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February 10, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Combined Sewer Overflow Revised Long-Term Control Plan
PROJECT MUNICIPALITY : Gloucester
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 13571
PROJECT PROPONENT : City of Gloucester
DATE NOTICED IN MONITOR : January 11, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** further MEPA review.

The project originally consisted of the implementation of the Revised Combined Sewer Overflow (CSO) Long-Term Control Plan (LTCP) prepared by the proponent as part of an Administrative Consent Order with U.S. Environmental Protection Agency (USEPA) and the Department of Environmental Protection (DEP) dated October 3, 1989 and modified in April 2005. The LTCP project involves sewer separation by constructing approximately 3.55 miles of new storm drains and constructing three new stormwater outfalls. One of the outfalls would discharge to the Outer Harbor 500 feet off of Pavilion Beach, and the other two proposed outfalls would discharge to the Inner Harbor and would be located within seawalls. The LTCP is divided into three phases.

Phase I includes the repair/replacement of the tide gate at CSO 004 (completed); the construction of the Washington Street storm drain, a 60-inch diameter outfall at Western Avenue and the Public Landing, and approximately 2,000 feet of new storm drains within paved streets; the investigation and disconnection of sanitary connections from upstream drains; and the reevaluation and modification of CSO 002 and 004 regulators. Phase II includes

the separation of combined sewers by constructing 8,250 feet of new storm drains within paved streets in the 002 area. Phase III includes the separation of combined sewers by constructing 8,500 feet of new storm drains within paved streets in the 005 and 006 areas, a new 24-inch diameter stormwater outfall in the headwall off Rogers Avenue at Rowe Square, and a new 24-inch diameter stormwater outfall in the headwall off Main Street/East Main Street at Gordon Thomas Park. Both of these outfalls discharge into the Inner Harbor. On August 8, 2005, the Secretary determined that the project did not require the preparation of an Environmental Impact Report (EIR).

This NPC was submitted for MEPA review on January 3, 2006. The proponent has revised the Phase I portion of the project. The proposed Washington Street drain and outfall pipe has been extended by 50 feet from its original 530 feet to avoid permanent eelgrass impacts. Since the ENF submission and after reviewing DEP eelgrass mapping, the proponent has discovered eelgrass beds are within the proposed construction area. The construction period impacts from this portion of the project to wetland resource areas have increased, and the long-term impacts have decreased.

The 90 percent design has specified a 70-foot wide trench to install the outfall rather than the original 50-foot wide trench. The proponent had originally proposed side casting on 30 feet on either side of the trench and locating the outfall terminus in eelgrass. The proponent has eliminated sidecasting and extended the pipe length by 50 feet to minimize construction impacts to eelgrass. Dredged material will be stored on a barge and used as fill material for each section of pipeline installation. The proponent has eliminated at-grade rip-rap/concrete mats along the majority of the outfall pipeline alignment. The outfall terminus will be placed at 90 degrees surrounded by riprap to reduce project impacts.

Based on the proponent's diving survey and the current project design, the proponent estimates that approximately 23,800 sf of eelgrass bed will be dredged for the outfall pipeline installation. Disturbed eelgrass areas will be backfilled with material similar to that which is excavated. The proponent will conduct a survey to confirm that post-construction grades are the same as pre-construction conditions. It will replant disturbed eelgrass areas after backfilling. Therefore, eelgrass impacts will be temporary. On January 19, 2006, the proponent has

proposed to change the construction window for the installation of the outfall pipe to the period between July 1 and January 31, as disruptions to eelgrass during this time period would allow more time for eelgrass recovery before the winter dormant period.

According to the proponent, the project change is estimated to impact the following wetland resource areas: Land under the Ocean (LUO) and Land Containing Shellfish - 34,000 sf (temporary) and 155 sf (permanent); designated port area (DPA) - 5,000 sf (temporary); Coastal Beach - 11,900 sf (temporary); Coastal Bank - 12 linear feet (temporary); and Land Subject to Coastal Storm Flowage (LSCSF) - 13,580 sf (temporary).

A Chapter 91 License and Permit for dredging the harbor floor and a 401 Water Quality Certificate will be required from the DEP. The project may have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. It will require a Section 404 Individual Permit from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the Gloucester Conservation Commission for impacts to wetland resource areas and buffer zones. Because the proponent is seeking funding from the Commonwealth (State Revolving Fund (SRF) from DEP), MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project change do not warrant the preparation of an EIR and can be addressed through the various permitting processes. No further MEPA review is required for the Revised CSO Long-Term Control Plan.

February 10, 2006

Date



Stephen R. Pritchard

cc: Nancy Baker, DEP/NERO

Comments received:

Metcalf & Eddy, 1/19/06

MCZM, 1/23/06

DEP/Boston, 1/30/06

EOEA #13571

NPC Certificate

February 10, 2006

DEP/NERO, 1/31/06

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SRP/WTG/wg