



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
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Secretary

DAVID W. CASH
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August 14, 2014

City of New Bedford
Department of Infrastructure
C/o CDM Smith
260 West Exchange Street, Suite 300
Providence, RI 02903
Attn: Dwight Dunk, LP.D., PWS, BCES

RE: Emergency Authorization Pursuant to Waterways Regulations 310 CMR 9.20
Culvert Repair/Replacement – Howard Avenue, New Bedford, Acushnet River

Dear Mr. Dunk:

This is in response to your letter of August 12, 2014, wherein you requested on behalf of the City of New Bedford, Department of Infrastructure approval pursuant to the Emergency Action provision of Waterways Regulation 310 CMR 9.20 to perform immediate repairs to a section of failed stormwater drainage pipe and outfall. Your letter and e-mail of the same date to Carlos T. B. Fragata of this office states that the existing storm drain pipe had collapsed, which prevented storm flow from discharging out of the outfall. This caused significant flooding in the River Road area (Sylvia Street, Howard Ave and River Road). It is the Department's opinion that the collapsed culvert represents an immediate threat to public safety and additional storms may result in damage to the roadway and private structures adjacent to the Acushnet River. The project involves replacing approximately one hundred (100) feet of pipe, including increasing its diameter from 24 inches to 48 inches, installing two (2) manholes, a tide gate at the outlet to the CPP, and a rip rap toe and vegetated slope treatment on the coastal bank. The City of New Bedford Conservation Commission has issued an Emergency Certification under the Massachusetts Wetlands Protection Act.

The Department has reviewed your proposal and finds that the present situation warrants the issuance of an Emergency Authorization. Therefore, in order to avoid or eliminate this threat to public safety, Emergency Authorization is hereby granted pursuant to 310 CMR 9.20 to the City of New Bedford to perform emergency repairs and stabilization to the respective stormwater pipe and coastal bank. Said work shall be

in conformance with the location and details shown on the plan prepared by Kevin J. Cornell, titled Proposed Drain Installation of New 48" RCP Pipe, Plan Proposal 2, dated 7/01/ 02 (1 Sheet).

Pursuant to the provisions of 310 CMR 9.20, the City of New Bedford is required to submit a Chapter 91 License Application in accordance with 310 CMR 9.11 within 30 days of the date of the emergency approval. It should be noted that the Waterways Program reserves the right to modify or amend the project and its plans during the regulatory review and authorization process following the emergency action as a means of ensuring compliance with the provisions and procedures established in M.G.L. Chapter 91 and its regulations 310 CMR 9.00, and M.G.L. Chapter 21, Section 43.

This authorization does not relieve the Applicant of its obligation to obtain all other applicable Local, State and/or Federal authorizations prior to the commencement of the activity authorized herein. Furthermore, pursuant to 310 CMR 9.20(3), all work authorized herein shall be completed within 30 calendar days of the date of this authorization, unless a written extension is approved by the Department.

Should you have any questions concerning this matter, please feel free to contact Carlos T. B. Fragata at (508) 946-2873.

Sincerely,



Elizabeth A. Kouloheras, Chief
Wetlands and Waterways Program

cc: Ben Lynch, Program Chief, Waterways Program, DEP-Boston
Office of Coastal Zone Management
USACOE, Regulatory Branch
City of New Bedford Conservation Commission
C/o Sarah Porter, Conservation Agent
City of New Bedford, Dept. of Public Infrastructure
Attn: Ronald H. Labelle, Commissioner
City of New Bedford, Harbormaster
City of New Bedford, Harbor Development Commission

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