commercially available), installed on the exhaust system side of the diesel combustion engine.

The Applicant shall use ultra-low diesel fuel for off-road construction equipment. Further, the Applicant shall limit unnecessary idling of off-road construction vehicles to a maximum of five minutes, pursuant to 310 CMR 7.11(1)(b). **[MassDEP (lead) and Local PEA-enforced]**

23. As-Built Plans: After construction is completed, the Applicant shall provide an as-built plan to the Local Government(s) and State PEAs. As-built plans for the final plan shall be stamped by a Professional Land Surveyor or Professional Engineer; including a certification stamped by a Professional Engineer indicating the Project was constructed in accordance with the approved plans. Elevations on the as-built plans shall reference the municipal GIS datum. Upon request of a Local Government or State PEA, as-built plans shall be provided in hard copy and/or electronic format. **[Local PEA-enforced]**

24. Community Outreach Plan: The Applicant shall, in consultation with the Local Government(s) and other stakeholders, develop a community outreach plan for construction of the Project. The community outreach plan shall use plain, concise language, and be translated into other languages, if and as necessary. The community outreach plan shall be made available to the Local Government(s) no later than thirty (30) days before construction commencement and describe the manner in which the Applicant will engage with residents, officials, businesses, and others. **[Local PEA-enforced]**

25. Debris Clean-Up: The Applicant shall provide a report to the Local Government(s) within sixty (60) days of construction completion confirming the clean-up of all construction debris and that any complaints concerning construction debris have been properly addressed. **[Local PEA-enforced]**

26. Dust Control: The Applicant shall manage all disturbed soils and unpaved roads using appropriate dust control best management practices (BMPs), as necessary, to adequately control dust during construction. **[Local PEA-enforced]**

27. Earth Removal: The Applicant shall not permit earthwork (i.e., grading, soil removal, hauling in of soils, hammering, and blasting) to take place without first receiving all required permits. Preliminary work in furtherance of permitting (e.g., soil boring, surveys) shall not be considered Earth Removal or Construction if it does not impose significant adverse impacts **[Local PEA-enforced]**

28. Horizontal Directional Drilling: Management of Drilling Fluid Risks: The Applicant shall submit a horizontal directional drilling ("HDD") contingency report to the Local Government(s) no later than thirty (30) days before construction commencement. The plan shall detail any measures that the Applicant employs to minimize the risk of drilling fluids inadvertently returning to the surface, and any emergency response protocols that the Applicant implements in the event of said scenario. **[Local PEA-enforced]**

29. Landscaping Plans: The Applicant shall submit a landscaping plan no later than thirty (30) days before construction commencement. At a minimum, the landscaping plan shall detail existing topography and vegetation, and any proposed: (i) vegetation removal; (ii) hardscape (e.g., walkways) and softscape (e.g., vegetative buffering) measures; (iii) woodland preservation; (iv) structural screening (e.g., fencing, decorative masonry and sound walls); (v) site layout measures (e.g., strategic setbacks, orientation, and grading); (vi) integration of materials and designs into the existing landscape (e.g., use of matching palates); (vii) lighting control (e.g., turning off lights when not in use, motion detectors, dimmers, shielded light fixtures, warm-colored bulbs); (viii) irrigation and drainage; (ix) erosion and sediment control; and (x) maintenance protocols. The plan shall include, but not be limited to, native, drought-resistant plantings and shall not include any invasive and/or nuisance plantings listed in the most recent Massachusetts Prohibited Plant list as published by the Massachusetts Department of Agricultural Resources ("MDAR"). The Applicant shall respond to any comments provided by the Local Government(s), so long as such comments do not extend to any matters resolved by the Siting Board; including, but not limited to, zoning exemptions. **[Local PEA-enforced]**

30. Lighting: The Applicant shall ensure all exterior lighting used during construction is directed downward to the extent practicable and prevents light from straying beyond the property boundary (commonly known as dark-sky type). **[Local PEA-enforced]**

31. Noise Mitigation Measures: The Applicant shall comply with the following noise mitigation measures, where warranted and practicable:
    - Endeavor to use the quietest commercially available construction equipment, including generators and portable HVAC units during construction.
    - Position noise-generating construction equipment and noise-generating construction activities as far from adjacent sensitive receptors as practicable during construction.
    - All construction equipment being used is equipped with the appropriate manufacturer-specified noise reduction device(s), in proper working condition; construction equipment and vehicles are properly maintained per manufacturers' specifications and fitted with manufacturer-provided (or recommended) noise suppression devices (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and noise attenuating shields or shrouds, silencers, wraps).
    - Mitigate noise from construction devices with internal combustion engines by ensuring that the engine's housing doors are kept closed, and by following the manufacturer's guidelines for engine operation; operate the device at lower engine speeds during the work to the extent practicable.
    - Use hydraulically or electrically powered tools (e.g., jack hammers, pavement breakers, and rock drills) for Project construction to avoid noise associated with compressed air exhaust from pneumatically powered tools, where practicable. For pneumatically powered tools, an exhaust muffler on the compressed air exhaust should be used, where practicable.

- Use temporary/portable noise barriers in the vicinity of residents and sensitive receptors during construction, as practicable. The Noise Mitigation Plan shall describe the intended use of temporary/portable noise barriers in view of other construction considerations such as worker and public safety, and travel needs of pedestrians, bicyclists, and motor vehicles transiting the area.
- Institute a noise mitigation training program for all field-worker supervisory personnel including subcontractor supervisors. Supervisory personnel shall field-train all field workers on best practices to minimize construction noise. **[Local PEA-enforced]**

32. Noise Mitigation Plan:

Pre-Construction: If the Applicant's noise study referenced in the EFSB Application Completeness Determination indicates non-compliance with the MassDEP Noise Policy then in effect, then 90 days prior to Project Construction, the Applicant shall submit to the Siting Board an updated noise study demonstrating compliance with the MassDEP Noise Policy.

- The updated noise study shall include, as appropriate, updated information, assumptions, modeling details, analysis, and results in a form similar to that provided by the Applicant in the noise study referenced in the Completeness Determination.
- If the Applicant believes that an updated noise study consistent with these requirements has already been provided in the Siting Board during the proceeding, it may reference this information in lieu of providing an updated noise study.
- If the results of the updated noise study continue to show non-compliance with the MassDEP Noise Policy, the Applicant shall describe in detail and evaluate additional noise mitigation measures proposed by the Applicant that are necessary to achieve compliance, and whether the Applicant is committed to providing such mitigation.

Post-Commercial Operation: Within 180 days of full commercial operation of the Project, the Applicant shall perform field noise measurements and analysis consistent with the methodology and standards of the MassDEP Noise Policy and submit the results to the Siting Board. If such results indicate non-compliance with the MassDEP Noise Policy, the Applicant shall evaluate and propose additional noise mitigation measures necessary to achieve compliance, describe them in detail, and provide a plan and timeline for completing the proposed mitigation measures in an expeditious manner, subject to review and approval of MassDEP or the Local PEA. **[MassDEP-enforced (lead); Local PEA]**

33. Paying for Third-Party Construction Inspections: The Applicant shall pay for third-party inspections and reviews, if reasonably required by applicable Permits. **[Local PEA-enforced]**

34. Pre-Construction Meeting**:** Prior to commending construction, the Applicant shall schedule a pre-construction meeting with the appropriate municipal staff, as determined by the Local Government(s). The Applicant shall contact the appropriate Local Government representatives in writing to schedule this meeting within a reasonable timeframe. **[Local PEA-enforced]**

35. Preserving Natural Vegetation and Visual Impacts: The Applicant shall design the Project to minimize visual impacts; including, preserving natural vegetation to the extent practicable, consistent with good utility practice and relevant federal and state law, blending in equipment with the surroundings, adding or preserving vegetative buffers to provide an effective visual barrier from adjacent roads and driveways, and screening for abutting residential dwellings. **[Local PEA-enforced]**

36. Recycling and Reuse: The Applicant shall provide to Local Government(s), a recycling and reuse plan for Project construction and operations no later than 30 days before construction commencement. The plan shall include targets for demolition and construction waste, the anticipated recycling rate for operational waste, and an explanation of how these are consistent with the goals of the Commonwealth. **[Local PEA-enforced]**

37. Soil: The Applicant shall properly stabilize all disturbed areas in accordance with the MassDEP Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas (May 2003) and U.S. EPA National Pollution Discharge Elimination System 2022 Construction General Permit (or more current versions), as applicable. Wherever practicable, the Applicant shall re-use on-site topsoil from excavated areas to establish a vegetative cover that blends disturbed areas into the surrounding landscape once the Project is complete. The Applicant shall not import topsoil unless the Applicant provides information to the relevant Local Government(s) regarding a demonstrated engineering need, with particular attention paid to preventing importing of invasive species. The Applicant shall ensure provisions to stabilize any topsoil banks or berms. In the event of a conflict between requirements of the MassDEP guidelines and the requirements of any other federal general permit, the Applicant shall follow the more stringent requirement except as directed by the Siting Board. **[Local PEA-enforced]**

38. Staging and Laydown Plan: The Applicant shall produce and submit a staging and laydown plan to the Local Government(s) PEA for review no later than thirty (30) days before construction commencement. At a minimum, the staging and laydown plan shall detail the Applicant's Project staging and laydown site location(s) and, for each site, the timeline for use, proposed activities and hours of occurrence, use restrictions, mitigation methods to minimize impacts to surrounding areas, and post-use restoration plans. [**Local PEA-enforced**]

39. Stormwater Pollution Prevention Plan: The Applicant, in consultation with Local Government, shall submit to the Siting Board, during land disturbance and construction activities, a Construction Period Erosion, Sedimentation and Pollution Prevention Plan ("CP4") and/or Stormwater Pollution Prevention Plan ("SWPPP") for the Project developed to comply with the *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas* (May 2003) and U.S. EPA National Pollution Discharge Elimination System 2022 Construction General Permit (or more current versions), as applicable. In the event of a conflict between requirements of the MassDEP guidelines and the requirements of any other federal general permit, the Applicant shall follow the more stringent requirement except as directed by the Siting Board. Applicants shall control sediment movement and stabilize exposed soils to prevent pollutants from moving offsite or entering waters or wetlands. Land disturbance activities include demolition, construction, clearing, excavation, grading, filling, and reconstruction.

    During construction, the Applicant shall, at its own expense, cause a third-party inspector to submit monthly reports to the Local Government(s). The third-party inspector shall go to the Project site after significant storm events to confirm compliance with the Applicant's CP4 and SWPPP as applicable. A significant storm event shall be defined in accordance with applicable stormwater regulations in effect at the time of issuance of the EFSB Consolidated Permit. The minimum qualifications for the third-party inspector shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.

    In the event of a conflict between requirements of the Local Government CP4/SWPPP and the MassDEP CP4/SWPPP, and the requirements of any other federal general permit, the Applicant shall follow the more stringent requirement except as directed by the Siting Board. **[Local PEA-enforced]**

40. Traffic Management Plan: The Applicant, in consultation with Local Government, shall develop and implement a traffic management plan ("TMP") for the construction of the Project, where warranted and as appropriate. The TMP's requirements shall include, but are not limited to: (i) signage identifying construction work zones and support areas, worksite access points, and emergency access routes; (ii) use of traffic control techniques, as necessary, such as detour routes for public traffic, traffic control devices like road markings or barricades, and temporary traffic signals or flaggers/police details; and (iii) alterations to construction work times based on impacts on rush hour traffic. (iv) designated speed limits; (v) staggered arrival and departure times; (vi) proper vehicle maintenance protocols; (vii) limited or no use of high beams and loud sound systems; (viii) carpool incentives; and (ix) on-site parking plans or, if the site does not accommodate on-site parking, off-site parking plans that will not impede traffic flow. The Applicant shall submit the final TMP to the Local Government(s) no later than thirty (30) days before construction commencement, and, at the time of submittal, shall publish the TMP on the Applicant's Project website to ensure availability of traffic-related planning information for the Project area. When practicable, the Applicant shall arrange for off-peak delivery of all Project equipment and materials. **[Local PEA-enforced]**

41. Community Outreach Plan: The community outreach plan shall specify procedures for providing prior notification to affected residents regarding: (i) the scheduled start, duration, and hours of construction; (ii) construction specific to particular areas; (iii) construction that must occur outside of the hours detailed above (including night hours); and (iv) anticipated street closures or detours. Further, the community engagement plan shall detail communication methods that the Applicant will employ in its engagement efforts, which shall include, but not be limited to: (i) regular construction updates provided on the Applicant's Project website; (ii) email and/or text (via cell phone) updates sent to the public; and (iii) a phone number and email address to be used by the public to contact the Applicant with Project-based concerns.

    The community outreach plan shall require the Applicant to respond to all such concerns within 48 business hours of receipt of call or email, and maintain a log of dates, times, and reasons for each call or email, and the Applicant's response. The community engagement plan shall require that the Applicant, in good faith, work to rectify Project-based concerns in a reasonable timeframe and to the reasonable satisfaction of negatively affected parties. Further, the plan shall use plain, concise language, and shall be translated into other languages, as necessary.

The Applicant shall consider using maps and other visual media to disseminate Project information to the public. Such media may include: (i) diagrams, maps, elevations, renderings, or other visual material from the Applicant's Project construction documentation; (ii) videos; and (iii) real-time maps, charts, graphs, or other media that track construction progress, display the anticipated progression of future construction, or track construction impacts and disruptions (e.g., physical obstructions, traffic detours and expected congestion, parking and/or access limitations). **[Local PEA-enforced]**

3. Operations and Maintenance Phase

a. State PEA-Enforced Conditions

42. Hazardous Waste: The Applicant shall store all hazardous waste pursuant to the requirements of M.G.L. c. 21C and 310 CMR 30.000. **[MassDEP-enforced]**

43. Maintenance of Existing Recreational Uses: The Applicant shall ensure that any existing authorized public recreational uses prior to construction are maintained and publicly accessible post-construction by working with Federal, State, and Local Government(s) and private land conservation and recreational organizations. If there is any need to alter existing authorized recreational uses (e.g., relocating a portion of a trail), the Applicant shall identify the optimal location(s) and methods by working with the Federal, State, and Local Government(s) or private land conservation and recreational organizations. The Applicant shall construct relocation of recreational use during the land clearing stage to maintain connectivity. **[state PEA-enforced (lead); Local PEA, as applicable]**

44. Periodic Flooding and Sea Level Rise Impact Assessment: The Applicant shall submit a report to the Siting Board every five (5) years after Project commissioning on the necessity, appropriateness, and cost of implementing additional flood mitigation measures for Projects located within mapped Federal Emergency Management Agency ("FEMA") Special Flood Hazard Areas, as identified on Flood Insurance Rate Maps ("FIRMs") in effect at the time of Siting Board approval, to protect the Project from inundation and/or additional flood risk. The report shall detail the potential for any associated detrimental impacts on areas surrounding the Project, such as increased flood risk. The report shall be consistent with any climate vulnerability plan produced by the Applicant per G.L. c. 164 § 92B(c)(iv). In preparing each report, the Applicant shall consult with agencies, agencies, as relevant and appropriate, including, but not limited to, the Massachusetts Emergency Management Agency (MEMA), Office of Coastal Zone Management (CZM), and Department of Environmental Protection (MassDEP). The Siting Board shall review each report and determine whether additional flood mitigation measures are necessary and appropriate and, if so, may require implementation by the Applicant. **[EFSB-enforced]**

b. Local PEA-Enforced Conditions

45. Access Roads: The Applicant shall be responsible for ensuring that access roads to the Project can adequately accommodate standard emergency vehicles as appropriate. Emergency access roads shall comply with 527 CMR 1.00: Chapter 18. If an installation of the Project occurs using a new unpaved access road greater than 100 feet in length, a Local Government may require reasonable and appropriate mitigation measures, such as drainage improvements, dust suppression, widening, or re-surfacing. **[Local PEA-enforced]**.

46. Herbicide/Pesticide Application: The Applicant shall limit clearing of natural vegetation from the Project to what is necessary for the construction, operation, and maintenance of the Project. The Applicant shall ensure that any herbicide or pesticide application is approved by MDAR and consistent with all local regulations, if applicable. **[Local PEA-enforced]**

47. Operations and Maintenance Plan: The Applicant shall submit to the Local Government(s) a plan for the operation and maintenance of the Project prior to operation. The plan shall include measures for maintaining safe access to stormwater management controls, and general procedures for operational maintenance. Maintenance shall include, but not be limited to, painting structures, structural repairs, and preserving the integrity of security measures. The Applicant shall maintain the Project in good condition. **[Local PEA-enforced]**.

48. Snow Removal and Storage: The Applicant shall not store snow on a Project in areas that inhibit vehicular access or safe driver visibility. If snow cannot be stored safely at a Project site, then the Applicant shall remove and properly dispose of snow from the Project site. Snow shall be stored and/or disposed of in accordance with MassDEP's Snow Disposal Guidance. **[Local PEA-enforced]**

4. Decommissioning

49. Decommissioning/Abandonment: Prior to construction, Applicants shall provide to each Local Government, in cash, bond, letter of credit, escrow, or another form reasonably acceptable to the Local Government(s), a surety to cover the cost of removal in the event the Local Government must remove the CEIF Installation and remediate the landscape.

    - The amount of the surety shall be 125% of a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer and labor rates outlined by the Massachusetts Department of Labor Standard's Prevailing Wage Program and shall account for increased costs due to inflation at a rate of 2.5 percent per year.

    - The Local Government(s) shall reserve the right to have the decommissioning plan reviewed by a third-party engineer at cost to the CEIF Applicant.

    Applicants shall provide an updated estimate of the total cost of decommissioning after ten (10) years of project operation and subsequent updates in five-year intervals after that date, for the remainder of the project's lifetime. If the updated estimate exceeds the balance of the surety, the Applicant shall provide additional surety in the amount of 125% of the most recent estimated cost of decommissioning, minus the amount dedicated to decommissioning already on deposit with the Local Government. The additional surety will not be required for municipally or state-owned facilities.

    In the absence of a proposed date of decommissioning or written notice of extenuating circumstances, a CEIF shall be considered abandoned when it ceases to operate, meaning the CEIF is not performing the normal functions associated with the CEIF and its equipment on a continuous and ongoing basis, for more than 12 months, without written consent of the Local Government(s). The Local Government(s) shall provide written notification of abandonment to the Applicant.

Decommissioning shall include removal of all structures, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated components and facilities. This estimate will include transportation costs as well as costs for recycling and disposal. If the CEIF is built upon USDA-identified agricultural soils (Prime Farmland, Farmland of Statewide Importance, or Unique Farmland), the site should be restored to its predevelopment condition or higher quality. Disturbed earth shall be graded and re-seeded as necessary to minimize erosion unless the landowner requests in writing that the access roads or other land surface areas not be restored. Hazardous material from the CEIF shall be disposed of in accordance with federal, state, and local law. The decommissioning plan shall utilize best recycling practices to the extent practicable. This standard does not apply to clean transmission and distribution infrastructure facilities unless so directed by the EFSB. **[Local PEA-enforced]**

B. Additional Conditions Applicable Only to Clean Energy Storage Facilities (CESF)

1. Administrative/Legal Conditions

50. Emergency Response Plan for Battery Energy Storage System: The Applicant shall create an emergency response plan ("ERP"), which complies with the Siting Board's Uniform Set of Baseline Health, Safety, Environmental, and Other Standards, and 980 CMR 13.00. **[Local PEA-enforced]**

51. Hazard Mitigation Analysis ("HMA"): The Applicant shall prepare an HMA, as required by NFPA 855 or other similar safety requirements. The HMA shall evaluate and mitigate risks of fire, explosion, or toxic gas releases, and ensure safety for personnel, property, first responders, and area residents. **[Local PEA-enforced]**

52. Groundwater Protection: The Applicant shall, where site conditions reasonably warrant, prepare a report that documents measures that will be taken to monitor and protect groundwater quality consistent with applicable regulatory standards. Such measures may include, but are not limited to, the following: (a) preconstruction baseline groundwater and, where appropriate, surface water sampling; (b) identification of potential downgradient receptors, (c) identification of containment structures and other methods to reduce or eliminate infiltration; (d) reasonably anticipated emergency response activities; (e) long-term groundwater monitoring; and (f) post-incident environmental sampling protocols and reporting requirements. **[Local PEA-enforced]**

53. Incident Report: The Applicant shall file an incident report with each Local Government within one (1) week of any incident requiring notification to first responders. The report shall include a description of the incident, response, and the date(s) and time(s) of the incident and response.

The Applicant shall submit an annual report to each Local Government detailing: (a) any safety incidents that required notification of local safety authorities, including a full description of each incident and response, and the necessary, if any, changes the owner and operator of the Project made in response to each incident and response; and (b) a summary of any complaints about the Project received by the owner and operator, including the nature of the complaint and date received, the owner and operator's response and date of response, the complaint's resolution, and identification of the individual(s) and/or party/parties who issued the complaint. **[Local PEA-enforced]**

54. Incident Response: The Applicant shall follow all federal, state, and local emergency response protocols outlining mandatory containment, remediation, testing, notification and monitoring efforts including, but not limited to, 310 CMR 22.00 and 310 CMR 40.0000. **[Local PEA-enforced]**

2. Construction Phase Conditions

55. Chemicals and Hazardous Waste: The Applicant shall certify to each Local Government that non-PFAS fire suppression foams shall be employed to the extent that such products are commercially available and efficacious. The Applicant shall manage all chemicals and hazardous waste in compliance with relevant requirements of M.G.L. c. 21C and 310 CMR 30.00. **[Local PEA-enforced]**

3. Operation and Maintenance Phase Conditions

56. Repair, Augmentation, and Repowering: In addition to repairing or replacing BESS components to maintain the system, a BESS may, at any time, be augmented or repowered without the need to submit a new site plan so long as notice is provided to the Board documenting: (a) the augmentation or repowering is within the same or reduced footprint (e.g., same dedicated use building or on footings/foundations in the same location or reduced project footprint due to efficiency improvements) as detailed in the CEIF's as-built plan; (b) there is no significant change in the battery chemistry (e.g., a change from one lithium-ion battery type, such as lithium iron phosphate, to another, such as nickel manganese cobalt); and (c) that the Applicant will meet any relevant additional or different safety standards. A proposal to significantly change the Project footprint, or battery chemistry, may be considered a Project Change, subject to the local and state standards at the time of the request, requiring the submittal of a notice of a Project Change to the Siting Board for review and approval. **[EFSB-enforced]**

C. Additional Common Conditions Applicable Only to Transmission and Distribution Facilities

57. Regulated Utility Updated/Certified Cost Estimate: The Applicant shall submit to the Siting Board, prior to beginning construction, an updated and certified cost estimate for the Project. The Applicant shall promptly notify the Siting Board during the construction process of Project cost increases beyond the numerical range referenced in the Application at Completeness, or Final Decision, if available. **[EFSB-enforced]**

58. Nighttime Construction Mitigation Plan: The Applicant shall prepare a nighttime construction mitigation plan in consultation with relevant local stakeholders, if applicable. The Applicant shall submit the plan to each Local Government no later than thirty (30) days before commencement of nighttime construction, defined as any construction occurring between the hours of 7:00 p.m. and 5:00 a.m. The nighttime construction mitigation plan shall detail any potential impacts beyond the Project site (e.g., illumination spill-over and glare, noise, and traffic disruptions) and all proposed mitigation measures. **[Local PEA-enforced]**

59. Nighttime Cable Splicing: The Applicant shall use lower-noise-generating equipment for cable splicing, where practicable. The Applicant shall use portable noise barriers to mitigate noise impacts on residential areas from nighttime cable splicing, as necessary. **[Local PEA-enforced]**

60. Road Damage/Repair: The Applicant shall, in the event of damage to any public road or any private road not owned by the Applicant, due to the construction of the CEIF, repair damage no later than 60 days after construction is completed. If the damage occurs between November to March, the Applicant shall make temporary repairs within sixty (60) days and final repairs once asphalt plants reopen from seasonal closures. The Applicant shall, where warranted, complete a pre-construction condition survey for any public or private road prior to construction. **[Local PEA-enforced]**

61. Unauthorized Access: The Applicant shall install gates, boulders, or other impediments to prohibit illegal vehicular trespass into the utility easement, as feasible and warranted. **[Local PEA-enforced]**

D. Additional Common Conditions Applicable Only to Anaerobic Digestion (AD) Facilities

62. Materials Management: The Applicant shall conduct all materials management activities (i.e. receiving, handling, recycling and storage) for an Anaerobic Digestion ("AD") Facility involved in the Operation inside a building, on impervious surfaces, and within the designated areas, as described in the Application and as depicted on the submitted plans/drawings as contained therein, as well as in accordance with the applicable regulations set forth at 310 CMR 16.00.

    The Applicant shall not accept more material than what is proposed in the application for an AD Facility and shall comply with 310 CMR 16.00. The Applicant may store materials on site for up to seven (7) days before processing, provided measures are undertaken to prevent nuisance conditions and no nuisance conditions occur. Nothing in the above conditions shall limit MassDEP's right to require removal of material from the Project if MassDEP has cause to believe that the continued storage of material: (a) results in an unpermitted discharge to air, water, land or other natural resources; (b)) presents a threat to public health, safety or the environment; or (c) causes or contributes to a condition of public nuisance, including, without limitation, odors. **[MassDEP-enforced]**.

63. Public Health: The Applicant shall ensure that the operation of an AD Facility does not accumulate materials of a nature or in quantities that cause odor or pose a threat to public health, welfare or the environment. The Applicant shall, at all times, ensure that the quality of the incoming materials are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment, and that the type and quality of the incoming materials is sufficient for the operation. The Applicant shall conduct ongoing sampling of incoming materials as directed by MassDEP. [**MassDEP-enforced]**

64. Solid Waste Facility Standards: The Applicant for Anaerobic Digestion ("AD") Facility shall adhere to the relevant requirements of 310 CMR 16.00 and 310 CMR 19.00. **[MassDEP-enforced]**

65. Unpermitted Discharge of Pollutants: The Applicant for an AD Facility shall operate in a manner that prevents an unpermitted discharge of pollutants to air, water, land, or other natural resources, does not present a significant threat to public health, safety, or the environment, and does not cause or contribute to a condition of public nuisance. **[MassDEP-enforced]**

E. Additional Common Conditions Applicable Only to Offshore Wind Interconnection Lines

1. State PEA-Enforced Conditions

66. As-Built Survey: The Applicant shall conduct a Post-Construction Marine Survey(s) along the cable route if the Project includes the installation of undersea cable, conduit, or other structure at or beneath the ocean floor. The Applicant shall provide the survey results within six (6) months of Project completion, to the following agencies: MassDEP, Mass CZM, DMF, DFW, and the National Oceanic and Atmospheric Administration (NOAA) Office of Coast Survey.

The Post-Construction Marine Survey(s) shall at a minimum include the following elements:

- horizontal location and depth below the benthic surface for the cable route and overlay cable area;
- locations, dimensions, and volume of armoring and mattressing; limits of horizontal directional drilled sections of cable; and detailed survey of underground structures landward of mean high water located within filled or flowed tidelands or navigable portion of non-tidal rivers and streams.

The final survey shall be provided in an electronic format suitable to be added to existing underground utility surveys (AutoCAD using the current and one prior version to ensure utility of the data). The Applicant shall provide the horizontal location of the installed cable in a GIS-based map accompanied by the source files for addition to the Commonwealth's existing GIS dataset. **[Mass CZM-enforced]**

67. Fisheries Monitoring: The Applicant shall submit to the Division of Marine Fisheries ("DMF") a fisheries monitoring plan no later than ninety (90) days before construction commencement. At a minimum, the plan shall detail the: (a) geographic boundaries of the marine ecosystem subject to this condition; (b) baseline metrics for the marine ecosystem and associated fishing activity; (c) anticipated Project impacts on benthic and other habitats and fishing activity (if any); (d) proposed mitigation measures; and (e) a post-construction monitoring plan. The plan shall also detail how the Applicant will coordinate, during all Project phases, with the fishing community and other local and regional stakeholders, and DMF and all other applicable regulatory bodies. **[DMF-enforced]**.

68. Offshore Cables Monitoring: The Applicant shall submit to the Siting Board a post-construction monitoring plan for offshore export cables no later than ninety (90) days before construction completion. The post-construction monitoring plan shall ensure that cables meet target burial depths after initial installation, and after major storm events. The Applicant shall describe the proposed cable monitoring approach in the plan submitted to the Siting Board prior to construction completion, including protocols for monitoring and data collection methods, with justification that demonstrates the proposed approach will effectively ensure cable burial remains aligned with the results of the Cable Burial Risk Assessment. In the post-construction monitoring plan, data collected shall include cable location, burial depths, state of the cable, seabed features, natural and human-made hazards, and site conditions along the cable route. Data collection methods may include high-resolution geophysical methods, such as multi-beam bathymetric survey equipment, distributed temperature sensing systems, or underwater video. Cable monitoring reports with data shall be provided to the Section 401 Water Quality Certification program at MassDEP, DMF, and CZM. The Applicant shall consult with the DMF regarding specific monitoring locations, and timing of monitoring activities in preparing the post-construction monitoring plan. **[DMF-enforced].**

69. Magnetic Field Testing: The Applicant shall conduct magnetic field testing for offshore transmission lines in Massachusetts jurisdictional landfall locations, as required to verify estimated magnetic fields presented in the Application. Testing shall be completed within 120 days of Project reaching full commercial operation. The Applicant shall provide test results in a report to the Siting Board and DMF and submit the report within 180 days of full commercial operation of the Project. **[EFSB-enforced]**

70. Shore-to-Ship Electricity: The Applicant shall: (i) use shore-to-ship electricity for vessels while moored, whenever feasible; (ii) evaluate the feasibility of supplying shore-to-ship electricity to near-shore vessels to minimize or eliminate the need for onboard engines to generate power from fossil fuels, with consideration for any safety hazards that may be posed to the near-shore vessel or other vessels; and (iii) submit reports of the Applicant's ability to use shore-to-ship operations thirty (30) days before construction. **[EFSB-enforced]**

2. Local PEA-Enforced Conditions

71. Direct Reimbursement of Construction-Phase Harbormaster Costs: The Applicant shall facilitate direct reimbursement of reasonable and appropriate construction-phase monitoring costs incurred by a municipal Harbormaster or other municipal public safety agency authority or department, pursuant to 310 CMR 9.35(4), in partial compensation for the interference with public rights in Commonwealth Tidelands, within 90 days of issuance of this Permit.

- The Applicant shall ensure escrowed funds are payable directly by the escrow agent to a Local Government or governmental body of the Commonwealth for reasonable and necessary costs incurred to monitor the nearshore construction of the Project cable, including marine safety patrols, harbormaster costs, docking fees, associated fuel, and other similar costs or expenses.
- The Applicant and MassDEP shall agree upon processes and procedures for applications for reimbursement from the escrowed funds before the commencement of the offshore installation of the Project cable. The Applicant shall send mutually agreed processes and procedures in writing to all municipalities where the undersea cable is located.
- Notwithstanding the foregoing, the escrow agent shall remit payment from the escrowed funds no more than sixty (60) days from receipt and confirmation by the escrow agent of a valid application for reimbursement and supporting documentation from a municipality or government body of the Commonwealth
- The escrowed funds shall remain in escrow and available for payment as provided herein for the duration of the offshore cable installation within Massachusetts waters and for a period of six months following the issuance of a Certificate of Compliance by MassDEP or EFSB, as appropriate.
- A Local Government or government body may apply for reimbursement from the escrowed funds through the escrow expiration date. The escrow agent shall provide a final accounting of the amounts paid from the escrowed funds as reimbursement to any municipality or government body following the final payment from the escrowed funds. Any portion of the escrowed funds not paid to a Local Government or government body may be released to the Applicant 60 days following the escrow expiration date. [**MassDEP-enforced (lead); Local PEA**]

II. OTHER STATE PERMITS COMMON CONDITIONS

A. MassDEP: Water Quality Certification ("WQC")

Permit Enforcement Agency: MassDEP

Note: Federal regulations recommend that a Water Quality Certification ("WQC") include a statement that the issuing agency is granting certification with conditions, identify the federal permit that is being certified, state that the activity as conditioned will comply with water quality requirements, explain why each condition is necessary to assure compliance with water quality requirements, and confirm that the issuing agency complied with its public notice procedures. See 40 CFR 121.7(d). Conditions included herein are general and applicable for several 401 project types. However, not all common conditions listed may be applicable or appropriate for all projects. Additional or alternate project-specific conditions will be required related to project-specific scope and means and methods to meet performance standards and other requirements of 314 CMR 9.00

1. Project Plans and Changes

1. The Applicant, and its contractor(s) and subcontractor(s), shall comply with each term and condition of the Water Quality Certification and Variance, and shall not conduct unauthorized work in Waters of the United States within the Commonwealth identified in the 401 WQC regulations at 314 CMR 9.00 and subject to jurisdiction of this Water Quality Certification. The Applicant shall submit a written inquiry to MassDEP, with a copy to Board, to determine whether any project change such as a change to the plans and documents, or changes in construction methodologies or project activities that would result in additional alteration of Waters of the United States within the Commonwealth, or any changes in activities regulated and conditioned by the Water Quality Certification, are significant enough to require an amendment to the Water Quality Certification and receive written approval by MassDEP or the Siting Board prior to undertaking any work not authorized by the Water Quality Certification. No work related to any proposed change, addition, or deletion shall commence until the Siting Board or MassDEP issues an amendment reflecting the changes or determines that the changes are not significant enough to require an amendment. In the event an amendment is determined to be required, the Applicant will notify the U.S. Army Corps of Engineers in writing within ten (10) days with a copy to the Board and Mass DEP.

2. The Applicant shall conduct all Project activities in a manner that will not violate the provisions of Massachusetts Surface Water Quality Standards ("MA SWQS"), 314 CMR 4.00, as implemented by 314 CMR 9.00. Stormwater discharges to Waters of the Commonwealth during the construction period must comply with MSWQS for the affected areas in 314 CMR 4.00 and 314 CMR 9.00. A Water Quality certification does not grant property rights or exclusive privileges, and does not authorize any access or injury to private property.

3. The conditions of this Certification shall control in the event of any discrepancies with the referenced plans.

4. The Water Quality Certification shall be made part of all construction-related documents for the Project. If the Water Quality Certification is issued after the construction specifications, but before the receipt of bids or quotes, a true and accurate copy of the entire Water Quality Certification shall be included as an addendum to the specifications. If the Water Quality Certification is issued after receipt of bids or quotes, the Water Quality Certification and any subsequent amendments made to it shall be included in the contract or subcontract as a change certificate. Although the Applicant may assign various aspects of the work to different contractor(s) and subcontractor(s), all contractor(s) and subcontractor(s) must be obligated by contract to comply with each term and condition of the Water Quality Certification, and no contract or subcontract shall require or allow unauthorized work in Waters of the Commonwealth

5. The Applicant shall keep a copy of the Water Quality Certification and all reference documents on-site and available to the contractor throughout all phases of work.

2. Pre-Construction

6. The Applicant's Work in Waters of the Commonwealth shall conform to the Final Permitting Plan of Record ("Final Permitting POR"). The Applicant shall submit the plans provided to the contractor ("Final Construction Plans") to MassDEP at least 30 days prior to the scheduling of the Preconstruction Meeting. The POR submitted to MassDEP, may have confidential and non-public information removed or redacted if requested by the Massachusetts Natural Heritage and Endangered Species Program. Following review by MassDEP, the Final Construction Plans shall be determined to be the Final Plan of Record ("Final POR") and documented as such. A certification shall be made stating that "There are no additional impacts to wetlands or waters other than those listed in the Final Permitting POR." Said certification shall be signed by the Applicant, or by the Applicant's designee. In the event that the construction plans fail to identify a Project change, that change is not approved, and MassDEP will defer to the Final Permitting Plan of Record. Each representation and assurance made by the Applicant in the Application and Site Plans regarding the manner in which Project activities will be conducted by the Applicant and its contractor(s) and subcontractor(s) are incorporated into and made enforceable conditions of this Water Quality Certification. If the Applicant proposes jurisdictional impacts beyond those identified in the Final Plan of Record approved pursuant to the Water Quality Certification, then the Applicant shall propose additional mitigation as part of the submittal seeking such amendment(s). MassDEP may impose monitoring and reporting requirements for any additional replication/mitigation areas approved.

7. The Applicant shall hold a **Preconstruction Meeting** virtually or on-site with representatives from MassDEP prior to any work within Waters of the Commonwealth, including, but not limited to site preparation and clearing. The Applicant shall notify and invite other environmental permitting and resource agencies involved in reviewing and permitting the Project, including the U.S. Army Corps of Engineers. MassDEP shall make an attempt to attend in-person; however, a virtual option shall be provided for circumstances where MassDEP may not be able to attend in-person. Attendance at the Preconstruction Meeting shall be mandatory for the Applicant, the Applicant's contractor, subcontractors, the Environmental Monitor and Wetlands Scientist. Prior to scheduling the Preconstruction Meeting, the Applicant shall complete the "Preconstruction Submittal Checklist" signed and submitted to MassDEP. The purpose of the Preconstruction Meeting is for the Environmental Monitor ("EM") to train the construction personnel and the contractor and subcontractors on the terms and conditions of the Water Quality Certification and WQC Variance so that all parties are familiar with all requirements. The Final POR, including mitigation plans, the locations of wetlands and waters, the construction period pollution prevention plan ("CP4")/Stormwater Pollution Prevention Plan ("SWPPP") and any other major issues pertinent to the Project shall be reviewed at this Preconstruction Meeting.

    a. The Applicant shall schedule the Preconstruction Meeting at least seven days prior to any work in Waters of the Commonwealth, and the Applicant shall confirm availability of MassDEP Boston office prior to finalizing the meeting date and time. The Applicant shall notify and invite other environmental permitting and resource agencies involved in reviewing and permitting the Project, including the U.S. Army Corps of Engineers.

    b. The Applicant shall complete the "Preconstruction Submittal Checklist" attached to the Water Quality Certification and Variance, signed and submitted to MassDEP, prior to scheduling the Preconstruction Meeting.

    c. The Applicant shall submit a sign-in sheet from the Preconstruction Meeting to the Board and to MassDEP within 10 days following the Preconstruction Meeting. The Applicant shall ensure that each new contractor or subcontractor not present at the Preconstruction Meeting is trained on the terms and conditions of the Water Quality Certification and the construction period C4/SWPPP and the Applicant shall submit to MassDEP verification of such training and keep a copy on site for inspection.

    d. The Applicant shall document and submit photographic documentation of the pre-construction conditions of all Bordering Vegetated Wetlands ("BVWs"), Isolated Vegetated Wetlands ("IVWs"), vernal pools, and other wetlands resource areas within the scope of the POR as part of the Biannual Monitoring Report.

8. The Applicant shall submit to MassDEP a Contact List of the names, phone numbers and email addresses of the Applicant's supervisor, contractor, Environmental Monitor ("EM"), Licensed Site Professional (if applicable), Wetland Scientist ("WS") MassDEP (Boston), U.S. Army Corps of Engineers staff and representatives of the local conservation commissions, prior to scheduling the Preconstruction Meeting. The Applicant shall distribute the list to all parties at the Preconstruction Meeting. The Applicant shall update the contact list as personnel on the Project change and such revised contact list shall be submitted to all parties

9. The Applicant shall mark with stakes or flags the boundaries of BVW, IVW, Lands under Waterbodies and Waterways ("LUW"), vernal pools, and all other wetlands resource areas within the scope of the POR where no disturbance is authorized when they are located within fifty (50) feet of the estimated limits of work area. The Applicant shall provide notice to MassDEP that marking/flagging is complete prior to scheduling the Preconstruction Meeting. If Resource Area boundaries overlap, the Applicant shall mark with clear signage the outermost Resource Area boundary (i.e. the boundary closest to the proposed work) that no disturbance is authorized beyond the marked boundary. All wetland boundary markers, once in place, shall remain in place throughout construction until all disturbed surfaces have been permanently stabilized and written notice to remove the boundary markers has been provided to MassDEP. Boundary markers shall be fully evaluated annually and refreshed where needed and implementation of this requirement shall be documented by the EM. The Applicant shall ensure all construction personnel are made aware of these markers.

3. Environmental Training, Inspections, and Monitoring

10. The Applicant shall retain the services of an Environmental Monitor ("EM") to ensure compliance with the applicable laws and with the terms and conditions of this Water Quality Certification and will be involved throughout the entire construction process to conduct regular monitoring and oversee and supervise construction activities. The Applicant shall choose a lead EM ("Lead EM") with a minimum of five (5) years of experience in relevant environmental and construction matters, particularly in the associated resource areas which may be impacted. The Lead EM shall have the main responsibilities for ensuring compliance with the Water Quality Certification and environmental regulatory compliance during construction. The Applicant may assign alternate EMs to support the Project under the supervision of the Lead EM. The Applicant shall ensure that any Alternate EMs have no less than three (3) years of experience but do not need to meet the five-year experience requirement. The qualifications, including specific experiences and years, of the Lead EM and any Alternate EM will be provided to MassDEP for approval. The Lead EM shall be responsible for reviewing all reports (including those prepared by the Alternate EM) before they are submitted to MassDEP and the Applicant simultaneously, and all communications between the EM and MassDEP (and vice versa) will include copy to the appropriate contact for the Applicant.

    a. At least 30 days prior to scheduling the Preconstruction Meeting, the qualifications of the EM and any alternate EM shall be provided to MassDEP for prior written approval by MassDEP before the EM is selected and shall include specific experiences and years to meet these requirements.

    b. The Applicant shall require the EM to review all aspects of the Project including design submittals, construction activities and post-construction monitoring. All submittals required by the Water Quality Certification and Variance shall be reviewed by the EM prior to submittal MassDEP to ensure that submittals comply with the terms and conditions of the Water Quality Certification.

    c. The Applicant shall authorize the EM to respond to and communicate directly with the MassDEP requests on all matters related to: site inspections, plan reviews, mitigation oversight, and overall Project compliance with WQC standards, and with all Variance terms and conditions.

    d. MassDEP may make any requests directly to the EM and the Applicant shall authorize the EM to respond to and communicate directly with MassDEP regarding requests on all matters related to: site inspections, plan reviews, mitigation oversight, and overall project compliance with water quality standards and with all the terms and conditions of the Water Quality Certification. MassDEP may make any requests directly to the EM, and copy the Applicant, and the Applicant shall authorize the EM to fulfill such requests in direct coordination with MassDEP. The

Applicant shall also preauthorize the EM to contact MassDEP regarding any Project related water quality or wetland protection matter.

e. The EM shall have the authority to stop work and any non-compliance with the terms and conditions of the Water Quality Certification that is discovered by the EM shall be immediately reported to MassDEP.

f. During active construction season, the EM shall provide a written construction schedule for the next month to MassDEP describing any activity that will result in alteration to Waters of the Commonwealth. The first schedule shall be submitted prior to scheduling the Preconstruction Meeting. Any changes in the schedule shall be noted and provided to MassDEP prior to implementation of such changes. The schedule shall incorporate each Waters of the Commonwealth alteration or mitigation activity, including but not limited to installation of erosion control measures, wetland fill, construction of wetland replication, and stormwater BMPs.

g. The EM shall submit bi-weekly reports during active construction and monthly reports during the off-season to MassDEP until all work in Waters of the Commonwealth is completed.

    i. These reports shall summarize the status of construction, the condition of the Project Site, weather conditions, and a "Compliance Action Item Table" that lists all matters observed that may impact Waters of the Commonwealth and that require correction including but not limited to any erosion, sedimentation, or pollution. The Compliance Action Item Table shall include the following columns: 1) Item #, 2) Location, 3) Priority, 4) Observation Date, 5) Resolution Due Date, 6) Resolution Recommendation, 7) Actual Resolution Date, 8) Comments. The 'Priority' Column shall rank each item as Urgent (correction immediately), High (correction within 1-3 days), Medium (correction within 1 week), or Low (correction within 1-2 weeks). The Resolution Due Date shall be based on the Priority status assigned by the EM.

    ii. The EM Report shall also include recommendations on how to prevent similar problems in the future and shall include photos of the site taken during that inspection period.

    iii. The EM shall immediately report any problems that may have an adverse effect on Waters of the Commonwealth to MassDEP, including but not limited to discharges of construction site runoff that cause visible turbidity to wetlands and Waters of the Commonwealth. **The EM shall take immediate steps to correct such problems.**

    iv. All EM reports shall be submitted simultaneously to the Applicant, its representative(s) and to MassDEP. The EM's report shall include recommendations for corrective action to be taken by the Applicant, the contractor or any subcontractors. If necessary, the EM shall recommend

action to be taken by MassDEP at any time in the event it is needed to achieve protection of Waters of the Commonwealth.

11. In addition to retaining the services of an EM, the Applicant shall require its contractor(s) and subcontractor(s) to designate an individual to be responsible for the daily inspection and upkeep of protective environmental controls required by the Water Quality Certification and the POR. All construction personnel must be trained in the Project's environmental compliance issues and obligations prior to the commencement of construction.

12. The Applicant shall require its contractor to employ a WS for the duration of the design, construction, and monitoring of work in wetlands and Waters of the Commonwealth. The WS shall ensure compliance with the laws and with the terms and conditions of this Water Quality Certification. The WS shall have a minimum of five (5) years of experience in relevant environmental and construction matters, particularly in wetland delineation, wetland creation and restoration and wetland monitoring.

    a. At least 30 days prior to scheduling the Preconstruction Meeting, the Applicant shall provide the qualifications of the WS to MassDEP, for prior written approval before the WS is selected and shall include specific experiences and years to meet these requirements.

    b. The WS shall oversee all activities related to Waters of the Commonwealth and replication areas including but not limited to: dredging, filling, dredged material discharge, dredged material disposal, removal of wetland soils, filling wetlands, vegetation management, temporary disturbance and restoration; transportation of soils and plant materials; excavation, assessment of wetland hydrology, placement of soils and planting of wetland replication areas; monitoring of replication and other mitigation areas; remedial activities; and monitoring of activities that have the potential to affect Waters of the Commonwealth, such as erosion control installation, repair and removal, and soil stabilization.

    c. The WS shall submit bi-weekly reports to the EM during active construction and bi-monthly reports during the off-season on the above activities and shall have the responsibility in conjunction with the EM to recommend remedial action.

    d. The WS shall be authorized to contact MassDEP directly for any matter involving Waters of the Commonwealth protection.

    e. The WS position may be combined with the EM position provided the qualifications and requirements of both Special Conditions are met.

13. The Applicant shall require the EM to perform daily inspections during active work in any Outstanding Resource Water ("ORW").

14. The Applicant shall prepare weekly inspection reports, including photographs, maintain them in the Project file, and provide then to MassDEP upon request.

15. The Applicant shall notify MassDEP one week before starting work to allow sufficient time for a compliance inspection.

16. The Applicant shall ensure MassDEP staff have the right to inspect the area at reasonable hours and MassDEP staff may require the submission of any data necessary to evaluate compliance.

17. The Applicant shall not allow the dredge, associated equipment, and vessels to ground and shall never be anchored within sensitive habitats bordering dredging sites, or at the proposed placement sites for dredged material.

18. Following completion of Project scope, the Applicant shall provide a set of construction photographs depicting pre-, during-, and post-construction conditions (for freshwater projects) or conduct a bathymetric survey of the site depicting post-dredge conditions to be provided to MassDEP and CZM (for saltwater projects).

19. The Applicant shall comply with Division of Fisheries and Wildlife and/or Division of Marine Fisheries time-of-year restrictions and Project recommendations.

4. Site Access and Materials Handling

20. The Applicant shall limit construction access to the areas shown on the referenced plans. The Applicant shall provide prior notification to MassDEP for any additional access areas impacting wetlands.

21. The Applicant shall store all construction materials, equipment, and machinery outside of wetland areas including any additional sensitive areas where resources are required to be protected under 314 CMR 4.00 and 314 CMR 9.00 unless otherwise incorporated into covered receptacles on site to store all construction debris and waste, and receptacles shall remain covered unless being loaded or unloaded.

22. The Applicant shall use appropriate Best Management Practices (“BMPs”) for temporary stockpiling of dredged materials to prevent erosion and runoff from impacting wetland resources. The Applicant shall inspect the stockpile area weekly, and prior to and after all storm events.

23. The Applicant shall track and document offsite transport of sediment using a Material Shipping Record (MSR) or Bill of Lading (BOL). The Applicant shall provide a fully executed copy of the MSR or BOL to MassDEP within 30 days of final shipment to the end destination.

24. The Applicant shall implement BMPs during offsite transportation of the dredged material. At a minimum, when transported upon public roadways, all dredged material shall have no free liquid as determined by the Paint Filter Test or other analogous methodology acceptable to MassDEP, and a tarpaulin or other means shall be used to cover the dredged material during transport.

25. The Applicant shall utilize stabilized construction entrances, vehicle wash-down pads, perimeter erosion controls, and re-vegetation of disturbed areas with native plantings and seed mixes to minimize potential water quality impact resulting from construction activities.

26. Disposal of any volume of dredged material at any location in tidal waters, except as authorized herein, is not authorized by this 401 Water Quality Certification and would require a request for amendment that would be subject to approval by the Siting Board or MassDEP and the Massachusetts Coastal Zone Management office.

5. Erosion, Sedimentation, and Dewatering Control

27. The Applicant shall submit to MassDEP a final construction period pollution prevention plan ("CP4") and a Stormwater Pollution Prevention Plan ("SWPPP") for review at least 30-days prior to scheduling the Preconstruction Meeting. The CP4 may be combined with the SWPPP provided the requirements of both are met. A written certification shall accompany the CP4/SWPPP certifying under the pains and penalties of perjury whether the plans are substantially in accordance with this Water Quality Certification. No disturbance of any Waters of the Commonwealth shall begin until the C4P/SWPPP has been submitted to MassDEP. Measures specified in the C4P/SWPPP shall be implemented to protect wetland interests and meet state water quality standards. C4P/SWPPP measures shall be maintained in good repair, until all disturbed surfaces are fully stabilized. MassDEP may require modifications to the C4P/SWPPP at any time if warranted. Any subsequent changes to the C4P/SWPPP must be approved in writing by MassDEP or the Siting Board. Any proposed permanent Project changes must be submitted as a change to the approved Final Plan of Record.

28. A Water Quality Certification does not reduce, relax, vary or otherwise waive requirements under stormwater permits issued by the Siting Board, EPA and/or MassDEP, such as the Municipal Separate Storm Sewer System (MS4) General Permit, Multi-Sector General Permit, and Construction General Permit. In the event of a conflict between requirements of this Water Quality Certification and the referenced General Permits, the Applicant shall follow the more stringent requirement except as directed by the Siting Board.

29. Prior to any activity which will result in temporary alteration to Waters of the Commonwealth, the Applicant shall mark the limits of such Waters of the Commonwealth by a silt fence and double row of staked straw bales, or other appropriate sediment and erosion control Best Management Practice (BMP). Erosion control barriers shall be installed as shown on the POR. The barriers shall be maintained until all disturbed areas have been stabilized with vegetation or any other protective covering and/or method approved by the U.S. Department of Agriculture Natural Resource Conservation Service (USDA NRCS) to prevent erosion from taking place. All accumulated sediments shall be removed as needed and prior to the removal of the erosion control barrier.

30. The Applicant shall monitor and maintain erosion and sedimentation controls according to the Applicant's Construction Pollution Prevention Plan and/or Stormwater Pollution Prevention Plan and in a manner consistent with the requirements of the EPA Construction General Permit (CGP). Any tears, rips, breaks of erosion control barriers shall be addressed and repaired in a timely manner.

31. The Applicant shall repair any breaches in the erosion control barriers as soon as possible upon discovery and always within 24 hours. The Applicant shall maintain all sedimentation barriers in good repair until all disturbed areas have been fully stabilized with vegetation or other means.

32. When possible, the Applicant shall undertake construction when the ground is sufficiently frozen or otherwise stable and with the assistance of construction mats to support the construction equipment within the wetland areas in order to avoid creating ruts. Alternatively, low ground pressure equipment may be used as long as no rutting occurs. The Applicant shall remove any construction mats upon completion of the project. The Applicant shall restore wetland areas that are temporarily disturbed for access in terms of vegetative cover and soil stability. The Applicant shall ensure soils in areas of temporary impacts are not compacted, and wetland hydrology is restored to its pre-construction condition. The Applicant shall restore and revegetate disturbed areas consistent with their pre-construction condition.

33. The Applicant shall conduct all dewatering, dewatered effluent treatment, and effluent discharge or disposal using appropriate methods, locations, and BMPs based on site-specific conditions and applicable regulations.

34. Upon completion of the project and after the areas disturbed by construction activities have been stabilized, the Applicant shall remove and dispose of any erosion control measures in accordance with all applicable laws, regulations or ordinances. The Applicant may leave in place biodegradable erosion control materials located outside of Wetlands Resource Areas to naturally decompose. The Applicant shall grade, mulch, or otherwise stabilize and seed all disturbed upland areas following completion of work to reduce erosion.

35. The Applicant shall remove groundwater encountered during work from excavation or dredged areas, in a manner that will not introduce sediment into any adjacent jurisdictional areas. To the extent practicable, the Applicant shall not conduct dewatering activities waters of the Commonwealth, or within 400 feet of Class A surface water. If dewatering is necessary in these areas, the Applicant shall pump groundwater beyond the 400-foot zone surrounding the Class A surface water into dewatering areas. To minimize the amount of sediment that must be filtered, the Applicant shall not allow pump intake hoses to rest on the bottom of the excavation throughout dewatering activities; BMPs shall be deployed to minimize turbidity. The Applicant shall remove all accumulated sediment that remains in the dewatering basin or filter bag to an upland area beyond the 400-foot zone surrounding the Class A surface water. Where temporary wetland impacts are unavoidable, the Applicant shall follow Applicant's BMP Manual and permit conditions to avoid, minimize, and substantially restore the impacted areas consistent with the requirements of 314 CMR 9.00 and 310 CMR 10.00.

6. Construction Matting

36. The Applicant shall deploy and remove construction mats in accordance with the U.S. Army Corps of Engineers' Construction Mat Best Management Practices (March 2016), or any subsequent revisions or successor guidance issued by the USACE.

37. The Applicant shall specify construction mat materials in Final Construction Plans.

38. The Applicant shall clean All construction mats of plant material prior to installation. Upon removal of construction mats, the footprint of all work areas within wetland or Waters of the Commonwealth shall be inspected for the presence of non-indigenous, invasive vegetation not presently within the subject work areas. If invasive species are observed that were not present prior to the start of construction, those plants shall be removed by hand.

39. During removal of construction mats, the EM shall inspect the wetlands or Waters of the Commonwealth for buildup of sand or other materials that may have fallen through the construction mat access roads and/or workpads/pull sites. Any introduced material shall be properly removed by shovel and manpower and disposed of off-site. The EM construction mat removal inspection shall be documented. Mats shall be lifted and placed and shall not be dragged over wetland resource area or access area.

40. Mats used in wetlands within ORW shall be placed on top of filter fabric.

41. Vegetation shall be preserved where possible, and grubbing shall not be performed before placing mats without written notice to MassDEP.

42. Within 60 days after construction completion, temporary construction mat access roads and pads shall be removed from Waters of the Commonwealth and each area must be restored. All temporarily disturbed areas shall be allowed to re-vegetate naturally and shall be monitored for re-vegetation under the supervision of a qualified wetland scientist to ensure that re-vegetation of at least 75% of the temporarily altered areas has occurred. If 75% of the temporarily altered areas are not re-vegetated within one growing season of construction mat removal, then seeding or replanting shall be conducted until 75% of the altered area is re-vegetated. If seeding or replanting is necessary, the Permittee shall use only seed mixes or plantings comprised of species native to the county in which work is proposed, per The Vascular Plants of Massachusetts: A County Checklist, First Revision (MADFW-NHESP, 2011). Any deviation from these seed mixes or plantings proposed for use in in-situ restoration shall be described by the Permittee in writing and reviewed by MassDEP. MassDEP shall provide any comments within ten (10) calendar days of receiving the written description from the Permittee. Use of annual or Italian ryegrass (*Lolium perenne L. ssp. multiflorum (Lam.) Husnot*) in WUSWC otherwise allowed to be temporarily filled by this Certification does not require MassDEP approval if used to temporarily stabilize disturbed soils under the direction of the WS, and if approved by NHESP if applicable.

43. The Applicant must take all necessary steps to avoid soil compaction of wetlands during construction. If construction activities cause compaction or rutting within Waters of the Commonwealth, the areas must be re-graded to the pre-construction topography to maintain existing wetland hydrology, and said area shall be monitored until such restoration is successful as determined by MassDEP.

44. The Biannual Monitoring Report (May 30 and end of growing season) shall be developed and submitted until all temporary impacts have been restored to existing site conditions. Reports shall be submitted by July 1 and December 1 documenting the beginning (~30 days into) and end of the growing season. Specific locations should be called out with locations identifying which sites required seeding and/or earthwork, if any. In the report, photographic evidence of all locations of construction matting shall be documented with pre-construction photos and post-construction photos showing that that all temporary impacts have been restored to pre-construction conditions. A summary of the status of the temporary impacts and restoration shall be provided by the WS with site specific recommendations for corrective actions, if any.

45. Mats shall not be left in place for more than one year unless such removals would be impracticable or unwarranted and approved by MassDEP.

7. Sediment and Soil Stockpiling

46. Any soil and sediment stockpiles maintained beyond these areas shall be managed with best management practices (BMPs) to prevent the migration of soil or sediment into Waters of the Commonwealth. Such BMPs may include encircling stockpiled soils and sediment with erosion control barriers, and/or seeding them with temporary conservation seed mixes to stabilize loose soils with quick growing vegetation. Soil and sediment stockpiling shall not be allowed within 400 feet of a Class A surface water or within 50 feet of Waters of the Commonwealth unless approved in writing by MassDEP.

47. Any storm drains with potential to receive discharge from stockpiled materials or construction operations shall be managed to inhibit the inflow of sediment while not increasing the likelihood of flooding during periods of precipitation. Stockpiles shall be located no less than 50 feet from BVWs, LUW and catch basins, or other drainage conveyances that discharge to LUW. The C4P/SWPPP shall specify measures to implement this. Filter fabric stretched under storm drain inlet grates are not acceptable for this purpose.

48. The contractor shall have designated washout areas for concrete equipment, if used, that will be comprised of impermeable material and sized to contain project concrete wastes and wash water. Concrete wash out areas shall be located no less than 50 feet from BVWs, LUW and catch basins or other drainage conveyances that discharge directly or indirectly to BVWs or LUW. Concrete and concrete washout water shall not be discharged directly on the ground, in any Waters of the Commonwealth, or in catch basins or other drainage structures.

8. Pollution Prevention and Hazardous Materials

49. No refueling, washing, storage of construction equipment, maintenance of vehicles and construction equipment, or storage of hazardous materials is permitted within 400 feet of a Class A surface water. Any small engines, such as power generators, used within 400 feet of a Class A surface water must be placed within spill proof containers. If the use of fuel powered pumps for dewatering purposes is needed within these areas, the pumps shall be placed within lined containment basins.

50. During all construction activities, especially those that involve construction equipment, spill containment kits shall be located at the site at all times and shall be available for immediate use if needed. The Applicant shall notify each contractor or subcontractor who operates equipment containing a possible source of hazardous materials of the spill kit's location and its proper use.

51. Refueling and storing hazardous materials (including fuels, chemicals, and oils) shall be prohibited within 100 feet of Waters of the Commonwealth except for stationary equipment that cannot be practicably relocated. Storing, servicing, or cleaning of equipment, including but not limited to fueling, changing, adding, applying lubricants or hydraulic fluids, or washing/rinsing of trucks or equipment, shall be performed outside Waters of the Commonwealth unless such activities are necessary for stationary equipment with the use of BMPs. Barge-mounted or floating vessel equipment may be fueled at proper marina or port facilities, with appropriate containment implemented to prevent discharge or spillage of fuel.

52. The Applicant shall ensure equipment is in good working condition and in a condition that prevents leaks.

53. In case of a spill, emergency response agencies and MassDEP shall be immediately notified. All site-related activities impacting the water or other resource areas shall cease until the source of the problem is identified and adequate mitigating measures are deployed to the satisfaction of MassDEP.

54. For projects requiring dredging, discharging of dredged material, filling, or other similar in-water construction activities, the Applicant shall submit a notification procedure outlining the reporting process for incidents relating to dredging activities that impact surrounding resource areas and habitats including, but not limited to, observed dead or distressed fish or other aquatic organisms, observed oily sheen on the surface of the water, a sediment spill, a turbidity plume beyond the deployed BMPs, and a barge or equipment accident/spill.

55. If refueling in the ROW is unavoidable, the Applicant shall use secondary containment.

56. The Applicant shall prohibit de-icing materials within the ROW.

57. During the Project construction period, the Applicant shall not discharge or spill 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.

9. Wetland Replication, Restoration and Invasive Species Management

58. When replication, restoration or other mitigation is required pursuant to the standards of 310 CMR 10.00, the Applicant shall submit final plans related thereto for the timely and expeditious review and enforcement by MassDEP. Areas must be mitigated in accordance with applicable standards of 310 CMR 10.00, this Water Quality Certification and the WRP. MassDEP may require specific measures necessary to achieve compliance.

59. The Applicant shall ensure that the wetland restoration and replication areas remain free of non-native, invasive plant species such as common reed (Phragmites australis) and purple loosestrife (Lythrum salicaria) to the extent practicable.

60. Replication Area Construction: The Applicant shall require the WS to follow the sequence described below during construction of the Wetland Replication area:

    a. Flagging: Site flagging shall be inspected to ensure it is present and the wetland resource boundary is well marked before excavation or erosion control installation work begins.

    b. Soil Compaction Avoidance: Effort shall be made to avoid soil compaction during excavation. Long reach heavy excavators and/or small machines shall be used to the extent practicable. All tires on any wheeled vehicle or machine shall be properly inflated. A plan documenting how the excavation of the Wetland Replication area will be done, the types of equipment to be used and how compaction will be avoided shall be submitted to MassDEP at least 72 hours prior to construction.

    c. Notification: MassDEP shall be notified at least 72 hours prior to start of proposed excavation. MassDEP or its agent reserves the right to be present during all excavation work.

    d. Survey Excavated Elevations: Excavated elevations shall be inspected, and post-construction ground water elevations shall be documented before soil translocation or addition into the replication area. Surveyed elevations of the final subgrade shall be obtained by a registered land surveyor prior to soil translocation.

    e. Invasives: Whenever possible, natural hydric or other native topsoil layers shall be used to form the new placed topsoil; however, under no circumstances shall soils be used that hosted invasive plants or that were in the vicinity of invasive plants. Upon placement, replaced soils shall be disked to remediate any compaction.

    f. Soil Amendments: In the event a soil amendment mixture is used, the soil amendment shall consist of equal volumes of organic and mineral material. The organic matter shall be well or partially decomposed, and the mineral components shall be predominantly in the loam, loamy sand, to silt-loam texture range. The soil amendment shall be mixed and analyzed via laboratory analysis before placement as proposed by the Applicant. A copy of that analysis shall be provided to MassDEP in the EM report and annual monitoring report.

    g. Stockpiles: Wetland replication area soils shall not be stockpiled in the Waters of the United States within the Commonwealth, other Waters of the Commonwealth, Wetland Resource Areas or the wetland replication area site prior to construction unless written approval is obtained from the MassDEP. While stockpiled, soils shall be kept wet and shall not be allowed to dry out. Procedures for maintaining

appropriate moisture levels shall be documented in the monitoring reports. Vehicles used to transport soils shall be washed so no exotic or invasive seeds from other sites get mixed into replication area. Stockpiled soils and wash out of vehicles shall comply with the C4P/SWPPP.

h. Final Grade Survey: Upon completion of soil placement or translocation, surveyed elevations of the final grade by a Registered Land Surveyor shall be documented prior to planting.

i. Planting: The WS shall oversee all planting procedures. Planting shall occur at the beginning or end of the growing season. Shrubs and trees may be planted until November 15 (weather permitting), if careful investigation of individual plant tolerances is conducted.

j. Plants from Altered Wetland: If wetland plants from the altered wetlands are used, they shall be removed in plugs or culms and be protected against desiccation. As appropriate, trees and shrubs shall be root pruned prior to transplanting. Plants shall be planted within one day of removal from existing wetland, or as soon as possible and properly protected (e.g. burlap), watered and handled.

k. Indigenous Plantings & Seed Mixes: Plantings and seed mixes used in the Wetland Replication area, and erosion control or re-vegetation activities within Buffer Zones ("BZs") shall consist of species and varieties indigenous to the ecoregion within which the Project is occurring.

l. Substitutions: If there is a limited availability of plant stock or seeding mix at the time of planting, the WS must approve any substitutions, and MassDEP must be notified of such substitutions and offered opportunity to comment and may approve or deny the change.

m. Notification of Completion and As-Built Plan: Within 30 days following the completion of construction (i.e. all grading and planting have been completed) of the wetland replication area, the WS shall notify MassDEP in writing that the area has been fully constructed in accordance with the approved plans. Timeframes for monitoring will not begin until such notification is received. The notification shall also be accompanied by an "as-built" plan prepared and stamped by a Registered Land Surveyor of the Commonwealth that documents whether the replication area meets the grades, size requirements, and location as specified in the approved plans. Any variations from what is specified in the approved plans shall be identified. For compensatory mitigation not requiring earthwork, a post-construction documentation report shall be developed.

n. Documentation of Sequence: Documentation of all Wetland Replication Area inspections and/or steps required by the Water Quality Certification and Variance shall be submitted to MassDEP as part of the required bi-weekly EM reports.

61. Wetland Replication Biannual Monitoring for the Initial Two Growing Seasons: The WS shall inspect the Wetland Replication Areas twice per year between March and November for the first two growing seasons. Document wetland vegetation development including visual inspection of all plantings to document mortality; and an estimate of the overall aerial extent (percent cover) of wetland plant communities, non-wetland plant communities, un-vegetated areas, and open water. A total species inventory should also be included. Document hydrology including depth to water table as measured from the soil surface in one to three locations that correspond to an appropriate range of elevations characteristic of the site. For groundwater driven sites, this may include monitoring well installations and/or staff gauges for surface water-driven sites. The results of the biannual monitoring shall be submitted by December 15 of each calendar year in a report that attaches the data (e.g. tables, site photographs, site figures, etc.), summarizes the findings, and identifies problems with associated remedial action recommendations as needed. MassDEP reserves the right to require immediate remedial action or additional monthly monitoring based on the monthly monitoring results in accordance with 310 CMR 10.55(4)(b) and the Water Quality Certification and Variance.

62. Wetland Replication Annual Monitoring for Three Additional Growing Seasons: The third year through the fifth year following construction, the WS shall conduct a detailed assessment of the Wetland Replication area vegetation, hydrology, and soils once per year. Reports shall include a narrative discussion, vegetation plot results, soil descriptions, photographs, and site figures. Reports shall be submitted no later than December 15th of each calendar year. All monitoring reports shall be sent to MassDEP in pdf format. The location of the plots, soil evaluation pits, monitoring wells (or staff gauges) shall be depicted on a plan to be included in the monitoring reports. MassDEP reserves the right to require immediate remedial action or additional annual monitoring per the monitoring results in accordance with 310 CMR 10.00. The Applicant may request to discontinue the annual monitoring sooner if site conditions indicate that the wetland has met the intended milestones, and MassDEP will determine in writing whether to approve such request.

63. Corrective Action Report: Based upon the data collected during sampling events, the WS shall render a conclusion within each annual report regarding the success of the Wetland Replication Area relative to the performance standards at 310 CMR 10.55(4)(b); the design and planting plan proposed in the Final Plan of Record; and any other related criteria established in this Water Quality Certification. If, at the end of each growing season, the WS, or MassDEP, upon its own discretionary initiative, concludes that the Wetland Replication area has failed to meet the success criteria cited in this Water Quality Certification, or does not become the wetland proposed and approved in the Final POR, then, no later than the end of that calendar year, the WS shall prepare and submit to MassDEP for its review and approval along with a corrective plan of action. Without limitation, the corrective plan of action shall propose a strategy that is consistent with the requirements of these Special Conditions and may include but is not limited to providing healthy wetland vegetation in sufficient quantity to achieve the wetland replication area planting plan that is depicted in the Final POR, regrading the site as directed by the Applicant's WS or by MassDEP, or relocating the replication area. The corrective plan of action shall be implemented as approved by MassDEP during the next growing season under the supervision of the WS. Prior to completion of the monitoring for the Project, the Applicant's WS shall certify to MassDEP that the wetland replication areas have achieved the success criteria established in the Water Quality Certification, is consistent with the proposed Final POR and is consistent with any other related criteria in applicable laws.

64. The Applicant shall adhere to the minimization and mitigation program provided in the POR and summary of the minimization and mitigation conducted as part of the Project shall be provided to MassDEP with sufficient evidence that each has been completed within 90-days of Project completion.

65. Unless otherwise stated in this Constructive Approval or the approval of the WRP, all wetland topsoil shall be segregated during construction and reused on site for restoration.

66. Wetland areas temporarily disturbed by mat removals or otherwise shall be restored to their original vegetative cover and soil stability as approved in the WRP.

67. For projects requiring dredging, discharging of dredged material, filling, or other similar in-water construction activities, during dredging and dredged material placement operations, measures shall be made to avoid the potential spread of aquatic invasive species to other waterbodies. After restoration and stabilization, the Applicant shall ensure the area remains free of invasive plant species, including common reed, Japanese knotweed, and purple loosestrife.

10. Specific Construction Procedures and Cleanup

68. The Applicant shall demonstrate that the amount of vegetation and tree clearing is in accordance with the mitigation hierarchy to be applied during the permitting process for CEIFs to avoid or minimize or, if impacts cannot be avoided or minimized, mitigate impacts.

69. If necessary, mowing activities must be performed in a manner that preserves low-growing vegetation wherever possible to minimize erosion and reduce further re-vegetation of the site with non-native or invasive species. Mowing must not take place within Waters of the Commonwealth unless necessary and only when conditions are appropriate for mower access. The Applicant shall submit a written request to MassDEP for approval to mow within Waters of the Commonwealth, unless it is specifically included in the Final Plan of Record. Following mowing practices, siltation and erosion control devices must be installed and may consist of a barrier of staked straw bales and silt fence, silt-sock, or similar devices. The devices must function to mitigate construction related erosion and sedimentation and must serve as a physical boundary delineating sensitive areas such as Waters of the Commonwealth, including vernal pools.

70. Tree cutting, clearing, or removal debris that can be removed from Waters of the Commonwealth without causing further disturbance shall be removed.

71. Tree cutting, clearing, or removal debris shall not be left in place close enough together for an extended length of time (e.g., over one year) such that it acts like fill.

72. Appreciable amounts of woody materials shall not be left in piles such that it acts like fill.

73. Construction mats and equipment shall be cleaned in an upland area before and after each use to prevent the spread of invasive species. The Applicant shall properly contain and dispose of debris from cleaning.

74. Once the Project is complete and areas are stabilized, all Project debris and erosion control measures shall be removed and disposed of properly. However, biodegradable erosion control materials located outside of Wetlands Resource Areas may be left in place to naturally decompose.

11. General Compliance

75. The Applicant and their successors shall be responsible for ensuring compliance with these conditions.

76. The Contractor shall take all steps necessary to assure that the proposed activities will be conducted in a manner that will avoid violations of the anti-degradation provisions of the Massachusetts Surface Water Quality Standards that protect all waters, including wetlands.

77. This Certification does not relieve the Applicant of the obligation to comply with other appropriate state or federal statutes or regulations.

78. Staff of MassDEP shall have the right to enter and inspect the area subject to this Water Quality Certification and Variance at reasonable hours to evaluate compliance with the conditions stated in this Water Quality Certification and Variance, and may require the submittal of any data deemed necessary by MassDEP for that evaluation. The Applicant and its contractor(s) and subcontractor(s) shall respond immediately to any request made by MassDEP to comply with the terms of the Water Quality Certification and Variance, or to prevent environmental damage to Waters of the Commonwealth.

79. Dredging and related activities shall be planned and conducted to minimize short-term, long-term, and cumulative impacts on the aquatic ecosystem and to provide protection to human health, as required to meet the performance standards of 314 CMR 9.00.

80. Conditions included herein are general but may not be applicable or appropriate for all projects. Additional or alternate project specific conditions will be required to meet the performance standards and other requirements of 314 CMR 9.00.

81. Failure to comply with this Water Quality Certification is grounds for enforcement, including civil and criminal penalties, under M.G.L. c. 21, § 42, 314 CMR 9.00, M.G.L. c. 21A, § 16, 310 CMR 5.00, and other possible actions/penalties as authorized by the General Laws of the Commonwealth. MassDEP shall have the right to take action against the Applicant and/or construction contractor(s) for failure to comply with the terms and conditions of the Water Quality Certification.

B. MassDEP: Chapter 91

Permit Enforcement Agency: MassDEP

1. General License Conditions

1. **Acceptance and Validity:** Acceptance of this License implies agreement to all terms and conditions. The License is valid for thirty (30) years (for amendments). It and the License Plan must be recorded in the [County] Registry of Deeds within sixty (60) days of issuance, otherwise, it becomes void under G.L. c. 91, §18. By written request of the licensee for an amendment, MassDEP may grant a renewal for the term of [ ] years not to exceed that authorized in the original license

2. **Requirement to Record License in the Chain of Title:** The License and License Plans must be recorded in the chain of title for the subject property(ies) in the corresponding Registry(ies) of Deeds within sixty (60) days of issuance or the License shall be deemed void pursuant to G.L. c. 91 §18.

3. **Tidewater Displacement Fee:** This License shall not be valid until the Licensee has compensated the Commonwealth for the displacement of tidewaters as stipulated at 310 CMR 9.16(2). However, where the extent, location of structures or materials resulting in the displacement of tidewaters cannot reasonably be determined prior to installation (including, but not limited to, the placement of concrete mat protection associated with submarine cable installation), the Licensee shall compensate the Commonwealth for such displacement of tidewaters pursuant to the regulations following installation and based on final as-built conditions. Compensation shall be submitted within 90 days of approval of the as-built plans by the Commonwealth and prior to the issuance of a Chapter 91 Certificate of Compliance.

4. **Commonwealth Tidelands Occupation Fee:** This License shall not be valid until the Licensee has compensated the Commonwealth for the occupancy of land, waters, flats and filled tidelands the fee to which is held by the Commonwealth pursuant to 310 CMR 9.15(d). In the event such fees exceed $10,000 and the Licensee elects to pay the Occupation Fee through a fixed annual payment, the Occupation Fee shall be paid in full not later than five (5) years from License issuance. However, where the extent, location of structures or materials resulting in the displacement of tidewaters cannot reasonably be determined prior to installation (including, but not limited to, the placement of concrete mat protection associated with submarine cable installation), the Licensee shall compensate the Commonwealth for such displacement of tidewaters pursuant to the regulations following installation and based on final as-built conditions. Compensation shall be submitted within 90 days of approval of the as-built plans by the Commonwealth and prior to the issuance of a Chapter 91 Certificate of Compliance.

5. **Compliance with Other Regulations**: All other applicable federal, state, and local laws and permits, including those for coastal zone management and wetlands protection, must be secured and complied with before commencing any authorized activity.

6. **Property Rights**: The License does not authorize encroachment on property not owned or controlled by the Licensee without written consent of the owner(s). Nothing in this License shall impair the legal rights of any person.

7. **Transferability**: The permit is automatically transferred upon a change of ownership, but the new owner must provide notice to MassDEP.

8. **Geographic Areas Subject to Jurisdiction under G.L. c.91**: The provisions of G.L. c.91 and 310 CMR 9.00 shall apply to the geographic areas stipulated at 310 CMR 9.04. The boundaries of such areas shall be determined or confirmed solely by MassDEP.

2. Project Scope & Modifications

9. **Authorized Activities**: The License authorizes specific structures and fill on Private Tidelands, Great Ponds, and Navigable River or Stream, and for the uses specifically authorized by MassDEP.

10. **Final Design Plans:** The Licensee shall submit to MassDEP plans reflecting the final design within 60 days of approval. This plan shall include: fill, structures and uses within areas subject to jurisdiction stipulated at 310 CMR 9.04, areas to which public access is to be allowed, and public amenities related thereto.

11. **Changes and Alterations**: Any change in use from those stipulated in the License or any structural alteration beyond the footprint of previously licensed or authorized fill and structures requires review in advance by MassDEP to determine if the changes are greater than an insignificant deviation from the fill, uses, and structures stipulated in the License. Changes in use or structural alterations deemed greater than an insignificant deviation require an Amendment to the License.

3. Construction & Maintenance

12. **Project Completion:** All authorized work must be completed within five (5) years of License issuance. One or more one-year extensions of the construction period may be granted by the Siting Board, in consultation with MassDEP, for good cause upon written request submitted at least thirty (30) days before the expiration of the construction period or any extension thereof. In the absence of a Siting Board response to a timely request, the one-year extension shall be deemed approved.

13. **Certificate of Compliance**: Within 60 days of Project completion, the Licensee shall submit to MassDEP a request for a Certificate of Compliance accompanied by an as-built survey prepared by a professional land surveyor licensed in Massachusetts and a certification prepared by a registered professional engineer licensed in Massachusetts that the Project was built in accordance with the License.

14. **Damage or Hazard**: If the authorized structure or fill is damaged or becomes a hazard, the licensee is responsible for its removal or repair.

4. Public Rights & Access

15. **Encroachment Prohibition**: Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.

16. **Public Waterfront Access:** The licensee shall construct a pedestrian access network of a kind and to a degree that is appropriate for the Project site and the facility(ies) provided in 310 CMR 9.52(1)(a). At a minimum, such network shall consist of (a) walkways and related facilities along the entire length of the water-dependent use zone; wherever feasible, such walkways shall be adjacent to the project shoreline and, except as otherwise provided in an Approved Municipal Harbor Plan, shall be no less than ten feet in width. Where it is not feasible to construct the above-mentioned facilities, the licensee may provide public access through alternative measures that provide an equivalent or greater public benefit, subject to review by MassDEP.

17. **Public Access Maintenance**: Authorized public access areas, such as walkways or viewing areas, must be maintained in good condition and clearly marked.

18. **Protection of Public Rights**: The public's right to use and pass over Commonwealth tidelands and navigable rivers/streams must be protected and cannot be unreasonably restricted or interfered with (e.g., for fishing, fowling, navigation, or natural derivatives) unless expressly provided otherwise in the license. This includes not limiting public access hours or impeding pedestrian movement with gates, fences, or other structures in designated public passage areas except as necessary for the protection of public health and safety or private property upon review of MassDEP or the Siting Board.

19. **Public Purpose & Benefits**: All proposed structures, fill and uses to be located within a geographic area subject to G.L. c. 91, as defined by 310 CMR 9.04, shall serve a proper public purpose as determined by 310 CMR 9.31(2).

20. **Nonwater-Dependent Infrastructure Projects**: Projects consisting entirely of infrastructure facilities located in whole or in part within tidelands or great ponds to which 310 CMR 9.31(2)(b)1 does not apply, shall comply with the special mitigation and public access standards governing such facilities pursuant to 310 CMR 9.55(2).

21. **Limited Liability**: The public's use of publicly accessible areas is subject to the limited liability provisions of G.L. Chapter 21, § 17C.

5. Environmental Protection

22. **Environmental Protection**: Licensees must manage all construction and maintenance activities to prevent harm to sensitive environmental areas and species, and the Project must not obstruct natural water flow or cause significant harm to aquatic habitats.

23. **Material Disposal**: If dredging or fill removal is authorized, the disposal of the materials must occur at an approved, designated location. This Waterways License is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification.

24. **No Shoaling**: If the Project includes dredging, after completion of the work hereby authorized, the Licensee shall furnish to MassDEP a suitable plan showing the depths at mean low water over the area dredged. Dredging under this License shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his/her expense, remove the shoal areas. The Licensee shall pay all costs associated with such work. Nothing in this License shall be construed to impair the legal rights of any person or to authorize dredging on land not owned by the Licensee without written consent of the owner(s) of such property

25. **Climate Change Considerations**: Projects must consider the effects of sea-level rise, increased precipitation, intensifying storms and storm surges in response to climate change for the term of the License. Projects shall: (a) be designed and constructed to withstand the predicted 1% annual occurrence storm in the final year of the License term; or (b) be designed and constructed to withstand the 1% annual occurrence storm at the time of License issuance and be further adaptable to withstand the 1% annual occurrence storm in the final year of the License term.

6. Department Oversight & Enforcement

26. **Department Access & Inspection**: With reasonable prior notice, the licensee shall allow authorized MassDEP staff to enter and inspect the premises to ensure compliance with permit conditions.

27. **Revocation & Enforcement**: The License is void for noncompliance with terms and conditions after written notice by MassDEP and failure to correct within _____ days; failure to correct may result in MassDEP ordering the removal of the structure at the licensee's expense.

28. **Dredging Notification**: The Licensee shall, at least three days before the commencement of any dredging in tide water, give written notice to MassDEP of the location and amount of the proposed work, and of the time at which work is expected to begin.

29. **Violations and Penalties**: Violations of license provisions are subject to a fine of $25,000 per day or imprisonment, or both; or a civil penalty not exceeding $25,000 per day.

7. Use Conditions

30. **Lowering Great Pond Water Levels**: Pursuant to 310 CMR 9.05(2)(e) any lowering of the water level of a Great Pond, except a body of water used for agriculture, manufacturing, mercantile, irrigation, insect control purposes, or for flowing cranberry bogs, or for public water supply, in accordance with M.G.L. c. 91, § 19A, requires the Applicant to submit a specific plan for that work for prior approval by Siting Board as an amendment to the License or by MassDEP as a permit.

31. **Removal of Licensed Structures/Fill:** The removal of existing licensed fill or structures requires the Applicant to submit a specific plan for that work for prior written approval by MassDEP.

32. **Removal of Unauthorized Structures/Fill**: The removal of any existing unauthorized fill or structures requires the Applicant to submit a specific plan for that work for prior written approval by MassDEP.

8. Projects in Designated Port Areas

33. Projects located within a Designated Port Area shall be limited to Water Dependent Industrial Use Projects as defined at 310 CMR 9.12(2)(b) or shall meet the meet the requirements for a Variance stipulated at 310 CMR 9.21.

C. MassDEP: Post-Closure Use Permit

Permit Enforcement Agency: MassDEP

1. General Permit Conditions

1. The Applicant is the Permittee and Operator for this post-closure use permit for the construction and operation of the Project on the Landfill, and is responsible for complying with the conditions of this permit, as the permittee and the Operator. The term "Operator" also applies to any person who has care, charge or control of a facility subject to 310 CMR 19.000, including without limitation, an agent, lessee of the owner or an independent contractor.

2. Documentation shall be submitted to MassDEP that legal access agreements have been obtained that allows the Town and/or the Permittee to access to these portions of the landfill for monitoring and maintenance. The agreements shall also include an adequate buffer area beyond the limits of the waste. In lieu of an agreement, the transfer of the portion of the properties and an adequate buffer area would be acceptable to MassDEP.

3. Before the commencement of construction, a "Record Notice of Landfill Operation", in accordance with 310 CMR 19.141, shall be recorded referencing all of the properties containing landfill materials.

4. The Permittee shall modify the Landfill only in accordance with the Application referenced above, except as modified by this permit or otherwise approved by the MassDEP in writing.

5. A minimum of seven (7) days before the start of construction, the Permittee shall submit a detailed schedule for the Project to MassDEP.

6. A minimum of seven (7) days before the start of construction, the Permittee shall submit a list of Project personnel and their contact information. The Permittee shall advise MassDEP in writing of any changes in the Project personnel list.

7. Construction Oversight:

    a. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Construction Engineer") shall supervise the overall construction of the [Facility]. The Construction Engineer and/or a qualified QA/QC officer shall be present at the site at all times during construction and when any construction equipment is operating on the Landfill cap. The QA/QC officer shall work under the direct supervision of the Construction Engineer.

b. The Construction Engineer's duties shall include, but not be limited to; oversee installation and construction of the components of the Project as outlined above; oversee quality assurance/quality control (QA/QC) testing and verify all data generated through the testing program; document all construction and QA/QC activities; and submit monthly construction progress reports to the MassDEP as well as the Applicant and the Owner, which shall summarize the work performed during the month.

c. The Construction Engineer shall inspect the site at least once per week during periods when daily oversight is unnecessary. The Construction Engineer may contact MassDEP for guidance if the need for daily engineering oversight is unclear in a given circumstance.

d. The Construction Engineer shall have sufficient staff onsite to provide quality assurance/quality control (QA/QC) oversight for all construction work.

e. Within 60 days following the completion of construction, the Construction Engineer shall submit to MassDEP a completion report, signed and stamped by a Massachusetts-registered P.E., either certifying that the work was completed in accordance with the approved plans and specifications and the conditions of this permit or detailing any and all deviations.

f. MassDEP reserves the right to require greater or more frequent oversight by the Construction Engineer than specified herein if it believes such increased oversight is necessary to protect the Landfill cover or appurtenances, public health, safety, or the environment.

8. The Construction Engineer’s monthly construction report shall include at a minimum the following:

a. Updated schedule;

b. Copies of daily field inspection reports;

c. Summary of any and all deviations from compliance with requirements approved or set forth in this Permit or subsequent approvals;

d. Any actions taken to correct such deviations, as required by MassDEP or recommended by the Engineer;

e. Schedules to correct identified problems;

f. Review of quality assurance/quality control (QA/QC) testing data generated, and documentation for construction and QA/QC activities;

g. The construction report shall be signed, sealed and certified by the Engineer in accordance with 310 CMR 19.011 (1&2); and

h. The Engineer shall submit one copy of the monthly report to MassDEP and one copy to both the Applicant and Owner no later than seven (7) days following the end of the previous month.

9. The Permittee, owners, operators and their contractor(s) are responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during both construction and maintenance of the [Facility]. A copy of the site-specific Health & Safety Plan for the construction and maintenance of the [Facility] shall be submitted to the MassDEP before the beginning of any construction work, which shall include protocols for monitoring of landfill gas as needed, and protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable.

10. As part of the site-specific Health & Safety Plan, a written protocol shall be prepared and submitted for the maintenance of the [Facility], and for regular calibration and maintenance of landfill gas monitors used by workers on the site.

11. Before the commencement of construction activities, any above-ground structures of the Landfill cap or appurtenances shall be flagged for visibility, and protective barriers shall be placed around such structures as needed to prevent damage by vehicles accessing the cap area.

12. In areas where the [Facility] restricts access to other areas of the landfill property for future maintenance, permanent access road(s) shall be designed and constructed to allow for such access. Design and location of the access roads shall be submitted to MassDEP a minimum of 60 days before the commencement of construction. The design shall include the installation of gates to control the future use of the access road(s).

13. All trees and brush located within the “Lease Limits” shall be cut and the stumps shall be ground or removed. Wood chips shall also be removed before filling or regrading. If removal of trees and brush will damage the landfill final cover system a separate permit will be required from MassDEP, before conducting such work.

14. Low spots, voids and areas previously identified as having less than the required 2-foot-thick soil cap shall be filled.

15. The Landfill shall be regraded and additional soils and topsoil shall be added to provide a minimum of 2-foot thickness of soil cap above the waste.

16. Regrading shall result in positive drainage with no low spots or ponding. Where possible minimum slopes shall be 5% but in no case shall slopes be less than 2%. Regrading over the landfill cap shall be limited to the placement of additional vegetative support material (i.e. not 'cuts') unless a separate permit is obtained from MassDEP before the conduct of such work.

17. Replacement soils shall be a minimum of eighteen (18) inch thickness of soils with a permeability of less than 1x10-7 cm/sec covered with a minimum of six (6) inch thickness of soils suitable to maintain a vegetative cover.

18. Disturbance of the Landfill cap beyond the removal of trees and woody vegetation and the regrading as approved above shall be limited to the proposed installations on top of the vegetative support layer of the cap, i.e. - no excavations or other penetrations shall be performed into the capped areas (except for conduit installation) without separate written approval by the MassDEP.

    a. Excavation for conduits shall not exceed 8-inch depth below finish grade.

    b. All concrete blocks placed on the cap shall be placed on top of, or above, the vegetative support layer of the cap, unless otherwise approved by the MassDEP in writing.

    c. Excavation approved by this Permit is limited to excavation required for the installation of the electrical conduits and removal of existing trees, brush and stumps as detailed on the design plans.

    d. All disturbed areas including conduit trenches, root/stump removal areas and regraded areas shall be capped with a minimum of an 18-inch thickness of soils with a permeability of less than 1x10-7 cm/sec. The total of the existing and additional soil shall be greater than 18 inch thick.

    e. All disturbed areas shall be covered with a minimum of a six-inch thick layer of soil capable of supporting suitable vegetative growth.

    f. All disturbed areas shall be seeded, and suitable vegetation shall be established and maintained.

    g. Survey and control stakes shall not be driven into the Landfill cap.

    h. Erosion control devices within the limits of the cap shall not be installed using stakes.

    i. Staples less than 12 inches total length may be used to hold erosion control devices.

j. Temporary/Permanent access roads for the purpose of facilitating construction and/or maintenance of the Project shall be placed on top of the landfill cap and shall not compromise the integrity of either the landfill cap or the function of stormwater controls.

19. The Permittee and its contractor(s) are responsible to ensure that the inverter and transformer cabinets will not accumulate landfill gas during the construction and operation of the [Facility]. Any landfill gas levels exceeding 10% of the Lower Explosive Limit (% LEL) within any electrical equipment box shall trigger the requirements of 310 CMR 19.132(5)(g), for notification and action. Additional requirements for the enclosures include the following:

a. All conduits and conduit trenches shall be sealed at all ends.

b. The Permittee shall ensure that the design of any transformers, inverters, and any other electrical cabinets/equipment shall not allow the entry of landfill gas, and in the event that gas does enter, the equipment shall be designed to prevent the ignition of the gas.

c. As part of the site-specific Health &Safety Plan, a written protocol shall be prepared and submitted for the maintenance of the inverters/transformers, and for regular calibration and maintenance of landfill gas monitors used by workers on the site.

d. If the Permittee intends to install any other equipment on the surface of the Landfill or in proximity of the Landfill (i.e. equipment not specifically identified in the application or subsequent correspondence), it shall submit documentation and specifications for such equipment before construction so that MassDEP can review it in relation to potential landfill gas impacts.

20. The Permittee is responsible to ensure that the proposed work complies with all applicable local, state and federal regulations, including local building permits and electrical permits, as may be required.

21. All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the [Facility] shall not in any way damage the Landfill cap, or appurtenances. If any damage occurs, the Permittee shall notify MassDEP (within 24 hours maximum), a written plan for repair of the components shall be submitted to MassDEP within 48 hours, and any repair work shall be completed on the schedule approved by MassDEP.

22. Before the start of construction, the Permittee shall determine the actual ground pressure of all equipment to be used on the cap, at fully loaded capacity (i.e. including full loads of grading materials or concrete ballast), and document that the loaded ground pressure is less than 7 PSI.

23. Vehicles operating on the Landfill cap shall be low-pressure construction equipment (with loaded ground pressures of 7 psi or less), in accordance with the conditions of this permit. All operators of vehicles entering the landfill area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit before arrival, to avoid damage to the landfill cap components. Low-pressure construction equipment operating on the landfill cap shall limit turning by tracks on the vegetative support layer as much as possible. In no case shall rutting or other disturbance extend more than 6 inches down into the vegetative support layer.

24. MassDEP specifically reserves the right to restrict or prohibit heavy vehicular loads from the access roads located on the Landfill cap, either as a weight restriction or a usage restriction, should inspections or other information reveal the potential for damage to the cap beneath the road from heavy vehicle loads. MassDEP also specifically reserves the right to impose, at any time deemed necessary by MassDEP, additional requirements for construction of any access road on the cap, including the addition of a geo-grid or other construction textiles.

25. If the Permittee modifies the design and intends to use different equipment and appurtenances other than that detailed in the application, the Permittee shall notify MassDEP and provide documentation that the alternative equipment does not increase calculated ground pressures or decrease calculated Factors of Safety for Facility stability.

26. Clean, crushed asphalt, brick and concrete (ABC rubble) may be used for leveling beneath ballast blocks. The maximum size of the crushed ABC shall not exceed 1.5 inches in its maximum dimension and shall meet the gradation requirements specified for Process Gravel included in the submitted specifications.

27. Compaction of the leveling materials or clean ABC must not damage the landfill cap.

28. Coated (painted or stained) ABC rubble shall not be used in the [Facility] construction.

29. The Permittee and their contractor(s) are responsible to ensure that the proposed work complies with all applicable local, state and federal electrical codes and permits, including the National Electrical Code (NEC), 2011 Edition, Article 690 – "Solar Photovoltaic (PV) Systems," or as updated.

30. All grounding of the [Facility] shall be performed in accordance with the applicable portions of the NEC and state/local electrical codes. Grounding and electrical equipment shall not penetrate the Landfill cap, unless specifically approved by MassDEP.

31. The Applicant shall repair all areas disturbed during construction. The Applicant shall place additional vegetative support material as required, seeded, and establish acceptable grass.

2. Operations, Maintenance Conditions, and Environmental Monitoring

32. The following conditions apply to the minimum required maintenance of the Landfill:

    a. The Landfill surface within the lease limits shall be mowed at least twice per year.

    b. The condition of the fence and access gates shall be inspected at least once a month. Any damage to the fence or gates shall be repaired.

    c. Any erosion problems, settlement problems, or other issues observed on the Landfill cap (inside or outside of the limits of the Project) or on the side slope shall be reported to MassDEP, stabilized immediately and repaired within 30 days of discovery.

33. Following completion of the installation, inspections of the [Facility] shall be performed on a quarterly basis by a qualified, independent third-party inspector working under the direction and supervision of a Massachusetts registered professional engineer. After one year of quarterly inspections, the Permittee may petition MassDEP in writing to reduce the frequency of inspections. The inspections shall include the following:

    a. The entire Landfill cap and side slope shall be walked and any problems with the Landfill cap, erosion, unusual or excessive settlement, stressed vegetation, damage to Landfill cap or side slope, and any other problems with the Landfill cap or side slope shall be identified.

    b. Preparation and submittal of an inspection report summarizing the inspection.

    c. Identification of any problems with access controls such as damaged gates and/or fences, as well as any evidence that unauthorized access to the Project area that may have occurred.

d. Any damage to landfill appurtenances.

e. A description of actions taken to correct any problems.

f. A signed and certified copy of the Inspection Report shall be submitted to MassDEP, the Owner, and to the Board of Health within 30 days of the date of the inspection.

34. The Permittee shall ensure that any erosion, unusual or excessive settlement, stressed vegetation, appurtenances, and any other problems with the Landfill cap or side slope identified during any inspection or site visit are reported to MassDEP within 24 hours of discovery. Such problems shall be evaluated and appropriately repaired within 7 days of discovery or in accordance with an alternative schedule approved by MassDEP.

35. At the completion of the active use of the Project the Applicant shall:

a. Remove and seal all equipment on the Landfill cap and exposed conduits.

b. Cut off below grade and permanently plug buried conduits or conduits may remain if cut off below grade and permanently plugged.

c. Restore landfill grades and replace/repair vegetative support layer as necessary.

d. Reseed all disturbed areas, except for gravel road surfaces.

e. Establish and maintain vegetation.

36. The Applicant shall have Environmental Monitoring of the Landfill. Before the start of construction of the project, a plan shall be prepared by the Permittee and/or Owner and submitted to MassDEP for review in consultation with the Siting Board for the proposed long term environmental monitoring of the Landfill. Environmental monitoring shall include as a minimum:

a. Two downgradient, one upgradient and one cross-gradient monitoring wells. The downgradient wells shall be clusters and include a shallow and deep well.

b. Upgradient and downgradient surface water sampling.

c. Upstream and downstream sampling.

d. Upgradient and downgradient sampling of drainage ditches.

e. Sampling of private water supply wells located within 1500 feet of the landfill limits.

f. Sampling of any leachate seeps.

Additional measures may be required to protect public health and environment.

37. Before the commencement of construction, a proposed procedure and schedule for maintenance of the landfill cap beyond the lease limits shall be submitted by the Permittee and/or Owner for review by MassDEP. Items to be addressed include:

    a. Removal of all trees and brush located on the landfill cap.

    b. Filling and regrading of low spots to provide drainage.

    c. Annual mowing of the Landfill cap.

    d. Documentation that the Town either owns all land where solid waste was disposed of and all land where the landfill cap exists, or that the Town has easements or other agreements to access the landfill cap for maintenance and monitoring.

38. The Permittee and Owners shall perform the following activities for all areas of the landfill required by 310 CMR 19.142 (5), Landfill Post-Closure Requirements, of the Solid Waste Management Facility Regulations:

    a. take corrective actions to remediate and/or mitigate conditions that would compromise the integrity and purpose for the final cover;

    b. maintain the integrity of the liner system and the final cover system;

    c. collect leachate from and monitor and maintain leachate collection system(s);

    d. maintain landfill gas control systems; …

    e. monitor and maintain the environmental monitoring systems for surface water, ground water and air quality;

    f. maintain access roads;

    g. protect and maintain surveyed benchmarks; and

    h. have the landfill inspected by a third-party consulting Massachusetts Registered Professional engineer, or other qualified professional approved by the Department, experienced in solid waste management, in accordance with the post-closure plan."

39. The landfill shall not be used for any post-closure activity without prior written approval by MassDEP. The Permittee shall comply with the post-closure use requirements set forth at 310 CMR 19.143, which are hereby incorporated into this Permit by reference.

40. An annual post-closure report for the Landfill shall be submitted to MassDEP not later than February 15th of each year.

3. Standard Conditions

41. This post-closure use permit shall be valid for a period of 20 years from the date of this Permit, provided that MassDEP may amend the term of the permit in accordance with an approved modification pursuant to 310 CMR 19.033.

42. If construction of the Project has not been completed within three years of the date of issuance of this Permit, this Permit shall expire. The Permittee, owner or operator may apply to the MassDEP for an extension of the Permit at any time before or after it expires.

43. If the Permittee intends to operate the Project after the expiration of this permit, the Permittee is required to submit a request for a renewal of the permit at least 90 days before the expiration of the permit.

44. If the Permittee intends to transfer this permit to any other entity for operation of the Project, the requirements at 310 CMR 19.044, Transfer of Permits, shall be satisfactorily completed.

45. If the permittee or operator discontinues operation of the Project, the Owner, the permittee and the operator are responsible to perform decommissioning activities as outlined in the permit application, including removal of Project.

46. This permit is issued subject to the conditions of joint liability of the permittee, the owner and the operator in accordance with 310 CMR 19.043(3).

47. The Permittee, their contractors and subcontractors and the Construction Engineer shall be considered Operators with respect to the construction of the [Facility] and compliance with plans and specifications. The Permittee shall also be considered an operator during the operational life and decommissioning of the Project. As such, the MassDEP may take enforcement action against The Permittee or the Construction Engineer, consistent with its authority under applicable Massachusetts law and regulation, for any failure to construct the Facility in accordance with approved plans and specifications of which the Permittee or the Engineer were, or should have been, aware.

48. The Permittee, the Owners, Operators, Contractor(s), and subcontractors shall comply with 310 CMR 19.015 Compliance, which states:

    "No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or MassDEP, as applicable, and any authorizations issued by MassDEP and all conditions included in a permit, approval or authorization for said facility."

49. The Applicant in this permit application seeks no variances from any applicable regulations.

50. This permit pertains only to the Solid Waste Management aspects of the proposal and does not negate the responsibilities of the owners or operators to comply with any other local, state or federal laws, statutes and regulations or enforcement actions, including orders issued by another agency now or in the future. Nor does this permit limit the liability of owners, operators or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.

51. MassDEP and its agents and employees shall have the right to enter upon the Landfill at all reasonable times, to inspect the Landfill and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this Permit and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and states laws and regulations, as well as any permits or other agreements between the Permittee and MassDEP.

52. MassDEP reserves the right to require additional or increased monitoring or maintenance activities in the event that the post-closure use is or may be having a detrimental effect on the Landfill cap or appurtenances. MassDEP reserves all rights to suspend, modify or rescind this permit, should the conditions of this permit not be met, should the Project create nuisance conditions or threats to public health, safety or the environment, or should MassDEP otherwise determine that continued post-closure use is negatively impacting the Landfill cap or appurtenances.

53. Unless otherwise directed herein, all submissions required pursuant to this permit shall be sent to:
    Section Chief, Solid Waste Management [at the applicable regional office]
    Department of Environmental Protection

54. Compliance with submissions required pursuant to this permit shall be determined by the date of receipt by MassDEP or by the postmarked date, whichever is earlier.

55. All verbal notifications shall be followed by written notification within 48 hours of discovery.

D. Local PEA/MassDEP: Order of Conditions/Superseding Order of Conditions

Permit Enforcement Agency: **Local PEA/MassDEP**

1. Final Plan of Record

1. Work in wetland resource areas or waters of the Commonwealth shall conform to the Plan of Record ("POR") submitted with the Application. However, at least 30 days prior to the Preconstruction Meeting, Applicant shall submit to the Local PEA/MassDEP a Final Construction Plan of Record ("Final Construction POR"), that depicts work in jurisdictional Wetland Resource Areas under 310 CMR 10.00 and their Buffer Zones. Final Construction plans shall include a certification stating that "there are no additional impacts to wetlands or waters other than those proposed in the Plan of Record." Said certification shall be signed by the Applicant, or by the Applicant's designee. The Applicant shall provide a copy to the local PEA or MassDEP, as appropriate. Once the Local PEA/MassDEP receives the Final Construction PORs, the updated set of plans shall become the "Final POR", unless, within ten business days of receipt, the Local PEA/MassDEP informs the Applicant and the Siting Board of any significant inconsistency between the Final Construction POR and the Plan of Record regarding work in jurisdictional Wetland Resource Areas. Each representation and assurance made by the Applicant in the Final POR regarding the manner in which project activities will be conducted by the Applicant and its contractor(s) and subcontractor(s) are incorporated into and made enforceable through the approval from the Siting Board ("Siting Board Approval"). In the event of a conflict between the terms and conditions of the Siting Board Approval and the Final POR, the more stringent terms and conditions shall be controlling.

2. General Conditions Under Massachusetts Wetlands Protection Act

2. Failure to comply with all conditions and applicable statutes and regulations, including 310 CMR 10.00 shall revoke or modify the Siting Board Approval. All work proposed to alter jurisdictional wetland resource areas shall fully meet the performance standards for each wetland resource area at 310 CMR 10.00, et seq, except where such work is authorized as a Limited Project under 310 CMR 10.53(3). Limited Projects shall meet the performance standards for each wetland resource area at 310 CMR 10.00 to the extent practicable.

3. The Siting Board Approval does not grant any property rights or exclusive privileges and does not authorize injury to private property or invasion of private rights.

4. Siting Board Approval does not relieve the Permittee or any other person from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

5. The work authorized shall be completed within three years unless it is a maintenance dredging project or an extended completion date (more than three, less than five years) as specified in a special condition.

6. This Siting Board Approval may be extended for one or more periods of up to three years each upon application to the Board, in consultation with the PEA, at least 30 days before expiration.

7. Any fill used in connection with this Project shall be clean fill, containing no trash, refuse, rubbish, or debris.

8. This Siting Board Approval is not final until all appeal periods have elapsed.

9. No work shall be undertaken until the Siting Board Approval is final and recorded in the Registry of Deeds or Land Court within the chain of title of the affected property. In the case of recorded land, the final Siting Board Approval 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 registered land, the final Siting Board Approval shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. Recording information, stamped by the Registry, must be submitted to the local PEA and to MassDEP before work commences.

10. A sign (2-3 sq ft) bearing "Massachusetts Department of Environmental Protection" (or "MA DEP") and "File Number [ ]" shall be displayed at the site.

11. Prior to commencement of construction, Applicant shall hold a Preconstruction Meeting. The Preconstruction Meeting shall be held virtually or on-site with representatives from the local PEA and MassDEP. Attendance at the Preconstruction Meeting will be mandatory for the Applicant, the Applicant's contractor, subcontractors, the Environmental Monitor and Wetlands Scientist. The purpose of the meeting is for the EM to train the construction personnel and the contractor and subcontractors on the terms and conditions of the Siting Board Approval so that all parties are familiar with all requirements. The Final POR, final Wetlands Mitigation and Replication Plan, the locations of wetlands and waters, the construction period pollution prevention plan (C4P)/Stormwater Pollution Prevention Plan (SWPPP) and any other major issues pertinent to the Project shall be reviewed at this Preconstruction Meeting.

12. A sign-in sheet from the Preconstruction Meeting shall be submitted to the local PEA or MassDEP, as appropriate, within 10 days following the Preconstruction Meeting. Each new contractor or subcontractor not present at the Preconstruction Meeting shall be trained on the terms and conditions of the Order, the Final POR, the final Wetlands Mitigation and Replication Plan, and the C4P/SWPPP and verification of such training shall be submitted to the local PEA or MassDEP, as appropriate, and kept on site for inspection.

13. Photographic documentation of the pre-construction conditions and current conditions of all BVWs, IVWs, LUW, vernal pools and other wetlands resource areas within the scope of the Final POR shall be documented and submitted as part of the Biannual Monitoring Report.

14. Prior to scheduling the Preconstruction Meeting, a Contact List of the names, phone numbers and email addresses of the Applicant's supervisor, contractor, EM, WS, MassDEP (Boston), and the local PEA shall be submitted to the local PEA or MassDEP, as appropriate. The Applicant shall distribute the list to all parties at the Preconstruction Meeting. The contact list shall be updated as personnel on the Project change and such revised contact list shall be submitted to all parties

15. The boundaries of BVW, IVW, LUW, vernal pools and all other jurisdictional wetlands resource areas within the scope of the Final POR where no disturbance is authorized shall be marked with stakes or flags when they are located within fifty (50) feet of the estimated limits of work area. Also prior to scheduling the Preconstruction Meeting, the local PEA or MassDEP, as appropriate, shall be provided notice that marking/flagging is complete. In the event that Resource Area boundaries overlap, the outermost Resource Area boundary (i.e. the boundary closest to the proposed work) shall be marked and clear signage shall indicate that no disturbance is authorized beyond the marked boundary. All wetland boundary markers, once in place, shall remain in place throughout construction until all disturbed surfaces have been permanently stabilized and written notice to remove the boundary markers has been provided to the local PEA or MassDEP, as appropriate. Boundary markers shall be fully evaluated annually and refreshed where needed and implementation of this requirement shall be documented by the EM. All construction personnel shall be made aware of these markers.

16. This Siting Board Approval and all other approvals issued pursuant to this Siting Board Approval shall be made part of all construction-related documents for the Project. If the Siting Board Approval and other approvals are issued after the construction specifications, but before the receipt of bids or quotes, a true and accurate copy of the entire Siting Board Approval and all approvals shall be included as an addendum to the specifications. If the Siting Board Approval is issued after receipt of bids or quotes, the Siting Board Approval and any subsequent approvals or amendments made to it shall be included in the contract or subcontract as a change certificate. Although the Applicant may assign various aspects of the work to different contractor(s) and subcontractor(s), all contractor(s) and subcontractor(s) must be obligated by contract to comply with each term and condition of the Siting Board Approval and all subsequent approvals, and no contract or subcontract shall require or allow unauthorized work in jurisdictional Wetland Resource Areas.

17. Upon completion of the work, the Applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Local Government and/or MassDEP in accordance with 310 CMR 10.05(9)(d), accompanied by an "AS-BUILT" plan and a Registered Professional Engineer's certification of compliance.

18. The work shall conform to all plans and special conditions referenced in this Siting Board Approval or subsequently approved by the Board, MassDEP or the Local PEA.

19. Any material change to the approved plans resulting in altered impacts to wetland resource areas requires the Applicant to inquire in writing whether the change is significant enough to require filing a new Notice of Intent application with the Board, pursuant to MassDEP Wetlands Program Policy 85-4. Any material increase in impacts to wetland resource areas shall require the filing of a new Notice of Intent.

20. The Agent or members of the Board, the local PEA and MassDEP shall have the right to enter and inspect the area at reasonable hours to evaluate compliance and may require submittal of necessary data. Such visits shall not unreasonably impede construction and operation of the facility and will accommodate relevant safety and security standards as determined by the Applicant.

21. This Siting Board Approval applies to any successor in interest or control of the property, and to any contractor or other person performing work conditioned by this Siting Board Approval. The Applicant shall provide all final plans to any contractor/subcontractor conducting work under the terms and conditions of this Siting Board Approval.

22. If work is adjacent to a Bordering Vegetated Wetland, the wetland boundary in the vicinity of the work area shall be marked by wooden stakes or flagging and maintained until a Certificate of Compliance is issued.

23. All sedimentation barriers must be maintained in good repair until disturbed areas are fully stabilized. Sediments must not be deposited in wetlands or water bodies. The Applicant shall inspect erosion controls daily, remove accumulated sediments, control erosion problems immediately, and notify the local PEA or MassDEP, as appropriate. Sedimentation barriers serve as the limit of work unless another limit is approved.

3. Environmental Monitoring and Reporting

24. The Applicant shall retain the services of an Environmental Monitor (EM) to ensure compliance with the applicable laws and with the terms and conditions of this Order and will be involved throughout the entire construction process to conduct regular monitoring and oversee and supervise construction activities. The Lead EM chosen shall have a minimum of five (5) years of experience in wetland protection, erosion and sedimentation control, wetland monitoring, site drainage, stormwater management, and general site construction. The Lead EM will have the main responsibilities for ensuring compliance with the Siting Board Approval and environmental regulatory compliance during construction. Alternate EMs may also be assigned to support the Project under the supervision of the Lead EM. Alternate Ems shall have no less than three (3) years of experience and do not need to meet the five-year experience requirement. The qualifications, including specific experiences and years, of the Lead EM and any Alternate EM will be provided to MassDEP. The Lead EM shall be responsible for reviewing all reports (including those prepared by the Alternate EM) before they are submitted to the Board, MassDEP and the Applicant simultaneously, and that all communications between the EM and MassDEP (and vice versa) will include copy to the appropriate contact for the Applicant.

    a. At least 30 days prior to scheduling the Preconstruction Meeting, the qualifications of the EM and any alternate EM shall be provided to MassDEP, for prior written approval before the EM is selected and shall include specific experiences and years to meet these requirements.

    b. The Applicant shall require the EM to review all aspects of the Project including design submittals, construction activities and post-construction monitoring. All submittals required by the Siting Board Approval shall be reviewed by the EM prior to submittal to the local PEA or MassDEP, as appropriate, to ensure that submittals comply with the terms and conditions of the Siting Board Approval.

c. The Applicant shall authorize the EM to respond to and communicate directly with the local PEA or MassDEP, as appropriate, any requests on all matters related to: site inspections, plan reviews, mitigation oversight, and overall Project compliance with the Wetlands Protection Act and 310 CMR 10.00.

d. The local PEA or MassDEP may make any requests directly to the EM and the Applicant shall authorize the EM to respond to and communicate directly with the local PEA or MassDEP regarding site inspections, plan reviews, mitigation oversight, and overall project compliance with the Wetlands Protection Act, 310 CMR 10.00, and the terms and conditions of this Siting Board Approval. The local PEA or MassDEP may make any requests directly to the EM, and Applicant, and the Applicant shall authorize the EM to fulfill such requests in direct coordination with the local PEA or MassDEP. The Applicant shall also preauthorize the EM to the local PEA or MassDEP regarding any Project related water quality or wetland protection matter.

e. The EM shall have the authority to stop work and any non-compliance with the terms and conditions of the Siting Board Approval that is discovered by the EM shall be immediately reported to the Board and to the local PEA or to MassDEP, as appropriate.

f. During active construction season, EM shall provide a written construction schedule for the next month to the local PEA or to MassDEP, as appropriate, describing any activity that will result in alteration to Wetlands Resource Areas. The first schedule shall be submitted prior to scheduling the Preconstruction Meeting. Any changes in the schedule shall be noted and provided to the local PEA or to MassDEP, as appropriate, prior to implementation of such changes. The schedule shall incorporate each alteration or mitigation activity within wetlands jurisdiction areas, including but not limited to installation of erosion control measures, wetland fill, construction of wetland replication, and stormwater BMPs.

g. The EM shall submit bi-weekly reports during active construction and monthly reports during the off-season to the local PEA or MassDEP, as appropriate, until all work is completed.

    i. These reports shall summarize the status of construction, the condition of the Project Site, weather conditions, and a "Compliance Action Item Table" that lists all matters observed that may impact Wetlands Resource Areas and that require correction including but not limited to any erosion, sedimentation, or pollution. The Compliance Action Item Table shall include the following columns: (1) Item #, (2) Location, (3) Priority, (4) Observation Date, (5) Resolution Due Date, (6) Resolution Recommendation, (7) Actual Resolution Date, (8) Comments. The 'Priority' Column shall rank each item as Urgent (correction immediately), High (correction within 1-3 days), Medium (correction

within 1 week), or Low (correction within 1-2 weeks). The Resolution Due Date shall be based on the Priority status assigned by the EM.

ii. The EM Report shall also include recommendations on how to prevent similar problems in the future and shall include photos of the site taken during that inspection period.

iii. The EM shall immediately report any problems that may have an adverse effect on wetlands resource areas to the local PEA or to MassDEP, as appropriate, including but not limited to discharges of construction site runoff that cause visible turbidity to wetlands and Waters of the Commonwealth. The EM shall take immediate steps to correct such problems.

iv. All EM reports shall be submitted simultaneously to the Applicant, its representative(s) and to the local PEA or to MassDEP, as appropriate. The Applicant shall not unduly influence the findings of any EM report. The EM's report shall include recommendations for corrective action to be taken by the Applicant, the contractor or any subcontractors. If necessary, the EM shall recommend action to be taken by the Board or by MassDEP at any time in the event it is needed to achieve protection of Wetlands Resource Areas.

25. In addition to retaining the services of an EM, the Applicant shall require its contractor(s) and subcontractor(s) to designate an individual to be responsible for the daily inspection and upkeep of protective environmental controls required by this Siting Board Approval and the POR. All construction personnel must be trained in the Project's environmental compliance issues and obligations prior to the commencement of construction.

26. The Applicant shall require its contractor to employ a Wetland Scientist ("WS") for the duration of the design, construction, and monitoring of work in wetlands and Waters of the Commonwealth. The WS shall ensure compliance with the laws and with the terms and conditions of this Siting Board Approval. The WS shall have a minimum of five (5) years of experience in wetland delineation, wetland creation and restoration and wetland monitoring.

a. At least 30 days prior to scheduling the Preconstruction Meeting, the qualifications of the WS shall be provided to MassDEP, for prior written approval before the WS is selected and shall include specific experiences and years to meet these requirements.

b. The WS shall oversee all activities related to wetlands resource areas and replication areas including but not limited to: removal of wetland soils, filling wetlands, vegetation management, temporary disturbance and restoration; transportation of soils and plant materials; excavation, assessment of wetland hydrology, placement of soils and planting of wetland replication areas;

monitoring of replication and other mitigation areas; remedial activities; and monitoring of activities that have the potential to affect Wetlands Resource Areas, such as erosion control installation, repair and removal, and soil stabilization.

c. The WS shall submit bi-weekly reports to the EM during active construction and bi-monthly reports during the off-season on the above activities and shall have the responsibility in conjunction with the EM to recommend remedial action.

d. The WS shall be authorized to contact the Board and the local PEA or MassDEP, as appropriate, directly for any matter involving the protection of areas within wetlands jurisdiction.

e. The WS position may be combined with the EM position provided the qualifications and requirements of both Special Conditions are met.

27. The EM shall be required to perform daily inspections of any work within Wetland Resource Areas in any ORW.

28. The Applicant shall prepare weekly inspection reports, including photographs, maintain them in the Project file, and provide then to the local PEA or to MassDEP upon request.

29. The Applicant shall notify the local PEA or MassDEP, as appropriate, one week before starting work to allow sufficient time for a compliance inspection.

30. The Siting Board, local PEA and MassDEP staff shall have the right to inspect the area at reasonable hours and may require the submission of any data necessary to evaluate compliance.

4. Stormwater Control and Maintenance Requirements (for projects subject to Massachusetts Stormwater Standards)

31. Projects subject to the Stormwater Management Standards must comply with the standards and requirements described in 310 CMR 10.05(6)(k) through (q). The Applicant shall demonstrate compliance with the Stormwater Standards in the Stormwater Checklist and Stormwater Report, which requires but is not limited to, an approved Long-Term Pollution Prevention Plan, Operation and Maintenance Plan, and Construction Period Erosion, Sedimentation, and Pollution Prevention Plan, and alternatives analysis (as applicable). If the Project is a Redevelopment Project, Project is required to meet the following Stormwater Management Standards only to the extent practicable: Standard 2, Standard 3, and the pretreatment and structural stormwater best management practice requirements of Standards 4, 5 and 6. Existing stormwater discharges shall comply with Standard 1 to the extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

    All work, including site preparation, land disturbance, construction, and redevelopment, shall be implemented in accordance with an approved Construction Period Pollution Prevention and erosion and sedimentation control Plan (CP4) and, if applicable, the Stormwater Pollution Prevention Plan (SWPPP) required by the National Pollution Discharge Elimination System Construction General Permit. Controls and BMPs shall remain in place until the Project site is fully stabilized. Thirty days prior to the Preconstruction Meeting, Applicant shall submit a C4P and SWPPP, if applicable, for review the local PEA or MassDEP, as appropriate. The C4P/SWPPP must identify all stormwater management activities that are needed during land disturbance and construction, including source control and pollution prevention measures, BMPs to address erosion and sedimentation, stabilization measures, and procedures for operating and maintaining the BMPs, especially in response to wet weather events and frost. The plan shall include a schedule for sequencing construction and stormwater management activities that minimizes land disturbance by ensuring that vegetation is preserved to the extent practicable, and disturbed portions of the site are stabilized as quickly as possible. In the event of a conflict between requirements of the Local Government C4P/SWPPP and the MassDEP C4P/SWPPP, and the requirements of any other federal general permit, the Applicant shall follow the more stringent requirement except as directed by the Siting Board.

32. The Applicant shall properly design all construction period BMPs and size sediment traps to provide adequate capacity and retention time to allow for proper settling of fine-grained soils. Construction period BMPs shall be properly operated and maintained.

33. The landowner is responsible for BMP maintenance until another party legally assumes responsibility, evidenced by a legally binding agreement and O&M Compliance Statement submitted to MassDEP or the Local Government, as appropriate.

34. Post-construction pollution prevention and source control shall be implemented according to the long-term pollution prevention plan (LTPPP), the Massachusetts Stormwater Management Handbook, and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit. The LTPPP shall incorporate source reduction measures to eliminate or reduce the generation and runoff of pathogens, nutrients, and other contaminants such as polycyclic aromatic hydrocarbons. The long-term pollution prevention plan shall include the proper procedures for the following:

    - good housekeeping;
    - storing materials and waste products inside or under cover;
    - vehicle washing;
    - routine inspections and maintenance of stormwater BMPs;
    - spill prevention and response;
    - maintenance of lawns, gardens, and other landscaped areas;
    - storage and use of fertilizers, herbicides, and pesticides;
    - pet waste management;
    - operation and management of septic systems; and
    - proper management of deicing chemicals and snow.

35. The responsible party or parties (landowner or other legally designated entity) shall operate and maintain all Stormwater Control Measures (SCMs) or stormwater BMPs in accordance with the design plans, the approved Long Term Operation & Maintenance Plan (O&M Plan), and the Massachusetts Stormwater Handbook. The O&M Plan shall at a minimum include:

    - Stormwater management system(s) owners;
    - The party or parties responsible for operation and maintenance, including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
    - The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;

- A plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point;
- A description and delineation of public safety features; and
- An estimated operations and maintenance budget.

36. The responsible party shall maintain an operation and maintenance log, and provide it electronically to MassDEP and the Local Conservation Commission, for the last three consecutive calendar years of inspections, repairs, maintenance/replacement, and disposal (with material type and location).

37. The responsible party shall allow MassDEP and Commission members/agents to enter and inspect the site to evaluate compliance with O&M Plan requirements. Such inspections should be conducted so as to not unreasonably impede construction and operation of the facility and shall accommodate relevant safety and security standards as determined by the Applicant.

38. 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.

39. All illicit discharges to the stormwater management system, as defined in 310 CMR 10.04, are prohibited.

40. Stormwater control measures shall be designed to meet the MassDEP Stormwater Standards and to manage additional volumes of water related to fire suppression measures and water volumes needed to accommodate unit cooling during fire suppression events as part of any onsite emergency response plans.

41. The approved stormwater management system shall not be materially changed without the prior written approval of the issuing authority.

42. Areas designated as qualifying pervious areas for Low Impact Site Design Credit shall not be materially altered without prior written approval by the Siting Board in consultation with MassDEP.

43. Proponents of projects subject to the Stormwater Management Standards must consider environmentally sensitive site design and low impact development techniques to manage stormwater. Proponents shall consider decentralized systems that involve the placement of a number of small treatment and infiltration devices located close to the various impervious surfaces that generate stormwater runoff in place of a centralized system comprised of closed pipes that direct all the drainage from the entire site into one large dry detention basin.

44. Access for maintenance, repair, and/or replacement of BMPs shall not be withheld; fencing around BMPs must include access gates and be at least six inches above grade for wildlife passage.

5. Mitigation Conditions

45. Thirty days prior to the end of construction on the approved project, Applicant shall submit to the local PEA or MassDEP, as appropriate, a Wetlands Mitigation and Restoration Plan in compliance with applicable provisions of 310 CMR 10.00. Applicant shall follow all conditions of the Wetlands Mitigation and Restoration Plan and in this Siting Board Approval.

46. Timing of Planting: Planting shall occur at the beginning or end of the growing season. Shrubs and trees may be planted until November 15 (weather permitting), if careful investigation of individual plant tolerances is conducted.

47. Planting Procedures: The WS shall oversee all planting procedures. If wetland plants from the altered wetlands are used, they shall be removed in plugs or culms and be protected against desiccation. As appropriate, trees and shrubs shall be root pruned before transplanting. Plants shall be planted within one day of removal from existing wetland, or as soon as possible and properly protected (e.g. burlap), watered and handled. Wetland hydrology shall be sufficiently established at the time wetland plants are planted or seeded to preclude the need to provide irrigation. If short term irrigation is advised by the Wetlands Scientist to establish growth, consultation shall be conducted with MassDEP before implementing irrigation. The use of irrigation may be approved for the first growing season to establish new plantings due to the short-term hydrologic conditions; or during designated drought (Advisory level or higher). After the first growing season, or when the drought has been declared over, irrigation equipment must be removed and all irrigation discontinued consistent with reviews undertaken by MassDEP or Local Government, as appropriate, to continue the irrigation. If extended irrigation is approved, the monitoring period shall be extended an equivalent time period. Water for irrigation shall not be taken from streams or wetlands.

48. Ecoregion Indigenous Species Only: All woody and herbaceous plantings used in the Wetland Resource Area replacement areas, and erosion control or re-vegetation activities within BZs shall consist of species and varieties indigenous to the ecoregion within which the Project is occurring.

6. Special Conditions

49. All erosion control activities shall comply with the Construction Period Erosion, Sedimentation, and Pollution Prevention Plan (C4P) and guidance in MassDEP's Stormwater Handbook.

50. An erosion control barrier must be placed as noted on the plans before any activity. The work shall be designed and constructed to ensure that there shall be no erosion or sedimentation into wetland resource areas during construction or after completion of the Project. The barrier must remain in place and be properly maintained until permanent stabilization is achieved. Accumulated sediment shall be removed before barrier removal.

51. Erosion control measures and barriers shall be monitored daily and maintained or reinforced as necessary to ensure and prevent erosion and siltation of soils to wetland resource areas. Additional erosion and sedimentation control materials shall be stored on site for emergency use. Any damage (tears, rips, breaks, collapse) to the erosion control barrier must be repaired immediately (within 24 hours).

52. All disturbed or exposed soil surfaces must be temporarily stabilized within 24 hours of disturbance/exposure with approved materials (e.g., straw, mulch) to prevent erosion.

53. Any debris to be removed must be disposed of off-site in accordance with all applicable regulations.

54. The Applicant is responsible for providing contractors and personnel performing the permitted work with a copy of this approval and of all final plans approved by the Board, local PEAs or MassDEP for work in wetlands jurisdiction, including, without limitation, the approval of the Wetlands Mitigation and Replication Plan, and ensuring awareness and compliance with the terms and conditions therein.

55. Upon Project completion, a Certificate of Compliance must be requested from the local PEA or MassDEP, as appropriate, in accordance with General Condition No. 12 and 310 CMR 10.05(9)(d), accompanied by an "AS-BUILT" plan and a Registered Professional Engineer's certification of compliance.

56. All equipment/machinery shall be stored above the high-water mark or mean high tide line and outside any Wetland Resource Areas when not in use.

57. Storing, servicing, or cleaning of equipment, including but not limited to fueling, changing, adding, or applying lubricants or hydraulic fluids, or washing/rinsing of trucks or equipment, shall be performed outside wetland resource areas and their buffer zones, except for stationary equipment that cannot be practicably relocated. This condition ensures that no hazardous materials from equipment are inadvertently discharged into the water resource area in which construction is occurring, which would otherwise degrade water quality.

58. The local PEA or MassDEP, as appropriate, shall be notified, one week before the start of in-water work so that local PEA or MassDEP staff may inspect the work for compliance with the terms and conditions of this Siting Board Approval.

59. Snow storage areas shall be located outside wetland areas. Accumulated sediments shall be removed from the snow storage area as needed. Snow storage within buffer zones may only occur as shown on the approved plan of record. Snow disposal shall be conducted consistent with the MassDEP Snow Disposal Guidance, available at https://www.mass.gov/guides/snow-disposal-guidance.

60. Wetland Mitigation, including restoration and replication, shall be designed and implemented to meet the requirements of 310 CMR 10.55 (4) and Section 401 of the Clean Water Act pertaining to Water Quality Certification (314 CMR 9.06(2)), pursuant to the Massachusetts Inland Wetland Replacement Guidelines.

61. The Applicant shall restore all areas where temporary impacts to wetlands are approved in accordance with the Final POR and the final Wetlands Mitigation and Replication Plan. This requirement includes taking steps to ensure that final grading will result in appropriate hydrology to sustain the restored wetland, installation of native nursery plantings and use of suitable ground cover (not lawn grass) for initial stabilization. The EM shall document when grading and replanting is completed in the required regular report. The Applicant shall commence monitoring of these areas immediately after grading and replanting. The Applicant shall take immediate action to replace plants as needed. Monitoring reports shall be included in the EM reports required by these Special Conditions.

62. Replacement Area Construction: The Applicant shall require the WS to follow the sequence described below during construction of any Wetland Replacement Areas and during restoration of all temporary impacts to wetland Resource Areas:

    - Inspect site flagging and ensure it is present and the wetland resource boundary is well marked before excavation or erosion control installation work begins; Notify the Local PEA or MassDEP, as appropriate, at least 72 hours before excavation;

- If vegetation will be trans-located, supervise the work to excavate the altered area to ensure survival of the plantings;
- Effort shall be made to avoid soil compaction during excavation – small machines should be used to the extent practical. A plan documenting how this will be done shall be submitted to the Local PEA or MassDEP, as appropriate, at least 72 hours before construction;
- Inspect excavated elevations and document post-construction ground water elevations before soil translocation or addition into the replacement area. Obtain surveyed elevations of the final subgrade before soil translocation by a registered land surveyor;
- Whenever possible, natural hydric or other native topsoil layers shall be used to form the new A horizon however, under no circumstances shall soils be used that hosted invasive plants, or that were located in the vicinity of invasive plants. Replaced soils shall be disked to remediate any compaction;
- Non-hydric replacement soil materials (e.g. natural leaf fall, yard/wood composts) shall be supplemented with sufficient suitable organic amendments at 35 to 50 dry tons per acre unless MassDEP approves a different standard. Replacement soils shall be documented (i.e. narrative and photos) in the EM report and the annual monitoring report. The depth and matrix of placed soils and extant native soils beneath shall be documented, as well as any redoximorphic features present;
- Micro-topography in the form of hummocks, pits and mounds etc. shall be constructed within the replaced soils;
- Finished elevations shall be inspected after soil translocation is completed and surveyed elevations of the final grade by a registered land surveyor shall be obtained before planting;
- A plan depicting the surveyed subgrades and final grades of the wetland replacement area shall be submitted to the local PEA or MassDEP, as appropriate, within 30 days of final soil placement. Said plan shall include enough cross sections of the site to depict each different plant community and show estimated seasonal average, high and low groundwater elevations provided with the application and observed at the site before soil placement. The WS shall certify that excavated elevations are suitable for success of proposed plant species;
- Propagation techniques shall be inspected during planting and seeding, and after the first month of the growing season; and

- The wetland replacement area shall be inspected monthly between April and November for the first two growing seasons to ensure vegetation development and identify any problems.

63. The stockpile controls shall include measures to stabilize stockpiles so they do not erode into Resource Areas or drainage structures draining to Resource Areas.

E. DCR: Construction Access Permit

Permit Enforcement Agency: DCR

1. Condition of Premises

1. The Permittee acknowledges inspecting the premises and accepting them "as is," "where is," and "with all defects," without reliance on DCR representations.

2. All DCR property damaged or disturbed shall be restored to its original or better condition at the Permittee's expense.

3. Upon permit expiration, termination, or revocation, the Permittee must vacate and remove all personal property from the Permitted Area.

2. Permit Term

4. The permit's term is specified and subject to performance and compliance review.

5. All obligations survive the termination/expiration date until completed to DCR's satisfaction.

6. DCR may immediately revoke the permit if the Permittee fails to promptly remedy noncompliance.

3. Administration Fee; Restoration, Consideration; & Mitigation

7. Permittee will compensate DCR for disruption to properties through mitigation and/or fees, as relevant and consistent with DCR regulations.

4. Requirements

8. A copy of the permit must be kept on-site and visible, and the Permittee is responsible for maintenance of all work/installations.

9. The Permittee is solely responsible for all expenses arising under this Permit.

10. No DCR utilities or resources may be used without express permission; associated expenses are the Permittee's responsibility.

11. Permittee must conform to all applicable federal, state, and local laws, rules, and regulations, including DCR regulations, local bylaws, engineering standards, and executive orders.

12. Dig Safe must be notified before excavation or soil disturbance.

13. OSHA Safety Standards must be adhered to during construction.

14. Local noise regulations must be complied with.

15. All correspondence with DCR must indicate the DCR Construction Permit Number.

16. If for a driveway entrance, the permit is granted conditionally and may be revoked or altered if ownership of appurtenant land changes or is united.

17. Within thirty days of Project completion, a as-built plan(s) for DCR property must be submitted in the manner requested by DCR.

18. Within thirty days of Project completion, or applicable regulatory compliance deadline, two copies of all final environmental reports related to DCR property must be submitted.

5. Inspections, Access, and Permits

19. Permittee must arrange for necessary inspections by local health officials, utility engineers, building inspectors, etc.

20. Prompt action must be taken to correct any non-compliant conditions.

21. Permittee must file for, obtain, and comply with all necessary federal, state, and local permits, licenses, and approvals; failure to do so is cause for revocation.

22. DCR must be provided full and unrestricted access to the Premises at all times for inspection.

23. Adequate abutter access must be maintained.

6. Public Safety

24. The Permittee must hire necessary safety and/or law enforcement details to ensure public safety during all permitted activities.

25. Environmental Police Officers are required for DCR property (excluding parkways, boulevards, skating rinks, watersheds).

26. Massachusetts State Trooper details are required for DCR Parkways, Boulevards, skating rinks, and watersheds.

27. Park Rangers may be used for low-use situations within parks (excluding motor vehicle traffic management on Chapter 90 Roadways).

28. Local safety/law enforcement details or certified flagmen may be used for projects impacting municipal roadways.

29. Excavations must be barricaded with safety fencing and reflectorized drums with "Type A" flashers; sufficient lights must be maintained from dusk through dawn.

30. Signage indicating Permittee's name and contact information must be present on-site.

7. Restoration of Premises

31. DCR property shall be restored/returned to its original or better condition per the permit and DCR specifications.

32. Permittee is responsible for repairing/replacing/restoring all damage to DCR property, infrastructure, or third-party property caused by permitted activities.

33. Damaged DCR utilities must be replaced by Permittee at their expense, with temporary service provided.

34. Abandoned underground utilities under DCR roadways or 18-inch diameter or greater not under roadways must be filled with grout or high slump 500 psi concrete.

35. Pipes less than 18-inch diameter not under DCR roadways must be securely plugged.

36. Roadway/sidewalk trench patches remaining for one year or longer will be reviewed annually by Permittee and DCR; Permittee is responsible for repairs if inadequate.

37. Openings must be covered by steel plates when not in use; gaps between plates and roadway must be filled with "cold-patch" asphalt.

38. In non-trench areas, subgrade material repairs must use MassDOT "Type C" Gravel, compacted in 6-inch lifts.

39. Pavement trimming must use saw cutting (without overcuts), and overcuts filled with bituminous joint sealer.

40. The standard "cutback" for permanent pavement patches is 24 inches beyond original cuts.

41. Controlled-density fill (“CDF”) per MassDOT "Type 2E" (Flowable and Excavatable), or other agreed-upon fill material, should be used for backfilling trenches in roadways/sidewalks, allowing for adequate pavement replacement depth and curing time.

42. If CDF cannot be used, trenches must be back-filled with DCR-approved gravel or other approved materials; previously excavated material may be used if suitable, but a minimum of 12 inches of clean gravel borrow (MassDOT #M1.03.0 - Type “C”) is required immediately below sidewalk or roadway surface.

43. Sub-base must be mechanically compacted to 95% compaction in 6-inch lifts.

44. Permanent pavement patch of bituminous concrete for roadways must meet minimum thickness requirements: 4-inch base, 2-inch binder, 1.75-inch "State Top" (1/2-inch stone).

45. All mixes must conform to MassDOT "Type I" mixes, and permanent hot-mix asphalt patch extends 24 inches over the original trench cut.

46. Permittee is responsible for adequacy and performance of trench pavement patch and restoration of curbing.

47. Removed or damaged pavement markings must be replaced with matching configuration, color, width, and type.

48. Any sidewalk replacement must conform to the most recent Americans with Disabilities Act (ADA) or Massachusetts Architectural Access Board (“AAB”) handicapped accessibility standards.

49. Fine-grading of subgrade soils before sidewalk installation must use MassDOT -M1.03.0 "Type C" Gravel Borrow.

50. Damaged sidewalk must be replaced with material matching existing surface; limits of repair include entire work area to nearest control joint; concrete sidewalk panels must be removed completely, and all demolished concrete removed off-site.

51. For edgestone/curbing being reset or replaced, 2,000 psi. cement concrete (6”x6” profile) must be installed on front and back for entire length, with top surface 1.75” lower than finished roadway elevation.

52. Detectable warning panels are required for pedestrian ramps, with specific color requirements based on material, and must be Manual on Uniform Traffic Control Devices (MUTCD), ADA, and AAB compliant.

8. Traffic Management

53. Permittee is solely responsible for safe passage of the public, including motorists, cyclists, pedestrians, and workers.

54. Permittee assumes full liability and responsibility for Traffic Management and planning traffic control in cooperation with the detail officer.

55. All work on DCR roadways must conform to the 2009 MUTCD and Governor's Executive Order 511, including emphasis on safe work areas.

56. Approved TMPs must be strictly adhered to; subsequent changes require DCR review.

57. Permittee must notify and coordinate with the District Manager, facility supervisor, and/or Regional Engineer regarding the TMP.

58. The TMP will be followed to protect the public, environment, and cultural resources.

59. Permittee is responsible for notifying and coordinating with all impacted parties, including DCR, contractors, state/local entities, police/fire/ambulance, public transportation, and utilities.

60. Construction work during peak use periods in DCR recreational areas should be minimized.

61. Pedestrian and vehicular traffic flow and safety must be maintained; detours must conform to MUTCD.

62. Sidewalk areas must remain clear with a minimum of three feet (3') clearance for pedestrian passage.

63. Deliveries must be made with minimal negative impact on the public, premises, and environment.

9. Environmental Impacts and Reporting

64. Before construction in or near environmentally sensitive areas, Permittee must contact appropriate agencies, obtain necessary licenses/permits/certificates, and comply with all applicable laws/regulations; copies of documentation must be supplied to DCR.

65. Potential impacts to flora, fauna, natural resources, and habitats must be minimized, including execution of a management plan for resource protection, erosion, and sedimentation control.

66. Special care is required near wetlands or waterways, including installation and maintenance of erosion control measures like straw bales and silt fences.

67. Permit does not imply approval of other applicable permits, notices, or findings from other agencies.

68. Drainage and other structures must be protected and maintained; damaged structures must be replaced at Permittee's expense.

69. No bitumen, asphalt, concrete, or brick debris may be dumped into drainage structures; all storm water structures within work limits must be cleaned before Project conclusion.

70. NPDES MS4 requirements (street sweeping, catch basin cleaning) must continue throughout construction.

71. If applicable, a copy of the Storm Water Pollution Prevention Plan and site dewatering permits must be provided to the DCR Storm Water Manager.

72. All existing trees must be protected and maintained.

73. If applicable, air excavation tools must be used for tree root protection within the drip line.

74. If applicable, a Certified Arborist is required on-site during excavations within the drip line.

75. If work is adjacent to an environmentally sensitive area, DCR Landscape Architect and/or DCR Ecologist must be notified at least 72 hours before tree or shrub removal.

76. Disturbed vegetation areas will be filled, groomed, and planted with native vegetation consistent with DCR review.

77. Permittee will monitor replaced vegetation and consult with DCR Landscape Architect for replacement details if vegetation dies.

78. Impact on trees and shrubs must be minimized; removal only if absolutely necessary and approved by DCR Landscape Architect.

79. Any removed, damaged, or distressed trees must be replaced and warranted for two years at Permittee's cost.

80. Replacement trees will be based on caliper inch removed and/or cash equivalent; species, size, and location chosen by DCR.

81. Replacement trees must be tagged by DCR Landscape Architect at the nursery before shipment and planted by an approved Landscape Contractor supervised by a Massachusetts Certified Arborist.

10. Operating Schedule

82. Obligations are not waived during DCR closures due to inclement weather or other causes.

83. Work must minimize impacts on park patrons during special events; work on DCR properties associated with special events must cease by 10:00 p.m. before the event and only resume after the area is cleared and cleaned.

11. Risk of Operation and Indemnification

84. Permittee assumes all risk and liability for accidents or injuries to persons or property caused by Permittee or its agents.

85. Permittee is responsible for the security of the Premises and protection of DCR assets; Commonwealth is not responsible for Permittee's property.

86. Permittee agrees to defend, hold harmless, and indemnify the Commonwealth, DCR, and its agents from claims arising from permit activities, except for claims solely from DCR's reckless conduct.

87. Permittee waives claims against the Commonwealth/DCR for loss or damage sustained due to interference by public agency/official.

88. Risk of loss from natural weather phenomena remains with Permittee.

12. Insurance

89. Permittee and its agents must hold appropriate valid licenses for the permit's duration.

90. Permittee and/or contractor must carry specified insurance types and amounts at their own expense, or provide adequate evidence of a self-insurance program to meet required amounts.

91. Policies must be maintained for the full term; failure to do so is a material breach.

92. Permittee must provide DCR with at least 30 days' advance notice of changes to insurance provisions.

93. Certificates of Insurance from qualified insurers must be furnished upon request. Failure to furnish certificates/policies is a material breach.

94. Commonwealth of Massachusetts, including DCR, must be named as an additional insured on all policies, except for the professional/contractors pollution liability portion of relevant policies.

95. General Liability Insurance: minimum $1,000,000 per occurrence, $2,000,000 aggregate.

96. Public/Products Liability Insurance: minimum $1,000,000 for one death/injury, $2,000,000 for multiple deaths/injuries.

97. Fire and Casualty Insurance: minimum amount equal to fair market value of structures if required by DCR.

98. Professional/Environmental Impairment Liability Insurance: $1,000,000 per claim, $3,000,000 aggregate, unless excluded in Special Conditions; can be "claims made" basis if maintained for 3 years after term expiration.

99. Automobile Bodily Injury and Property Damage Liability Insurance: not less than compulsory coverage in Massachusetts, extending to owned, non-owned, and hired automobiles, with limits not less than $1,000,000 combined single limit.

100. Permittee must notify DCR verbally as soon as practicable and in writing within five business days of insurance provision changes

F. MassDOT: State Highway Access Permit ("Curb Cut")

Permit Enforcement Agency: MassDOT

Note: additional MassDOT review pending

1. Applicant shall not: (i) impinge or encroach upon MassDOT infrastructure, assets, or real property, including air or subterrain rights, (ii) interrupt the use of any MassDOT infrastructure, assets, or real property, including by the public, or (iii) place any equipment or items in such proximity to any MassDOT property or right of way such that the equipment or item poses a risk of collision or interference with the use of MassDOT property or right of way without first obtaining the rights to do so, which rights are not conveyed by this permit.

2. All work is to be done in accordance with and as shown on the plans submitted and on file in the [MassHighway Permit Office] by the Applicant.

3. Work under this permit is only approved for roadways and structures under MassDOT jurisdiction.

4. No work shall be performed between November 15th and April 15th (winter shutdown) without prior approval from the District Highway Director or an authorized Representative.

5. The Applicant shall record any Vehicular Access Permit or any Non-Vehicular Access Permit involving drainage at the appropriate registry of deeds. Any Permit issued by MassDOT that requires recording shall not be effective until recorded at the appropriate registry of deeds and a notice of recording is submitted to the District Highway Director.

6. The Applicant shall not engage in any work under benefit of this Permit until a MassDOT Roadway Work Notification Form is filed with the District Permit Office prior to the start of work. The form must contain the required information and have the proper signatory approval. The form must be submitted no later than 12:00 PM on the Wednesday prior to the week the work will begin. The duration of work approvals shall be limited to one week at a time. If the work exceeds one week then a new Roadway Work Notification Form is required to be submitted for each additional week. The Grantee can email the completed form to MassDOT at _____Permits@dot.state.ma.us.

7. The Applicant shall notify the District Permit Office at _____Permits@dot.state.ma.us, two (2) working days prior to the start of work. No work shall be authorized without said notification.

8. The Applicant shall contact the Area Contact Person (7:30 AM to 4:00 PM Monday through Friday) at [phone number], two (2) working days prior to the start of work.

9. Whenever work is to be done within two hundred (200) feet of existing State Highway Traffic Signals, the District Office must be notified by the Applicant at least five (5) working days prior to the start of work by emailing the District Traffic Office at _____@dot.state.ma.us.

10. Hand digging shall be required around the traffic conduit.

11. Care shall be exercised so as not to disturb any existing State Highway Traffic Loops. If said loops are disturbed, they shall be restored immediately after the end of the workday to their original condition. All expenses for restoring conditions shall be borne by the Applicant.

12. Care shall be exercised so as not to disturb any existing State Highway Traffic Systems including above ground equipment, ducts, loops or any underground structures that exist. If said system is disturbed, it shall be restored immediately to its original condition. Also, any damaged Traffic lines shall be restored to their original condition. All expenses for restoring conditions shall be charged to the Applicant. Temporary video detection may be required if traffic congestion/delays become an issue.

13. The Applicant shall have an approved signal contractor retained to place signals on max recall when loops are cut or traffic is detoured around working loops. The contractor shall replace all disturbed loop detectors in kind. A written report of all new loop detector tests shall be certified and submitted upon completion, at which time the signal timing shall revert to its original settings.

14. The Applicant shall make every effort to not disturb these conduits and cables. Hand work around and under these conduits may be required. An approved traffic signal consultant shall be on site to monitor work in these areas and provide daily inspection reports.

15. An approved traffic signal contractor shall be on call with a 2-hour maximum response time to provide any necessary repairs immediately. Any damaged equipment shall be immediately replaced in kind with no cable splicing allowed except in approved locations. Communications cables shall run between cabinets with no splicing allowed. All expenses for restoring conditions shall be borne by the Applicant.

16. Any changes to the construction or traffic management plans impacting State Highway or traffic operations must be submitted prior to implementation.

17. The Applicant is responsible to ensure that all contractor personnel, including all subcontractors, working on the project are issued and are wearing all necessary personal protective safety equipment while working within the project limits. This equipment shall include, as a minimum, a hardhat and a safety vest, regardless of the type of work being performed. Other safety equipment shall be added as required to perform the work in which they are engaged and in accordance with all local, state and federal requirements in effect.

18. The Applicant shall attempt to secure uniformed police officers with their official vehicles to be in attendance at all times while work is being done under this permit.

19. The furnishing and erecting of all required signs and traffic safety devices shall be the responsibility of the Applicant.

20. All signs and devices shall conform to the 2009 edition of the Manual on Uniform Traffic Control Devices (MUTCD) with the Commonwealth of Massachusetts Amendments.

21. Cones and non-reflecting warning devices shall not be left in operating position on the highway when the daytime operations have ceased. If it becomes necessary for MassDOT to remove any construction warning devices or their appurtenances from the project due to negligence by the Applicant all costs for this work will be charged to the Applicant.

22. All warning devices shall be subject to removal, replacement and repositioning by the Applicant as often as deemed necessary by the MassDOT Engineer.

23. It is imperative that construction operations are managed so that motorists travel "delay" is minimized. At any time during the operation when a traffic delay of over twelve (12) minutes occurs and the situation is worsening, the Applicant will begin to suspend operations. Continuously increasing "delays" of over twelve (12) minutes are not to be permitted and may result in the suspension of the operation or termination of this Permit by MassDOT.

24. A copy of this permit must be on the job site at all times for inspection. Failure to have this permit available will result in suspension of the rights granted by this permit until such permit is made available.

25. The Completion of Work Form shall be emailed to _____Permits@dot.state.ma.us as soon as possible after the completion of the physical work. A writable form is uploaded into SHAPS, https://shaps.massdot.state.ma.us/ in the “docs” tab of this permit.

26. If the sidewalk area is disturbed, it shall be restored, full width, in kind a minimum of five feet beyond any disturbed area.

27. Sidewalks and Wheelchair ramps shall be constructed with rules and regulations of the AAB as provided in 521CMR, and the requirements of the Americans with Disabilities Act (“ADA”), (Sections 20.2 and 21.1), and the 2017 MassDOT Construction Standard Details, as revised.

28. After the sidewalk subgrade has been prepared, a foundation of gravel shall be placed upon it. After being mechanically compacted thoroughly, the foundation shall be at least 8 inches in thickness and parallel to the proposed surface of the walk.

29. The concrete sidewalks/driveway approach shall be placed in alternate slabs 30 feet in length. The slabs shall be separated by transverse preformed expansion joint filler 1/2 inch in thickness (shall conform to AASHTO-M153). Preformed expansion joint filler shall be placed adjacent to or around existing structures also.

30. On the foundation as specified above, the concrete (Air-Entrained 4000 psi, 3/4", 610) shall be placed in such quantity that after being thoroughly consolidated in place it shall be 4 inches in depth. At driveways, the sidewalk shall be 6 inches in depth.

31. The bituminous concrete sidewalk surfaces shall be laid in 2 courses to a depth of 3-inches. The bottom course shall be 1-¾-inches SUPERPAVE INTERMEDIATE COURSE 12.5 (SIC-12.5) and 1-¼-inches SUPERPAVE SURFACE COURSE - 9.5 (SSC-9.5) parallel to the proposed grade of the finished surface.

32. The drive/drives shall be surfaced with Bituminous Concrete, SUPERPAVE and shall be comprised of 2-½-inches SUPERPAVE INTERMEDIATE COURSE 12.5 (SIC-12.5) and 1-½-inches SUPERPAVE SURFACE COURSE - 9.5 (SSC-9.5) for a total depth of 4-inches with a foundation of at least 8-inches of compacted gravel. The finished surface shall butt into and not overlap the existing highway grade at the road edge.

33. The drive/drives shall be graded so that no water shall enter the State Highway layout nor pond or collect thereon, including the roadway.

34. Curbing and/or bituminous concrete removed from within the proposed driveway limits shall be disposed of outside the State Highway location lines.

35. The Applicant shall install either granite or bituminous concrete curbing outlining the limits of the driveway approaches.

36. The part of the drive/drives located within the limits of the State Highway shall be maintained by the Applicant, at their own expense and to the satisfaction of the District Highway Director or an authorized Representative.

37. All roadway and sidewalk surfaces and trenches shall be cut in straight lines using a concrete saw with 90-degree corners/square or other accepted methods equipped to cut the full depth surfacing and including the reinforcing steel on concrete roadways. The excavation shall only be between these lines. The cutting operation shall not be done with a backhoe, gradall or any type of ripping equipment.

38. All rocks, boulders and other material and/or debris shall be removed from the State Highway layout at the end of each workday.

39. Any grass areas disturbed within the State Highway Layout shall be graded, loamed to a depth of 4" and seeded. All pavement markings shall be thermoplastic and recessed.

40. It shall be the responsibility of the Grantee to replace all pavement markings, in kind, which have been disturbed by this permit. These pavement markings shall be restored within ten (10) days after this work is performed or as deemed necessary by the District Highway Director or an authorized Representative.

41. All existing pavement markings proposed to be removed shall be removed completely by grinding.

42. During construction, if any of the drainage pipes at utility crossings are damaged, they must be replaced, in kind, from structure to structure.

43. The excavation for the proposed wall should not, at any time, expose the bottom of footing or bottom of foundation of the existing retaining/wing wall. If the excavation must proceed into this zone of influence (ZOI) of the existing retaining wall then temporary support of excavation (SOE) will be required and a temporary SOE design submission will be required for review. The temporary SOE submission should be designed by a MA Professional Engineer (MA PE).

44. All bridge foundations shall be located to avoid damage during construction.

45. If the existing guardrail is removed or damaged it shall be reset or replaced to MassDOT Standards. This work shall be performed by an approved contractor.

46. If the existing sideline fence is removed or damaged it shall be reset or replaced to MassDOT Standards.

47. Provisions shall be made for the safety and protection of Pedestrian Traffic during the construction period.

48. It shall be the responsibility of the Applicant to provide access to the property of residents and business owners during the progress of the proposed work.

49. The Grantee shall notify Dig-Safe at 1.888.344.7233 at least 72 hours prior to the start of work for the purpose of identifying the location of underground utilities. Dig-Safe # to be obtained prior to the commencement of work.

50. Care shall be exercised so as not to disturb any existing State Highway Traffic Systems including above ground equipment, ducts, loops or any underground structures that exist. If said system is disturbed, it shall be restored immediately to its original condition. Also, any damaged Traffic lines shall be restored to their original condition. All expenses for restoring conditions shall be charged to the Applicant.

51. All work shall be in compliance with the 2023 Edition of the "Massachusetts Highway Department Standard Specifications for Highways and Bridges" and the amended Supplemental Specifications.

52. All work shall be in compliance with the 2013 Edition of the "Massachusetts Department of Transportation, Utility Accommodation Policy on State Highway Right of Way.

53. No equipment, trucks, workers, etc., shall occupy any part of the traveled way except between the permitted hours. Except for an emergency, in no case will operations exceed the specified hours without the prior approval of the District Highway Director or an authorized Representative. This includes the placement of traffic control devices, vehicles, equipment or anything that restricts the flow of traffic through the construction zone. Emergencies must be unexpected situations or sudden occurrences of a serious and urgent nature that demand immediate attention.

54. No work shall be done under the terms of this permit on Saturdays, Sundays or Holidays.

55. No work will be performed on the day before or the day after a holiday or a long weekend which involves a holiday on any highway, roadway or property under the control of the MassDOT Highway Division or in areas where the work would adversely impact the normal flow of traffic on the State Highway System, without permission of the District Highway Director or an authorized Representative.

56. When in the opinion of the MassDOT Engineer, this operation constitutes a hazard to traffic in any area, the Applicant may be required to suspend operations during certain hours and to remove his equipment from the roadway.

57. The Applicant will be responsible for any damage caused by this operation to curbing, structures, roadway, etc.

58. The Applicant shall be responsible for any ponding of water which may develop within the State Highway Layout, caused by this work.

59. No work shall be authorized during inclement weather: fog, rain, snow, sleet, or ice storms and subsequent snow and ice operations.

60. No bituminous concrete shall be installed between November 15th and April 15th without prior review by the District Highway Director or an authorized Representative.

61. The State Highway Layout shall be kept clean of debris of any nature at all times and shall be thoroughly cleaned at the completion of this permit.

62. At the completion of this permit, all disturbed areas shall be restored to a condition equal or better to that which existed prior to the work.

63. Steel sheeting, shoring, or bracing shall be driven or placed for all depths over 5 feet. At the discretion of the State Engineer said sheeting shall be left in place and cut off three (3) feet, minimum, below the surface.

64. No steel plates shall be utilized between November 15th and April 15th without prior review by the District Highway Director or an authorized Representative.

65. In addition to the conditions and restrictions herein contained, the Applicant is responsible for complying with any relevant Executive Orders or States of Emergencies that may be issued by the Governor's Office while this permit is active. The Governor may declare a State of Emergency in the event or imminent threat of natural or man-made disasters. A State of Emergency can cover a specific municipality, multiple communities, or the entire Commonwealth.

66. Detailed Information on States of Emergencies and Executive Orders can be found on the Mass.GOV website. https://www.mass.gov/service-details/state-of-emergency-information and https://www.mass.gov/massachusetts-executive-orders

67. Any bound marked MHB shall not be removed or disturbed. If it becomes necessary to remove and reset any highway bounds then the Applicant shall hire a Registered Professional Land Surveyor to perform this work. It shall be the responsibility of this land surveyor to submit to this office a statement in writing and a plan containing his stamp and signature showing that said work has been performed.

68. The Applicant assumes all risk associated with any environmental condition within the subject property and shall be solely responsible for all costs associated with evaluating, assessing, and remediating, in accordance with all applicable laws, any environmental contamination (1) discovered during Applicant's work or activities under this permit to the extent such evaluation, assessment or remediation is required for Applicant's work, or (2) resulting from Applicant's work or activities under this permit. Applicant shall notify Grantor of any such assessment and remediation activities. The Applicant is hereby held solely responsible for obtaining and maintaining any and all environmental compliance permits required by local, state and federal laws and regulations when regular or emergency work is proposed within, or in close proximity to, any wetland area.

69. This permit is issued with the stipulation that it may be modified or revoked at any time at the discretion of the District Highway Director or an authorized Representative without rendering MassDOT or the Commonwealth of Massachusetts liable in any way.

70. The Applicant shall indemnify and hold harmless the Commonwealth and its Highway Division against all suits, claims or liability of every name and nature arising at any time out of or in consequence of the acts of the Applicant in the performance of the work covered by this permit and or failure to comply with terms and conditions of the permit whether by themselves or their employees or subcontractors.

G. MassDOT: Indirect Access Permit

Permit Enforcement Agency: MassDOT

1. Any work done in connection with this permit with respect to a so-called "Indirect Access Permit" shall be in compliance with all then-applicable MassDOT regulations (now at 700 CMR 13.00), guidelines, standards, directives, manuals, and other authorities governing such work.

2. Compliance with applicable regulations, guidelines, standards, and other authorities includes the consultation, review, and approval processes (and associated costs) described therein including but not limited to: approval of work plans, construction schedules, job hazard analyses, worksite hazard assessments, site specific safety plans, temporary pedestrian path of travel plans, and other plans, documents, and agreements as required by applicable regulations, guidelines, standards, directives, manuals, and other authorities.

3. Applicant shall not: (i) impinge or encroach upon MassDOT infrastructure, assets, or real property, including air or subterrain rights, (ii) interrupt the use of any MassDOT infrastructure, assets, or real property, including by the public, or (iii) place any equipment or items in such proximity to any MassDOT property or right of way such that the equipment or item poses a risk of collision or interference with the use of MassDOT property or right of way without first obtaining the rights to do so, which rights are not conveyed by this permit.

4. MassDOT shall be provided full and unrestricted access to the Applicant's Premises at all times for inspection.

H. Massachusetts Bay Transportation Authority (MBTA): Zone of Influence Review

Permit Enforcement Agency: MBTA

1. Any Applicant that proposes to install, construct, operate, or maintain any facilities or equipment, or to undertake activities in connection with doing so, within the scope of the then-applicable MBTA "zone of influence" program (whether known by that or any other name) (the "Zone of Influence Program"), shall design, install, construct, operate, and maintain such facilities and equipment, and undertake such activities, in accordance with all then applicable regulations, guidelines, standards, directives, manuals, and other authorities governing the Zone of Influence Program and work affecting MBTA property, including but not limited to the following, as they may be amended from time to time:

   a. *Design/Construction Review for Projects within the MBTA's Zone of Influence: A Guide for Owners, Developers, and Contractors (ODCs)*, MBTA Capital Deliver Transit-Oriented Development Group, April 2018;

   b. Massachusetts Bay Transportation Authority Safety Policy/Procedure #5.09, Trench Excavation, Originally Issued February 13. 2009;

   c. Safety Directive: 25-001, Mobile Crane Requirements, June 27, 2025;

   d. MBTA Roadway Worker Protection (RWP) Manual (forthcoming) (in compliance with 49 CFR Part 671);

   e. Permitting and Access Requirements for Commuter Rail Right of Way;

   f. MBTA Commuter Rail Construction Safety Directive, Massachusetts Bay Transportation Authority, July 2022 ;

   g. Commuter Rail Roadway Worker Protection (RWP) Manual (forthcoming) (in compliance with 49 CFR Part 671);

   h. Commuter Rail Safety Rule Book;

   i. Amtrak system Roadway Worker Protection (RWP) Manual, October 6, 2025 (in compliance with 49 CFR Part 671);

   j. MBTA Railroad Operations Directorate, August 2014;

   k. MBTA Design Standards and Guidelines;

   l. MBTA Engineering Directives;

   m. MBTA Construction Specifications;

   n. MBTA Maintenance Standards;

   o. Right of Way Access and Alternative Service Planning Diversion Service Standards;

p. Right of Way Diversion Planning and Integration Policy for Planning and Requesting a right of Way Diversion on Heavy, Light Rail and Silver Line;

q. MBTA Railroad Track Outage Form;

r. MBTA Procedures for Environmental Data Collection and Monitoring Well Management on MBTA Property, March 2018;

s. MBTA Bridge Inspection and Load Rating Manual, Volume 1 – Bridge Inspection, September 2025; and

t. Rail Transit Tunnel Inspection Manual, February 2019.

2. Compliance with applicable regulations, guidelines, standards, and other authorities includes the consultation, review, and approval processes (and associated costs) described therein including but not limited to: approval of work plans, construction schedules, job hazard analyses, worksite hazard assessments, site specific safety plans, temporary pedestrian path of travel plans, and other plans, documents, and agreements as required by applicable regulations, guidelines, standards, directives, manuals, and other authorities.

3. Applicant shall not: (i) impinge or encroach upon MBTA infrastructure, assets, or real property, including air or subterrain rights, (ii) interrupt regular MBTA or Commuter Rail Service at any time, or (iii) place any equipment or items in such proximity to any MBTA right of way such that the equipment or item poses a risk of collision with MBTA vehicles or equipment or of interference with the operations of MBTA vehicles or equipment collectively referred to as, “Fouling”).

4. Applicant agrees to remedy any condition causing Fouling of MBTA property or right of way as a result of the Applicant’s project, promptly upon demand from the MBTA. Should Applicant not perform such remedy immediately following such demand, the MBTA may perform any and all necessary work at the sole expense of Applicant.

5. Applicant agrees to restore any MBTA property disturbed as a result of any project to at least the condition it was in at the commencement of the Applicant’s project, and to remove its personal property and debris from the MBTA property at the conclusion of any permitted entry. Should Applicant not perform such restoration promptly following such disturbance, the MBTA may perform any and all necessary restoration at the sole expense of Applicant. Any personal property not so removed shall, at the option of the MBTA, either become the property of the MBTA or be removed by the MBTA and disposed of without any liability in the MBTA for such removal and disposition, all at the sole expense of Applicant.]

6. Activities with the potential to cause Fouling of MBTA property or right of way require advance consultation with the MBTA for the purpose of: (a) evaluating the application of the MBTA's then current regulations, guidelines, standards, directives, manuals, and other authorities concerning protections necessary to ensure the public safety and, to the extent deemed necessary by the MBTA; and (b) the MBTA's further approval consistent with these conditions.

7. MBTA shall be provided full and unrestricted access to the Applicant's Premises at all times for inspection.

I. MWRA: 8(m) Permit

Permit Enforcement Agency: **MWRA**

(MWRA [or the "Authority"] may revise and/or add additional standard and/or special terms and conditions, shown below)

1. MWRA Water and Sewer Standard 8(m) Permit Terms and Conditions

1. Permittee shall be responsible to stay apprised of and comply with all applicable federal, state and local laws, rules, and orders including, but not limited to, guidelines and requirements for construction sites, and all supplements, amendments and/or changes thereto and notices thereof. Before commencing work pursuant to this Permit, Permittee shall have obtained all other required permits, written approval(s) and necessary authorizations to perform the work. Failure to comply with the terms stated herein shall render this Permit null and void by the Authority, and Permittee shall bear all responsibility, liability, damages and costs arising from the Permittee's noncompliance.

2. Permittee's use of the permitted land shall at no time interfere with the Authority's activities or operations on the permitted land. The Authority has the right to review and approve all of the Permittee's work including such plans and specifications, as the Authority deems necessary. Any proposed future work beyond the scope of this Permit shall have the prior written approval of the Authority.

3. To the fullest extent permitted by law, the Permittee shall indemnify, defend with counsel acceptable to the Authority, keep and save harmless the Authority and its board members, officers, representatives, contractors, agents, employees, successors, and assigns, in both their individual and official capacities, against all suits, claims, liabilities, damages, losses (including but not limited to loss of use resulting therefrom) and expenses, including but not limited to attorney's fees, caused by, arising out of or resulting from any work or activity under this Permit and/or act, omission, breach or default of the Permittee or of any contractor, subcontractor of vendor of the Permittee or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder.

4. The granting of this Permit shall in no way interfere with the rights of the Authority to exercise its existing rights in or over the permitted land. Permittee acknowledges that the Authority, within its sole discretion, may enter upon the permitted land at any time in order to carry out inspections, maintenance, repairs, replacements, or other activities.

5. The sale or disposition of the permitted land by its owner will cause this Permit to terminate without further notice. Permittee shall give the Authority at least 72 hours' notice before commencing the operations as pursuant herein. This Permit shall not be assigned or transferred.

6. No blasting, drilling or other activity that could in any way affect the integrity or operability of the Authority's property or use of the permitted land shall be permitted without express prior written approval of the Siting Board.

7. The Permittee shall remove, at its own expense, within six months of the date of written notice from the Authority, any or all conduits and appurtenances installed by the Permittee under this Permit if, in the Authority's discretion, such removal is necessary for the operation, maintenance or replacement of the Authority's infrastructure.

8. To the fullest extent permitted by law, and in consideration of the issuance of this Permit, Permittee hereby releases the Authority and its board members, officers, representatives, contractors, agents, employees, successors, and assigns, in both their individual and official capacities, from all suits, claims, liabilities, damages, losses (including but not limited to loss of use resulting therefrom) and expenses, including but not limited to attorney's fees, caused by, arising out of or resulting from any work or activity under this Permit and/or act, omission, breach or default of the Permittee or of any contractor, subcontractor of vendor of the Permittee or anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder. This release includes, but is not limited to, all suits, claims, liabilities, damages (including, but not limited to, direct, indirect, and consequential damages, economic loss, and loss of profits) and losses which are attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, together with all attorneys' fees, costs and expenses.

9. The Permittee shall conduct design, construction, and excavation in accordance with all federal, state and local safety regulations, including but not limited to, federal OSHA regulations (29 CFR 1926) and Massachusetts Department of Public Safety regulations (520 CMR 14.00). During construction, Permittee shall take appropriate sheeting and shoring measures to protect the integrity of the Authority's water and/or sewer mains. Permittee shall submit design plans stamped by a professional engineer licensed in Massachusetts to the Authority prior to the start of construction.

10. The Permittee shall adjust any or all Authority frames and covers to grade within the limits of work in accordance with the plans referenced in this Permit. The Authority will provide the Permittee with new replacement Authority frames and covers that have been deemed unusable by the Authority.

11. If the Permittee is proposing to take borings and/or place test pits within the permitted land, the Permittee shall mark the proposed boring and test pit locations on the ground using paint and/or stakes and submit engineering documents to the Authority showing the proposed boring and test pit locations. Authority staff will review all boring and test pit locations at the site. Upon written clearance of the proposed boring and test pit locations by Authority staff and subject to Permittee providing the Authority with seventy-two (72) hours prior notice, Permittee may commence work at the Project site.

12. The Permittee shall be responsible for the locations of proposed borings and test pits regardless of any act or omission of the Authority. The Permittee shall be responsible for repairing and/or replacing, at the Authority's election, the Authority's property or infrastructure, which is damaged as a result of the Permittee's, its contractors, agents, representatives, employees, and/or invitees activities pursuant to this Permit. The Permittee's obligations under this paragraph shall include payment to the Authority for all costs to repair all such damage caused to the Authority's property.

2. MWRA Water Operations Special Terms and Conditions

13. If the requirements below cannot be met by a particular Applicant in particular circumstances, an Applicant may request flexibility from the Authority on a case-by-case basis.

14. Prior to entry, Permittee or its designee shall provide at least seventy-two (72) -hours prior notice to the MWRA's Inspection Department, by calling (617) 305-5833, located at 2 Griffin Way, Chelsea, MA 02150.

15. A minimum vertical clearance of eighteen (18) inches shall be maintained between the MWRA's water mains and other utility crossings unless otherwise noted. However, water/gas and other utility service crossings with a pipe size diameter of two (2) inches or less maybe permitted to cross above the MWRA's pipeline at a reduced clearance subject to MWRA's review. (Except for special provisions, i.e. capped or plugged pipes, thrust blocks and or bends, which would require greater clearance and separation).

16. A minimum of three (3) feet to five (5) feet horizontal clearance is required between adjacent utilities and the side (spring line) of any MWRA water main. (Except for special provisions, i.e. capped or plugged pipes, thrust blocks, and/or pipe bends, which would require a greater clearance separation).

17. Crossings of MWRA water mains shall be located at a minimum horizontal distance of at least four (4) feet from any joints of the MWRA's water mains.

18. Proposed pipe/utility crossings of the MWRA's water mains shall cross at a ninety (90) degree angle to minimize interference.

19. For distances over four (4) feet of the MWRA's water mains, which are to be undermined, the method and type of pipe support plan shall be submitted and stamped by a Professional Engineer (P.E.) licensed in Massachusetts.

20. For distances under four (4) feet from the MWRA's water mains, which are to be undermined, the on-site MWRA inspector shall review and approve the proposed support of the water main. Under no circumstances shall the MWRA's water main be left in an unsupported, undermined position overnight.

21. During construction, appropriate sheeting measures must be taken to protect the integrity of the MWRA's water mains. The sheeting design must be reviewed by the MWRA prior to the start of the construction. The design shall be stamped by a Professional Engineer, licensed in Massachusetts. The use of a Trench Box is not permitted in this application.

22. Suitable compaction methods shall be employed in restoring the beds of the MWRA's water mains and backfilling around the MWRA's water mains shall be placed in maximum six (6) inch lifts and compacted by hand vibratory compactors.

23. The MWRA's water mains shall be protected at all times during construction. The MWRA may require a professional engineer licensed in the State of Massachusetts to submit a construction plan and or pipeline analysis that is to be attached to this Permit.

24. Screened gravel shall be uniformly graded with maximum size of a particle between 3/8 inch and 3/4 inch. Screened gravel shall consist of clean, hard and durable particles free from an excess of soft, elongated and disintegrated pieces or other objectionable material. Crushed rock of suitable size and grading may be used in place of screened gravel at the option of the MWRA Inspector.

25. For test pit excavations or unearthing of the MWRA's water mains the Permittee shall excavate the last two (2) feet before the top of pipe, by hand or use a vacuum boring method and backfill with approved material within an fee interest, easement or roadway area.

26. The Permittee is responsible for adjusting any or all MWRA frames and covers to grade within their limits of work in accordance with the plans referenced in this Permit. The MWRA will provide the Permittee with new replacement MWRA frames and covers (at no expense to the Permittee) for any existing frames and covers that have been deemed unusable by MWRA personnel.

27. All MWRA manhole openings that were covered during the binder course installation shall be made accessible within forty-eight (48) hours. MWRA manhole frame and covers shall not be removed for grinding and or pulverizing. Pulverizing is not allowed over MWRA manhole structures.

28. The Permittee shall provide a logistics construction schedule in writing, along with emergency contact information whenever MWRA valves (manhole covers) or facilities are covered or obstructed.

29. MWRA Inspection personnel must be on site whenever excavation, construction, hoisting or rigging occurs around an MWRA water main.

30. No construction equipment including cranes, backhoes, or material may be parked, stationed, set up, or stored on top of the MWRA's water mains or infrastructure.

31. Replacement (shutdown) of the MWRA's water mains shall be coordinated with the MWRA. Four (4) weeks' advanced notice in writing is required for shutdowns.

32. The Permittee or its designee shall contact the MWRA three (3) weeks in advance of when an MWRA water main valve must be operated. Only MWRA personnel will operate MWRA valves. The Permittee or its designee shall not operate any MWRA water main valves. MWRA Valve Operations are limited during peak demand periods and may not be available between the dates of May 15th and September 15th of each calendar year.

33. The Permittee will be responsible to protect and correct any damage(s) to the MWRA's property, water main pipelines and/or any related infrastructure at no cost to the MWRA.

34. As-built drawings shall be furnished to the MWRA upon the completion of the work authorized by this Permit. A Professional Massachusetts Registered Land Surveyor or Engineer shall stamp as-built drawings.

35. MWRA Detail Records "field sketches" shall be updated (with accurate field ties) by the Permittee and shall be furnished to the MWRA upon the completion of the work authorized by this Permit.

36. The Permittee understands and agrees that the MWRA and its successors and assigns are not responsible for any damage and/or claims for damages to the Permittee's structures, conduits, facilities and/or property permitted pursuant to this permit as a result of the MWRA's operation, maintenance, repair, and/or replacement of MWRA's infrastructure, or as a result of the failure of an MWRA water main, and that the Permittee shall be solely responsible for replacing and/or repairing said structures and for any costs related thereto, as a result of MWRA's activities, including but not limited to, the operation, maintenance, repair, and/or replacement of MWRA's infrastructure, or as a result of the failure of an MWRA water main. Further, the Permittee shall hold the MWRA and its successors and assigns harmless from any damages and/or claims for damage to the Permittee's structures, conduits, facilities and/or property permitted pursuant to this permit as a result of the MWRA's operation, maintenance, repair, and/or replacement of MWRA property, or as a result of the failure of an MWRA water main.

37. This Permit addresses only MWRA-owned and operated infrastructure. The Permittee is required to obtain all needed separate approvals from Cities, Towns, State Agencies or other entities.

38. The work authorized by this Permit and location of installed facilities and appurtenances shall not deviate from the construction plan that is referenced in this Permit. No material field changes are allowed without prior review by the MWRA . An MWRA on-site inspector shall review all field changes and coordinate with the Permittee regarding submitting a change of work plan to the MWRA for review and comment. If MWRA field inspection indicates changes undertaken without review, the Permittee may be issued a cease-and-desist order and be required to correct/reconstruct any completed work.

39. The MWRA requires a construction plan along with an analysis of the MWRA's water main pipeline (prepared by a professional engineer licensed in the State of Massachusetts). The pipeline analysis shall take into consideration the construction equipment, which would be used over the MWRA's water main pipeline in instances where the existing roadway surface will be completely excavated away, removing the protection of the HS-20 surface loading barrier. This Plan and supporting calculations will need to be submitted to the MWRA for review. This includes open cross-country areas where no HS 20 Roadway Loading exists.

40. The MWRA requires the submittal of "Cut Sheets and or Shop Drawings" for review of all newly proposed materials that will come under the ownership of the MWRA.

41. Where pipe jacking is required for work that is in close proximity to the MWRA's water mains, submittals prepared by a professional engineer and reviewed by the MWRA are required.

42. Permittee shall not expose the spring line or undermine the MWRA's water main pipeline. The Permittee, or its designee, shall cease excavation operations and secure the open trench by backfilling the open trench to secure the MWRA's water main pipeline whenever the spring line is exposed.

43. In instances where the layout of the MWRA water mains are to be accurate and precise beyond the MWRA's regular mark out services the Permittee, at the direction of the MWRA, shall have a professional land surveyor licensed in Massachusetts mark out MWRA water mains using field survey instruments.

44. Disinfection of MWRA pipelines includes the entire isolated length of MWRA's pipeline(s). Disinfection is the responsibility of the Applicant including independent lab testing procedures in accordance with MWRA standards.

J. MWRA: Temporary Construction Site Dewatering Permit

Permit Enforcement Agency: **MWRA**

1. The Applicant shall comply with the following self-monitoring requirements, monthly schedule, additional reporting requirements, and discharge limitations:

1. Self-Monitoring Requirements Summary

Sampling Location	Pollutant	Frequency
0101	Arsenic (Total)	Monthly
0101	Flow	Monthly
0101	Lead (Total)	Monthly
0101	Mercury (Total)	Monthly
0101	Oil and Grease	Monthly
0101	PCBs	Monthly
0101	Pesticides	Monthly
0101	TTO (Extractable Organic Fraction)	Monthly
0101	TTO (Volatile Organic Fraction)	Monthly
0101	Total Suspended Solids	Monthly
0101	pH	Monthly

Monthly Schedule

Collect Your Samples During	Submit Your Report By
January	February 28
February	March 31
March	April 30
April	May 31
May	June 30
June	July 31
July	August 31
August	September 30
September	October 31
October	November 30
November	December 31
December	January 31

2. Additional Reporting Requirement Summary

Sampling Location	Report Required	Frequency
0101	Dewatering Meter and Recorder	One Time
0101	Initial Analytical Report	One Time
0101	Safe and Accessible Sampling Points	One Time

3. Discharge Limitations Summary

Listed below are many of the pollutants that are regulated by the MWRA. Permittee's wastewater discharge to the sewer system from the following Sampling Location(s) shall not violate the limits. The complete set of discharge limitations, including those not listed below, is found in Part B this Discharge Permit.

Sample Location: [___]

Pollutant	MWRA Daily Maximum Limit (mg/l)
1,1-Dichloroethylene	0.3
Acrolein	0.15
Antimony (Total)	10.0
Arsenic (Total)	0.5
Benzene	0.3
Cadmium (Total)	0.1
Chromium (+6)	0.5
Chromium (Total)	1.0
Copper (Total)	1.0
Cyanide (Total)	0.5
Each Toxic Organic (Unless Elsewhere Limited In 360 CMR 10.000)	1.0
Formaldehyde	9.0
Hexachlorobutadiene	Prohibited
Lead (Total)	0.2
Mercury (Total)	Prohibited
Nickel (Total)	1.0
PCBs	Prohibited
Pesticides	Prohibited
Phenol	5.0
Selenium (Total)	5.0
Silver (Total)	2.0
TTO	5.0
Vinyl Chloride (Chloroethylene)	0.02
Zinc (Total)	1.0

Pollutant	MWRA Instantaneous Limit (DEG C)
Temperature	82

Pollutant	MWRA Instantaneous Limit (S.U.)
pH	must remain between 5.5 - 12.0 standard units

Pollutant	MWRA Instantaneous Limit (mg/l)
Oil and Grease	300

2. Permittee is authorized to discharge wastewater into the MWRA Sewerage System from [Project] into the MWRA Sewerage System through the [municipality] Sewerage System subject to the conditions set forth in this permit. This permit is authorized solely for the removal of groundwater seepage and runoff collecting in the construction site. The Permittee shall not discharge any pollutant or pollutant properties or construction site dewatering drainage from any production operation, industrial process, or any source of discharge not identified in its Sewer Use Discharge Permit Application and this permit.

3. The issuance of a permit by the Siting Board shall not relieve the Permittee of its obligation to comply with all applicable laws and regulations, including the Federal Water Pollution Control Act, 33 USC § 1251 et seq., and federal regulations promulgated thereunder, the Massachusetts Clean Waters Act, MGL c.21, § 26 et seq., and Massachusetts regulations promulgated thereunder, and 360 CMR 10.000, unless specifically modified by the permit.

4. Compliance with this permit does not relieve _____of its obligations to comply with all other applicable Local, State, and Federal pretreatment laws, regulations, standards and requirements, including those that may become effective during the term of this permit. This permit does not relieve _____ of its obligation to comply with the Massachusetts Department of Environmental Protection (MassDEP) regulations governing the classification of pretreatment systems and the certification of pretreatment system operators pursuant to 257 CMR 2.00.

5. This permit may be modified by the MWRA and the Local Government in accordance with 360 CMR 10.007(7).

6. Failure to comply with any requirement of 360 CMR 10.000 or any of the conditions of this permit may be cause for the MWRA to take enforcement measures pursuant to 360 CMR 2.00, including but not limited to, immediate revocation of this permit.

7. This permit shall not be assigned or transferred without prior written approval of the Siting Board. If the Permittee files a complete and accurate permit application for a renewal permit in accordance with 360 CMR 10.007(6), a minimum of sixty (60) days prior to the expiration of the permit, the permit will not expire until a new permit is issued or the application is denied.

4. General Sampling and Analysis Requirements

Sampling

8. All samples and measurements collected for the purpose of this permit shall be representative of the typical volume and nature of the Permittee's discharge. The discharge shall be free of any uncontaminated water, sanitary waste, or other non-process water. Samples shall be collected, preserved, and handled in accordance with the procedures established in 40 C.F.R. Part 136 and amendments.

9. The Permittee shall not manipulate its sampling schedule to avoid taking samples that may contain discharge violations, such as on days of higher or lower production, on days of unusual production, or when the Permittee otherwise has or should have information that violations may occur.

10. Sampling required by the MWRA shall be performed by an independent laboratory with DEP certification or accreditation from the EPA's National Environmental Laboratory Accreditation Program (NELAP).

11. All samples collected for the purpose of this permit shall be transported to the laboratory accompanied by completed MWRA chain of custody forms that have been filled out by the individual who collected the samples.

12. Sampling locations shall be safely located and accessible to MWRA staff and monitoring equipment. Wastewater measuring devices, which the MWRA reserves the right to approve, shall be compatible with MWRA monitoring equipment. In addition, the devices shall be properly maintained and calibrated at all times to ensure measurement accuracy.

13. If the Permittee samples more frequently than required in this permit, for any pollutant being discharged, using test procedures prescribed in 40 C.F.R. Part 136 or other United States Environmental Protection Agency (EPA) approved methods, the results of such monitoring shall be submitted to the MWRA, in accordance with the procedures required for submitting sampling reports.

Analysis

14. Analysis required by the MWRA shall be performed by a DEP certified independent or NELAP accredited laboratory that is fully certified for the pollutants being analyzed unless otherwise specified or approved by the MWRA.

15. The use of a laboratory with provisional MassDEP certification is prohibited for the parameters for which it has provisional certification, unless the Authority determines that the factors resulting in the provisional certification should not adversely affect the quality of the analyses the laboratory may submit. A sample analysis performed by a laboratory

without MassDEP certification or NELAP accreditation for the parameter may be submitted with the approval of the Siting Board. The Siting Board may grant such approval where MassDEP does not certify and NELAP does not accredit for the parameter to be analyzed, there is no MassDEP certified or NELAP accredited laboratory in a Permittee to submit a copy of the "Massachusetts Certification for Chemical Analysis of Waters" or the NELAP Certification of Accreditation, whichever is applicable, for each laboratory that performs an analysis submitted to the Authority by or on behalf of the Permittee.

16. The Authority may limit the laboratories a Permittee may use for any report required by the Authority. The Authority may specify the quality assurance/quality control methods to be performed by a laboratory for any report required by the Authority.

17. Analysis for wastewater pollutants and parameters shall be conducted in accordance with applicable procedures approved by the United States Environmental Protection Agency (EPA) included in 40 C.F.R. Part 136, unless otherwise authorized or required by the Authority and EPA. If there is no applicable EPA approved procedure, the Authority may specify a procedure to be used. Massachusetts or an adjoining state that performs the required test method, or in other extraordinary circumstances. The Authority may require a Permittee to submit a copy of the "Massachusetts Certification for Chemical Analysis of Waters" or the NELAP Certification of Accreditation, whichever is applicable, for each laboratory that performs an analysis submitted to the Authority by or on behalf of the Permittee.

18. The Authority may limit the laboratories a Permittee may use for any report required by the Authority. The Authority may specify the quality assurance/quality control methods to be performed by a laboratory for any report required by the Authority. Analysis for wastewater pollutants and parameters shall be conducted in accordance with applicable procedures approved by the United States Environmental Protection Agency (EPA) included in 40 C.F.R. Part 136, unless otherwise authorized or required by the Authority and EPA. If there is no applicable EPA approved procedure, the Authority may specify a procedure to be used.

Reporting Procedures for Self-Monitoring Requirements

19. All analyses done pursuant to this permit must be submitted to the MWRA. A report not submitted as required by this reporting procedure shall be considered a non-report, subjecting the Permittee to enforcement action. The Authority may require that analytical data and reports, including a complete data package, be submitted to it directly by the laboratory that performed that analyses (See 360 C.M.R. 10.008(2)(g)).

Electronic Submittal of Self-Monitoring Results

20. All wastewater sampling analysis reports required by this permit must be submitted to the MWRA electronically by the Permittee or its laboratory, utilizing the Pretreatment Information Management System Web Self-Monitoring Report (Web SMR) available at http://websmr.mwra.com/.

Chains of Custody/Field Forms

21. The chains of custody/field forms enclosed with this permit shall be copied and used to document pertinent sampling information. The chains of custody/field forms shall be completed by the person who took the samples and then accompany the samples to the laboratory for analysis. Any time the samples are transferred from one individual to another during the transport and laboratory analysis of the samples, the person relinquishing the samples shall sign his/her name and indicate his/her name and the date and time the samples were relinquished, on the bottom of the form. The receiving person must also sign and date the forms in the appropriate box.

Wastewater Sampling Analysis Reports Submittal/Laboratory Certification Forms

22. The Permittee must: a) assure that the laboratory provides the Permittee with a copy of the data and corresponding chains of custody/field forms the laboratory submits to the MWRA, no later than the day the laboratory submits the electronic report to the MWRA; and b) shall have on file with the MWRA a current Sample Analyses and Reporting Certification Form provided by the MWRA (copy attached), signed and dated by the Authorized Representative of the Permittee, authorizing the electronic data submittal from a laboratory and certifying the results. The Permittee must thereafter submit a newly signed and dated certification form whenever it changes its Authorized Representative.

Certification Form/Authorized Representative

23. The Permittee shall submit the Sample Analyses and Reporting Certification Form required by this permit. Each certification form shall be signed and dated by an Authorized Representative of the Permittee. An Authorized Representative is a:

(a) Responsible corporate officer, if the Permittee is a corporation. For the purpose of this requirement, a responsible corporate officer means a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or

actions taken to gather complete and accurate information for the permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) General partner or proprietor if the Permittee is a partnership or sole proprietorship respectively.

(c) Duly authorized representative of the individual designated in (a) or (b) of this section if:

i) the authorization is made in writing by the individual described in (a) or (b);

ii) the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

iii) the written authorization is submitted to the MWRA

If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the Permittee, a new authorization satisfying the requirements of this section must be submitted to the MWRA prior to or together with the next report required of the Permittee.

Specific Prohibitions

The Permittee shall comply with all the Specific Prohibitions contained in the MWRA Sewer Use Regulations, 360 CMR 10.023. No Person shall discharge, or cause or allow to be discharged, directly or indirectly, into the Authority Sewerage System, any of the following:

24. Groundwater, storm water, surface water, roof or surface runoff, tidewater, or subsurface drainage, except construction site dewatering in a combined sewer area when permitted by the Authority and municipality.

25. Non-contact Cooling Water, non-contact industrial process water, uncontaminated Contact Cooling Water and uncontaminated industrial process water, except:

(a) as permitted by the Authority when the discharger has taken all reasonable efforts to eliminate and minimize the flow, there is not reasonable access to a storm sewer, surface water, or another disposal alternative, and the amount to be discharged will not have an actual or potential adverse impact on the sewer system, the treatment plant, the quality of the receiving water, or the Authority's ability to meet its obligations under any law, regulation, permit, or order; and

(b) cooling tower blowdown.

26. Fuel oil, crude oil, lubricating oil, or any other oil or grease of hydrocarbon or petroleum origin except:

(a) in compliance with the limit for fats, wax, oil and grease in 360 CMR 10.023(10);

(b) in compliance with the prohibitions and limits in 360 CMR 10.024;

(c) when discharged:

i) incidental to an industrial process in Industrial Waste authorized to be discharged by a permit issued by the Authority;
ii) incidental to the appropriate use of a gas/oil separator that is in compliance with 360 CMR 10.016 when a permit is not required by 360 CMR 10.000; or
iii) in de minimis amounts and not from the disposal of waste, used, excess, or unwanted oil or grease when neither a permit nor a gas/oil separator are required by 360 CMR 10.000; and

(d) otherwise in compliance with 360 CMR 10.000.

27. Any liquid, solid or gas, including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, and methyl ethyl ketone, which by reason of its nature or quantity is, or may be sufficient either alone or by interaction with other substances to create a fire or explosion hazard or to be otherwise injurious to a Municipal Sewerage System, the Authority Sewerage System, Treatment System, or to Receiving Waters, including:

(a) Wastewater with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21, and measured at the point of indirect discharge to the Authority Sewerage System, or at such other place as the Authority determines; or

(b) Any Pollutant which causes an exceedance of 10% of the lower explosive limit as measured by an explosimeter at the point of discharge to the sewer or at any point within the Sewer.

28. Any noxious or malodorous liquid, gas, or solid or any other pollutant which either singly or by interaction with other Waste causes or contributes to the creation of a public nuisance, makes it dangerous for personnel or equipment to enter the Sewer for purposes of maintenance, repair, inspection, sampling, or any other similar activity, or which results in the presence of toxic gases, vapors, or fumes within the Authority Sewerage System or Municipal Sewer in a quantity that may cause acute worker health and safety problems.

29. Any Water or Wastewater with a pH lower than 5.5 or higher than 12.0 or with any corrosive or injurious property which may cause damage or be hazardous to the Sewer, the Sewerage System, the Treatment System, or any person. If a Person continuously measures the pH of its wastewater by a properly located, installed, calibrated, maintained, and operated pH measurement system, the pH of the wastewater shall be maintained as required by the Authority, except excursions below a pH of 5.5 are permitted subject to the following limitations:

    (a) The total time during which the pH values are below 5.5 shall not exceed seven hours in any calendar month;

    (b) No individual excursion from the range of required pH values shall exceed 60 minutes; and

    (c) The excursion may not be below a pH of 5.0.

    For purposes of 360 CMR 10.023(6), an excursion is an unintentional and temporary incident in which the pH value of discharged wastewater is below the range required by the Authority. The Authority may, by permit or order, reduce the permissible excursion times or eliminate the right to an excursion, as it deems appropriate, based on the treatment system, flow, sewer system needs, and discharge history of the Person.

30. Any water or Wastewater, not otherwise governed by 360 CMR 10.000, containing pollutants at levels which may adversely affect the Authority's ability to process and/or dispose of its Wastewater Residuals in an environmentally sound and economic manner in accordance with applicable state and federal requirements.

31. Any solid or viscous substance in an amount or size which obstructs or may obstruct the flow in any Sewers, or which causes or may cause an interference including but not limited to: sand, mud, metal, glass, wood, plastics, improperly shredded garbage, rubber, latex, lime or other slurries, grease, animal guts or tissues, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, stone or marble dust, straw, shavings, grass clippings, rags, spent grains, spent hops, tar, asphalt residues, residues from refining or processing fuel or lubrication oil, or glass grinding or polishing wastes.

32. Any liquid or vapor with a temperature higher than 180 F (82 C), unless the Authority approves an alternative temperature limit; however, in no case may any Person discharge heat in such quantity that it causes or may cause the temperature at the Authority's Sewage Treatment Facility to exceed 104 F (40 C).

33. Any water or Waste containing fats, wax, oil, and grease, in excess of 300 mg/l (based on the materials recovered in the applicable EPA approved procedure, unless otherwise authorized or required by the Authority and EPA), or containing any substance which may solidify or become viscous at temperatures between 32 F (0 C) and 180 F (82 C). Waters or Wastes containing such substances, excluding normal household Waste, shall exclude all

visible floating oils, fats and greases. The use of chemical, biological, or physical means to bypass or to release fats, wax, oil, and grease into the sewer is prohibited. If a Person is unable to comply with the 300 mg/l requirement after reasonable pretreatment measures, the Authority may increase the limit on a case-by-case basis if the Authority and appropriate Municipality are satisfied that such increase will not contribute to nuisance conditions or an adverse impact on the Sewerage System, Receiving Waters, or the Authority's Wastewater Residuals program. In no circumstance will the Authority increase the limit to allow a discharge of more than 300 mg/l of oil or grease of hydrocarbon or petroleum origin, including fuel oil, crude oil, and lubricating oil. The Authority may apply a monetary charge to any increase in the 300 mg/l limit to recover the costs it reasonably expects to incur as a result of the increase.

34. Waste or Wastewater discharged through a Bypass, unless such discharge through the Bypass was approved in advance by the Authority, or the discharge through the Bypass is allowed by 40 CFR 403.17 and the Person using the Bypass provided to the Authority the notices required by 40 CFR 403.17.

35. Any radioactive Waste or isotope with a half-life or concentration in excess of any limit established by federal or state law.

36. Any Sludge, except from:

(a) water treatment plant owned and operated by a municipality, or by a water district created by a special or general act of the Massachusetts Legislature, and when specifically permitted by the Authority pursuant to 360 CMR 10.057; or

(b) a Reclaimed Water System, provided the Reclaimed Water System:

(i) treats only Wastewater that does not require an active permit as described in 360 CMR 10.007(1)(a), (e), (f), (g), (h), or (i) for discharge into the Authority’s Sewerage System,

(ii) has a Discharge into a Municipal Sewer within the Authority Sewerage District,

(iii) has been issued a permit pursuant to 314 CMR 20.00: Reclaimed Water Permit Program and Standards, and

(iv) has been specifically permitted by the Authority and the Municipality into which it discharges pursuant to 360 CMR 10.051 through 10.056.

37. Any substance, including dye water or any vegetable tanning solution, which causes turbidity or discoloration such that the color of the wastewater at the Authority Sewage Treatment Facility changes noticeably.

38. Any Hazardous Waste, or any Wastewater which results from the treatment of Hazardous Waste and is discharged to the Authority Sewerage System by dedicated pipe, truck, rail, or by other method.

39. Septage containing Hazardous Waste, Septage from haulers other than those permitted under 360 CMR 10.000, or Septage discharged at a location not designated as a Septage discharge location in the Municipal permit issued by the Authority to the Municipality where the discharge took place.

40. Any substance containing pathogenic organisms in such quantities as determined by local, state and/or federal law as hazardous to the public health or the environment, including but not limited to any "Infectious or Physically Dangerous Medical or Biological Waste" as defined and identified by the Massachusetts Department of Public Health in 105 CMR 480.010: Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code Chapter VIII, and whose disposal via the municipal Sewerage System or via a septic system is prohibited by 105 CMR 480.200.

41. Any filter backwash not specifically authorized to be discharged by a permit issued to the discharger by the Authority; any filter backwash that is not treated to meet the limits and prohibitions of 360 CMR 10.000; or, any filter backwash which causes or contributes to a violation of 360 CMR 10.021 through 10.025.

42. Any trucked or hauled pollutants except at discharge points designated by the Authority in a permit issued by the Authority for the discharge.

43. Wastes or Wastewater from outside the Authority Sewerage District, unless the wastes or wastewater is discharged with the Authority's approval and pursuant to the Authority policy for sewer connections serving property partially located in a non-Authority community or for requests for sewer service to locations outside MWRA's sewer service area, including, where necessary, a general or special law authorizing the discharge from a location outside the MWRA sewer service area.

44. Oxygen-demanding pollutants (BOD etc.), released in a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

Dilution Prohibition

45. The attempt to achieve compliance with the discharge limitations of these regulations by dilution, including increased use of process water, as a substitution for adequate treatment is prohibited.

Regulatory Notices

46. Bypass Prohibition: A bypass is an intentional or negligent diversion of a waste stream to the MWRA sewer system (by direct or indirect means) from any portion of the Permittee's pretreatment facility, or from any industrial process or other source of wastewater prior to pretreatment. A bypass is prohibited. Further, no pretreatment facility, production line, or other sources of wastewater shall be designed, installed, modified, or operated to allow for a bypass of all or a portion of its pretreatment equipment.

47. Right of Entry: The Permittee, with prior notification to facilitate compliance with relevant safety and security requirements, shall allow representatives of the MWRA, Municipality, MassDEP, and EPA ready access during business hours and any other reasonable time to all parts of the premises where wastewater is generated or discharged or in which records are required to be kept under 40 C.F.R. 403.12(o), or 360 CMR 10.010 for inspection, sampling or record examination and copying, or in performance of any of their duties.

48. Duty to Mitigate: The Permittee shall take all reasonable steps to minimize or correct any adverse impact to the MWRA treatment plants or the environment resulting from noncompliance with this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

49. Enforcement/Litigation Records: All records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the MWRA shall be retained and preserved by the Permittee until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

50. Posting Requirements: The Permittee shall inform its employees of the existence of the MWRA Sewer Use Rules and Regulations, 360 C.M.R. 10.000, and this permit, and at least one copy of each shall be permanently posted on the Permittee's bulletin board. The Permittee shall permanently post a notice clearly visible at all times on the Permittee's bulletin board, which lists the individual responsible for compliance with MWRA regulations and whom should be notified of any upsets or noncomplying discharges. The Permittee shall distribute a copy of this Permit to each employee working in pretreatment operations.

51. Confidentiality: In accordance with 40 C.F.R. 403.14 and 360 CMR 10.011, information and data provided in this permit and the reports submitted in accordance with this permit which identifies the nature and frequency of discharge shall be available to the public without restriction. Requests for confidential treatment of other information shall be governed by procedures specified in 360 CMR 10.011.

52. Signatories: All applications for permits, monitoring, discharge, and compliance reports and all other notifications required under this permit shall be signed by an Authorized Representative of the Permittee as described in 40 CFR 403.12(l).

53. Annual Publication: The MWRA may publish annually: (1) a report listing all industries in noncompliance with their permit or any other provision of 360 C.M.R. 10.000, and (2) a list in the largest daily newspaper of industries in noncompliance. Accordingly, the Permittee is notified that noncompliance with this permit may result in publication of its name.

54. Disposal of Sludge and Hazardous Wastes: The Permittee shall comply with the State and Federal regulations: Section 405 of the Clean Water Act, Subtitle C and D of the Resource Conservation and Recovery Act and Massachusetts Hazardous Waste Regulations 310 CMR 30.000 with respect to the disposal of all spent chemicals, solutions and sludge generated from the operation of wastewater pretreatment systems or industrial processes.

55. Severability: The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

56. Penalty Provisions: Pursuant to St. 1984, c. 372, s. 6(e), any Permittee who violates any provision of 360 CMR 10.000 or any permit or approval, or any User who knowingly makes any false statement or representation in any record, report, plan, or other document filed with any Municipality or the MWRA, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this permit may be punished by a fine or civil penalty not to exceed $10,000.00 per day for each violation. The MWRA may issue a notice of noncompliance and assess penalties for such noncompliance in accordance with its Enforcement Administrative Penalties Regulations found at 360 C.M.R. 2.00.

Fraudulent and false statements made by the Permittee in reports and other documents required to be submitted or maintained pursuant to 40 CFR Part 403.12 are subject to:

(1) The provisions of 18 U.S.C. section 1001 relating to fraud and false statements;

(2) The provisions of sections 309(c)(4) of the Clean Water Act, as amended, governing false statements, representation or certification; and

(3) The provisions of section 309(c)(6) of the Clean Water Act, as amended, regarding responsible corporate officers.

This means there is the possibility of civil and criminal penalties for providing false information, failing to provide required information, or otherwise violating this permit or EPA or MWRA regulations.

K. Department of Fire Services (DFS): Aboveground Storage Tank Permit

Permit Enforcement Agency: **Department of Fire Services**

1. Applicants shall design, install, construct, operate, and maintain all aboveground storage tanks with a gross capacity of more than 10,000 gallons used for storage of any fluid (liquid or gas) other than water (as defined in 502 CMR 5.00) in accordance with the applicable provisions of the Massachusetts Comprehensive Fire Safety Code - 527 CMR 1.00 and 502 CMR 5.00.

L. NHESP: Massachusetts Endangered Species Act Take/No-Take Determination

Permit Enforcement Agency: Division of Fisheries & Wildlife Natural Heritage & Endangered Species Program

Pursuant to 980 CMR 16.00: *Pre-Filing Consultation and Engagement Requirements* and 980 CMR 13.00: *Consolidated Permits for Clean Energy Infrastructure Facilities*, the Natural Heritage & Endangered Species Program ("NHESP") of the Massachusetts Division of Fisheries & Wildlife ("Division") will have the opportunity to review and comment on an Applicant's submission of Application materials pertaining to compliance with the Massachusetts Endangered Species Act and its implementing regulations at 321 CMR 10.00. In the event of a Constructive Approval, pursuant to 980 CMR 17.00, the Siting Board requires the following Common Conditions as specified by NHESP relating to either a "Conditional No-Take Determination" or a "Conservation and Management Permit," if a prohibited take would otherwise occur.

1. Conditional Determination

If any Project occurs or takes place within Priority Habitat of state-listed species, and the Project must be conditioned to avoid a prohibited Take of state-listed species, a Constructive Approval shall include one or more of the following common conditions, as specified by NHESP:

1. **Work Schedules:** Prohibition of construction and ground-disturbing activity during critical times of the year ("TOY" restrictions), such as nesting, breeding, or migratory seasons for specific species;

2. **Habitat protection measures:** These include species-specific Protection Plans for listed species;

3. **Establishment of exclusion zones:** Clearly delineated and marked boundaries of rare species habitat that must be avoided;

4. **Canopy and vegetation retention and management:** Required retention of mature trees, and management of shrubs and understory vegetation to preserve habitat structure;

5. **Siltation and erosion control:** Use of specialized erosion controls that do not trap or harm wildlife. This often involves using alternative systems instead of standard silt socks or wattles, which can entangle species like turtles;

6. **Control of invasive species:** Specified protocols for controlling the introduction and/or spread of non-native, invasive species, as these can degrade listed species habitat;

7. **Pre-construction surveys:** Conducting surveys to confirm the location of specific listed species (e.g., plants) or their habitat or to search for listed wildlife (e.g., turtles) before any site work begins.

8. **Plant-specific measures:** For listed plant species, conditions may include delineating and avoiding individual plants or moving plants to a safe location.

9. **Animal handling protocols:** Requiring a qualified and NHESP-approved monitor to be present during certain activities, with NHESP-approved protocols for handling and moving any listed wildlife found on site.

10. **Compliance Reporting:** Within thirty (30) days of the completion of the Project, or as otherwise approved by the NHESP, the Applicant shall submit a compliance report, including a summary of construction timelines and photographs, to the NHESP documenting the completion of the Project and compliance with all conditions.

11. **Additional Work :** Any any additional work beyond that shown on the site plans may require an additional consultation with the Division to determine compliance with MESA, including whether additional conditions may be required to avoid, minimize or mitigate impacts to the species. The Project may be subject to further review if no physical work is commenced within five years from the date of issuance of the EFSB Consolidated Permit, or if there is a change to the Project.

12. **Other measures**: Upon request of NHESP, Applicant will document specific measures to avoid a prohibited Take of state-listed species and provide to NHESP for review and approval.

2. Conservation and Management Permit Conditions

If any Project occurs or takes place within Priority Habitat of state-listed species, and the Project results in a prohibited "take" of state-list species as determined by NHESP, it may be permitted through a Conservation and Management Permit ("CMP"), which requires that applicants meet performance standards that include avoiding and minimizing impacts and providing a long-term net benefit to the species. Common conditions shall focus on avoidance, minimization, and mitigation, and shall include one or more of the following, as specified by NHESP:

a. Avoidance and Minimization of Impacts

13. **Alternative assessment:** The Applicant shall demonstrate that all feasible alternatives to temporary and permanent impacts have been evaluated and that the proposed Project avoids, minimizes, and mitigates impacts to state-listed species as determined by the NHESP.

14. Avoidance and Minimization: The Applicant shall implement conditions to avoid and minimize impacts to the greatest extent practicable to meet the performance standards of a CMP in consultation with NHESP.

b. Mitigation and "long-term net benefit" measures

15. **Off-site and / or on-site permanent habitat protection:** Applicant shall permanently protect suitable habitat for the impacted species, including through the establishment of a conservation restriction (CR) on the property or another property, or fee purchase of another property. The specific ratio of protected habitat to impacted habitat will be specified by NHESP consistent with 321 CMR 10.23 of the MESA regulations. For example, for an Endangered species, a 3:1 mitigation ratio may apply (three acres protected for every one acre impacted).

16. **Conservation funding**: Applicant shall provide funding for off-site habitat protection, habitat management, and/or conservation research projects to benefit the impacted species, as specified by NHESP.

17. **Conservation Research Project:** Implement an NHESP-approved conservation research or other project that contributes to an off-site conservation recovery and protection plan for the impacted species.

18. **Habitat management activities**: Long-term management of preserved habitat, such as prescribed fire or mowing, to maintain or enhance its value for the impacted species.

19. **Habitat Restoration**: Restore degraded areas of habitat on the Project site to benefit the affected rare species.

c. Administrative and monitoring requirements

20. **Ongoing monitoring and adaptive management:** Implement a long-term monitoring and adaptive management plan to ensure the success of the habitat management or restoration efforts.

21. **Draft Conservation Restriction/Fee Purchase**: The Applicant shall submit supporting documentation to the NHESP for review and approval, and secure a qualified conservation organization to hold and enforce the restriction with protection of state-listed species as the primary purpose.

22. **Reporting**: Provide regular reports to the NHESP on the status of conservation and mitigation measures, as specified by NHESP.

23. **Observations of State-listed Species:** NHESP shall be notified, in the form of an NHESP Rare Animal or Plant Observation Form (as found at https://www.mass.gov/how-to/report-rare-species-vernal-pool-observations or other location) within ten (10) days of the observation of any state-listed species within or outside the limits of Work.

24. **Compliance Reporting:** Within thirty (30) days of the completion of the Project, or as otherwise approved by the NHESP, the Applicant shall submit a compliance report, including a summary of construction timelines and photographs, to the NHESP documenting the completion of the Project and compliance with all conditions.

25. **Project Changes:** Any changes to the proposed Project or any additional work beyond that shown on the site plans may require additional consultation with the NHESP to determine compliance with the MESA, including whether additional conditions may be required to avoid, minimize or mitigate impacts to the species. The Project may be subject to further review if no physical work is commenced within five years from the date of the issuance of the EFSB Consolidated Permit, or if there is a change to the Project.

26. **Prior to the initiation of Work**, the Permit Holder shall send a summary report to the Siting Board and NHESP which: (a) demonstrates compliance with all pre-Work conditions of the Permit; and (b) requests permission to initiate the Work authorized by the Permit. **No Work may be initiated on the Project** until the Permit Holder has received written confirmation from NHESP confirming compliance with all pre-Work conditions and authorizing the initiation of Work.

III. REGIONAL PERMIT COMMON CONDITIONS

A. Cape Cod Commission Development of Regional Impact Decision

Permit Enforcement Agency: **Cape Cod Commission**

1. This Decision shall bind and be enforceable against, and inure to the benefit of, the Applicant, its successors, and assigns.

2. The Project shall be undertaken, constructed, operated, and maintained in accordance with the "Approved Project Plans"

3. The Applicant shall coordinate with the Local Government(s) and state agencies before the initiation of construction activities to determine if opportunities for infrastructure efficiencies relative to siting and scheduling exist, including but not limited to sidewalk and multi-use path installation, and if feasible, the Applicant should use reasonable efforts to pursue those opportunities.

4. The Applicant shall make reasonable efforts to publicize construction activities, detours or road closures utilizing various media outlets, such as media outreach and Variable Message Signs ("VMS") located at key points within the study area, in particular impacts to roadways that will span over an extended period of time and impacts that will occur on a major regional roadway.

5. The Applicant shall work with MHC and MBUAR to establish and implement avoidance, minimization, and mitigation measures for both terrestrial and submarine historical and archaeological resources within the Project route.

6. The Applicant shall work with applicable state and federal agencies to finalize and implement Time of Year (“TOY”) restrictions and Best Management Practices (“BMPs”) to avoid, minimize, and/or mitigate impacts to wetlands, wildlife and plant habitats, coastal and ocean resources, and ocean-dependent human uses.

7. The Applicant shall work with applicable state and federal agencies to finalize wetlands, wildlife and plant habitat, coastal, and ocean resource monitoring plans.

IV. LOCAL PERMITS[1]

A. Site Plan Approval

Permit Enforcement Agency: Local PEA

1. General Conditions

1. Compliance with Laws: The Applicant shall comply with all applicable local, state, and federal laws, regulations, and bylaws pertaining to the proposed development.

2. Successors in Interest: The Siting Board's approval shall apply to any successor in interest or successor in control of the property.

3. No Substantial Modifications: No substantial modifications, additions, substitutions, alterations, or changes shall be made to the approved plans without the written approval of the Siting Board.

4. Permits: The Applicant must obtain all necessary local, state, and federal permits, including an NPDES permit if applicable, before construction or occupancy.

5. Right of Entry: Members or agents of the local PEA, with prior notification to facilitate compliance with relevant safety and security requirements, shall have the right to enter the site at any time to ensure compliance with the approval.

6. The Applicant shall identify any provisions of the [municipality's] Site Plan requirements for which it has specifically sought exemption from the Siting Board, and the reason(s) for such exemption.

2. Before Any Site Work

7. Recording Decision: The Applicant shall record where required by the local bylaw or ordinance for a local Site Plan decision, the Siting Board's Approval at the Registry of Deeds.

---

[1] Local Permits are to be enforced by Local Government, including applicable boards, departments, commissions, offices, or specified personnel. These enforcement roles may vary by municipality, and the chief executive officer of the municipality shall determine the appropriate entity within Local Government to assume these enforcement responsibilities.

8. Finalized Plans: Updated, final plans must be submitted to the Building Commissioner and Planning Department, as requested and in the form requested.

9. Pre-Construction Meeting: The Applicant shall endeavor to coordinate a pre-construction meeting with relevant Local Government departments (Building Commissioner, Planner, DPW, Conservation Agent, or as otherwise determined by the municipality) before starting any work. The Applicant shall contact the appropriate Local Government(s)' staff and departments in writing to schedule this meeting within a reasonable timeframe.

10. Responsible Individual: The name, address, and contact number of the individual responsible for all on-site activities must be provided to the Building Commissioner and Town Planner.

11. Copy of Approval: The Applicant shall keep a copy of this approval on site and incorporate the approval into all construction contracts and subcontracts dealing with any authorized activity until the Project is completed.

12. Notice of Work: The Applicant shall provide twenty-four (24) hours' notice to pertinent [municipal] departments, prior to commencing any work on the site, which requires inspection by Local Government staff.

3. During Construction

13. Erosion and Sedimentation Control: Adequate measures shall be implemented to retain all sediment within the site, protect adjacent drainage structures, and prevent pollution of nearby water bodies.

14. Site Maintenance: Construction entrances shall be properly maintained to ensure sediment is not tracked off-site.

15. The Applicant shall protect adjoining property including public utilities, sanitary, water and storm drainage systems and other utilities from the Project site. Applicant shall repair any damage immediately at no additional cost to the Local Government or the abutter, if found culpable.

16. The Applicant shall develop dust, odor and noise control plans for pre-construction and construction activities and ensure that such plans are followed by the Applicant and its contractors.

4. Before the Issuance of Any Certificate of Occupancy

17. Compliance Meeting: The Applicant shall schedule a meeting with the Local Government Town Planner to review all conditions of approval have been met.

18. As-Built Plans: An "As-Built" plan, certified by a licensed professional, must be submitted to the Loval Government Building Commissioner.

5. After Occupancy

19. Maintenance Responsibility: The Applicant or future owner is responsible for maintaining all site elements including landscaping, parking areas, and stormwater management systems.

20. Stormwater Operations Plan: The Applicant shall maintain and submit an Operations and Maintenance Plan for the stormwater system upon request.

6. Ongoing Operational and Management Conditions:

21. The Applicant shall maintain any required parking space paint markings and handicapped parking signage as necessary to be visible to site users.

22. The Applicant shall use reasonable efforts to utilize the best available water conservation technology to minimize the demand for drinking water and sewer capacity by this facility.

23. The Applicant shall implement a litter patrol and trash maintenance program to help prevent the accumulation of trash and debris on the premises, and to help keep such trash and debris from blowing onto neighboring areas and roadways. No signage is permitted except that has been approved by the municipality including off-site, temporary, and permanent signage. The Applicant shall be permitted to install industry standard signage without consent.

7. Building Permit

24. No building permit shal1 be issued until finalized plans are submitted to the Local Government Building Commissioner, DPW, Police Department, Fire Department, Conservation Agent, Board of Health, and a pre-construction meeting has occurred.

25. Inform all contractors and subcontractors of the conditions and provisions of this approval.

26. The Applicant shall coordinate with the DPW Director regarding all Town and public easements for water, drainage, and sewer, if applicable.

27. The Fire Suppression System, hydrant locations, and alarm design, if any, shall be subject to review by the Fire Chief or his designee. The Applicant shall respond to reasonable requests for modification.

B. Stormwater Management Permit

Permit Enforcement Agency: Local PEA

1. Administrative & General Conditions

1. The approval is binding upon the Applicant, its employees, and all successors and assignees in interest or control.

2. All work must be done in accordance with the approved plans; any changes require further Planning Board or Siting Board approval.

3. The Applicant must obtain all other necessary permits from any other town departments or boards.

4. Sedimentation and Erosion Control Bond: Where appropriate and as applicable, the Applicant may be required to post Surety with the local PEA for Sedimentation and Erosion Control to ensure that all drainage and erosion control measures associated with building pad, driveways, stormwater management system, site grading plan are implemented as per the Final Plans and other engineering drawings. Before release of any Surety, the local PEA shall verify that the disturbed areas have stabilized, and that landscaping requirements have been met.

5. Before receiving any Certificate of Completion by the Local PEA for the Stormwater Management Permit, the Applicant shall submit a report to the PEA, including as-built plans certified and stamped by a licensed Massachusetts Professional Engineer (P.E.), documenting that the system and approved modifications have been completed in accordance with the conditions of the permit. Any discrepancies and mitigation measures shall be noted in a cover letter.

2. Pre-Construction Requirements

6. Before any construction activity, the Stormwater permit must be recorded with the [County] Registry of Deeds, and evidence provided to PEA staff.

7. The approved Operation & Maintenance Plan shall be recorded at the [County] Registry of Deeds and a copy of the recorded decision be submitted electronically to the [Local PEA]

8. The Applicant must endeavor to hold a pre-construction meeting with all relevant Town Departments and Staff, including all relevant contractors and subcontractors, before construction commencement. The Applicant shall contact the appropriate Local Government(s)' municipal staff and departments in writing to schedule this meeting within a reasonable timeframe.

9. A schedule of work must be provided for planning staff review before construction begins.

10. Project plans for the approved Project, a copy of the final SWPPP, and a copy of the NPDES General Permit filing must all be submitted to the Engineering Department before the start of construction. Project plans will be provided in any reasonable manner requested by the Local Government. A schedule of work shall be provided subject to planning staff review.

3. Erosion Control & Site Management

11. The Applicant shall properly maintain construction entrances to ensure sediment is not tracked off site by construction and other vehicles on site. If there is sediment tracked off site, the Applicant shall sweep up sediment at the end of the workday

12. Erosion and sedimentation control measures presented in the plan shall be adequate to retain all sediment within the site and away from wetlands, constructed wetlands, watercourses, and water bodies, both during and after construction.

13. Erosion controls shall be installed and inspected by the Planning and/or Engineering Department before any construction or additional site work and maintained during and after construction.

14. Additional erosion controls may be required at the direction of the Engineering Department.

15. A sufficient supply of extra erosion controls (wattles, silt fence, silt sacks) shall be on-site at all times for emergency purposes.

16. Erosion control features shall be removed within 30 days of satisfactory permanent stabilization of the site.

17. Any imported fill shall have good drainage characteristics, be consistent with the stormwater management analysis, and be clean fill (free from trash, debris, asphalt, brick, concrete, metal, wood, or other deleterious materials).

18. Temporary infiltration Best Management Practices (BMPs) shall be protected during construction to prevent a reduction in infiltration capacity and cleaned of silt and sediment once construction is complete.

4. Inspection & Maintenance

19. The Applicant shall submit weekly or bi-weekly Stormwater Pollution Prevention Plan (SWPPP) Site Inspection Reports to the Local PEA.

20. Specific construction inspection requirements (Section 11.0) and continuing inspection and maintenance requirements (Section 12.0) of the Stormwater Management Regulations must be followed.

21. The Applicant shall submit an Operations and Maintenance Plan for the Stormwater Management System.

22. The Inspection & Maintenance Log included in the Operation and Maintenance Plan shall be conducted for each BMP as specified in the log

23. The Inspection & Maintenance Log shall be submitted upon written request by the local PEA. If there are any issues or actions that should be addressed, they shall be addressed and a follow up inspection shall be conducted to show they were addressed. This is to ensure the stormwater system, as shown on the plans, is maintained and functioning properly.

C. <u>Order of Conditions (See II.D above)</u>

Permit Enforcement Agency: Local PEA

D. Street Opening Permit

Permit Enforcement Agency: Local PEA

1. The Applicant shall procure at his expense a sufficient police detail furnished by the Police Dept. as the granting authority may require in order to insure the reasonable unimpeded flow of pedestrian and vehicular traffic.

2. The Applicant shall deliver up and surrender the conditional permit to the granting authority on or before the expiration time specified in the conditional permit for completion of the aforesaid restoration.

3. The Applicant shall ensure that all excavations made and obstructions erected be properly fenced during the whole time the street is opened, occupied or obstructed.

4. The Applicant shall restore that portion of the street which is opened, occupied or obstructed under this conditional permit, to a condition satisfactory to the Director of Public Works.

5. The Applicant shall restore that portion of the street which is opened, occupied or obstructed under this conditional permit, to a condition satisfactory to the Director of Public Works, consistent with the standards referenced in D.T.E. 98-22.

6. The Applicant shall pay to the [municipality] Treasurer whatever sum the Director of Public Works shall expend for labor, materials, equipment, time and other contractual services to restore the street to good and safe condition & full unobstructed use to the satisfaction of said Director, if the applicant fails to complete said restoration to the satisfaction of the Director within the time specified in said conditional permit.

7. The Applicant shall indemnify and save harmless the said [municipality] from any and all loss, damage and expense which it may sustain by reason of any act of omission or commission suffered or done by the applicant hereunder.

8. Unless waived by Local Government or the Siting Board, before placing any obstruction in the street or before performing any work authorized by this conditional permit, the applicant will execute and deliver to [municipality], care of [municipality] Treasurer, a bond in such amount and in such form and with such surety or sureties as may be required by the Director of Public Works for the faithful performance and observance of the requirements, terms and conditions of this conditional permit.

9. No wires, pipes, conduits or structures now in or under the public ways referred to, shall be disturbed by the Applicant without the consent of the board, department or officer of the Town or owner having charge of or supervision over the same and in any case such wires, pipes, conduits or structures are disturbed or injured by the applicant, they shall be

replaced, and/or repaired at the expense of the applicant and in a manner satisfactory to such board, department or office of the Local Government or owner.

10. Cutting pavement – before commencing with trench excavation, the contractor shall pre-cut the pavement with abrasive saws, wheel cutters, or paving spades.

11. Temporary Trench Patching – after the foundation material has been spread, graded, compacted and approved by the Director of Public Works, the contractor shall place a 1 ½ inch thick course of Class 1 – I bituminous concrete (hot top).

12. Permanent Bituminous Concrete Trench Resurfacing – the permanent patching shall be deferred for a period of one year after completion of construction of work specified to be done under this permit. Patch must consist of 3.5 inches of bituminous concrete Type I – 1, laid in two courses, 2 inches of binder course and 1.5 inches top course. When patch has been completed, joints shall be painted with tack coat and sealed with sand.

13. Bituminous Concrete Overlay Gutter to Gutter – the 3.5-inch-thick bituminous concrete overlay shall consist of one 2-inch binder course and 1.5-inch top course. The overlay shall be deferred for a period of 1 year after completion of the construction of work specified to be done under this permit.

14. Permanent patching will not be approved between November 15th and April 15th unless approved by the DPW Superintendent.

15. The Grantees shall indemnify and save harmless the [municipality] against all suits, claims or liability of every name and nature arising any time out of or in consequence of the acts of the Grantees in the performance of the work covered by this permit whether by themselves or their employees or subcontractors.

16. The following Local Government Officials and Departments shall be notified before the above work is started in accordance with Section 40, Chapter 82 of the Massachusetts General Laws: Electric Department, Gas Department, Water and Sewer Division, Highway Division, Fire Department and Cablevision. All of the Departments shall be notified seventy-two (72) hours in advance of any road opening. In case of any emergency, all Departments shall be notified immediately.

17. No Road Opening Permit shall be issued on Saturdays, Sundays or holidays, unless for an emergency and said emergencies to be determined by the Town Manager, Highway Superintendent, Water Superintendent or Gas Engineer. For Saturday, Sunday and holiday work, a Town Inspector shall be compensated for a full day's salary at his regular rate of pay for that day.

18. The Grantee shall be responsible for the setting up of Construction and Men Working Warning Signs, Traffic Control devised and any other means necessary to safely allow pedestrian or motor vehicle traffic to circumvent or proceed through the construction area.

The Grantee will provide all devices necessary at his/her expense. Uniformed Police Officers shall be provided and compensated by the Grantee and shall be in attendance to direct traffic and for safety of the public and workers unless otherwise directed by the Police Chief or his designated representative.

19. No Road Opening Permits shall be issued from November 15th through March 15th without approval of the DPW Superintendent.