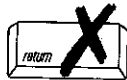




Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Emergency Information

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



- Issuance From: New Bedford
 Issuing Authority
1. Site Location: 100 Herman Melville Blvd., New Bedford, MA 02740
2. Reason for Emergency:
Damage to the fender system due to a collision by a barge has made the site unsafe for loading sand onto barges. Their sand is used for winter sanding of roads and this needs to continue for safe roads.
3. Applicant to perform work: Robert B. Our Co., Inc. on behalf of Cape Cod Aggregates
4. Public agency to perform work or public agency ordering the work to be performed:
New Bedford Conservation Commission
5. Date of Site Visit: 01/15/2019 Start Date: 01/16/2019 End Date*: 01/23/2019
* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed*:
1. remove the most damaged fender piles to prevent them from breaking free and causing damage to other port facilities. 2. install 4 (12" diameter) temporary hollow steel pilings 12' to 15' apart. 3. Two 7' diameter, 15' long inflatable Yokohama inflatable fenders would then be mounted to each set of steel pilings.

* May not include work beyond that necessary to abate the emergency.

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

Sarah E. Porter
 Chairman (or designee)

1/15/2019
 Date

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



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C. General Conditions

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

D. Special Conditions

1. Only work as described in #6 above is permitted which is the minimum needed to resume operations. 2. Consultation with DMF determined no siltation barriers are needed. 3. Permanent repair shall require the filing of a Notice of Intent with the Conservation Commission.
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E. Appeals

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