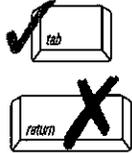


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Emergency Certification Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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 Conservation Commission
 Issuing Authority

1. Site Location: 20 Howard Ave (Map 116, Lot 94), utility easement within Lot 94.

2. Reason for Emergency:
Existing 24" drain line is overwhelmed and crushed and needs to be replaced with a 48" drain line. Overwhelmed conditions causes serious flooding of Sylvia Street, Howard Ave and River Road.

3. Applicant to perform work: City of New Bedford Department of Public Infrastructure

4. Public agency to perform work or public agency ordering the work to be performed:
City of New Bedford Department of Public Infrastructure

5. Date of Site Visit: 7/21/2014 Start Date: 7/23/2014 End Date*: 8/20/2014

* 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*:
Install approximately 100' of new 48" drain line beginning at the existing outfall at the Acushnet River and extending through the Bank of the River (approximately 40 linear feet of Bank disturbance due to depth of excavation required) westerly in the Buffer Zone. Install two manholes in the Buffer Zone to facilitate maneuvering around the loading dock. Currently the area at the outfall has been excavated under a previous Emergency Certification (start date 7/14/2014) and the work needs to be completed to stabilize the work area. Calculations have been done to support the need for a 48" pipe and an after-the-fact Notice of Intent is to be filed with the Conservation Commission with all backup data within 30 days of issuance of this Certification.

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

B. Signatures

Certified to be an Emergency by this Issuing Authority.

Signatures:

Janah Porter, Conservation Agent
 Chairman (or designee)

7/23/14
 Date

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



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

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. Conduct work at low tide 2. Dewatering basin is to capture and filter all silty water prior to discharge to the Acushnet River. 3. Haybales are to be installed at the limit of disturbance along the Coastal Bank. 4. Any stone removed from the Coastal Bank is to be replaced to stabilize it once construction is complete. 5. All disturbed vegetated areas are to be loamed and seeded. 6. Leave haybales in place until site is fully stabilized with vegetation and/or stone. 7. File an after the fact Notice of Intent for all work, including calculations to support the need for a 48" pipe within 30 days of the issuance of this Emergency Certification.

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.