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March 22, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME: Taunton Municipal Lighting Plant Discharge Pipe
Extensions
PROJECT MUNICIPALITY: Taunton
EOEA NUMBER: 13977
PROJECT PROPONENT: Taunton Municipal Lighting Plant
DATE NOTICED IN MONITOR: February 20, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA Regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As presented in the Environmental Notification Form (ENF), the project involves the extension of two discharge pipes and three other maintenance projects at the Taunton Municipal Lighting Plant (TMLP). The proposed activities will be conducted at the TMLP's Cleary Flood Station located along the Taunton River on Somerset Avenue. The Cleary Flood Station generates steam electric power for customers in Taunton, Berkley, Raynham and sections of Dighton, Lakeville and Bridgewater. The facility uses approximately 393,000 gallons per day (gpd) of water from the Taunton River for cooling. The project involves the following activities:

- Extension of Outfall Structure No. 003 into the Taunton River;
- Replacement, realignment and extension of Outfall Structure No. 004 into the Taunton River;
- Maintenance dredging at the water intake structure at the Screen House;

- Shoreline stabilization along the Cooling Tower access road; and
- Installation of davits for a boat launch from the Screen House deck.

The proposed activities, with the exception of the shoreline stabilization activities and the installation of davits, are proposed in response to the facility's National Pollutant Discharge Elimination System (NPDES) permit issued by the Environmental Protection Agency (EPA).

Jurisdiction

The project is subject to review pursuant to Section 11.03(3)(b)(1)(e) of the MEPA regulations because it proposes the expansion of an existing structure in a velocity zone or regulatory floodway. The project requires the following permits and/or review: a Category 2 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE) pursuant to Section 404 of the Clean Water Act; a NPDES Authorization for Dredging Dewatering Discharge from the EPA; a 401 Water Quality Minor Dredging Permit and a Chapter 91 License from the Department of Environmental Protection (MassDEP); review from the Division of Fisheries and Wildlife (DFW) Natural Heritage and Endangered Species Program (NHESP); and an Order of Conditions from the Taunton Conservation Commission.

The project does not involve any financial assistance from the Commonwealth and therefore MEPA jurisdiction is limited to the subject of required or potentially required state agency actions. In this case, MEPA jurisdiction extends to wetlands, waterways and rare species.

Review of the ENF

Outfall Pipe Extensions

The EPA requires that TMLP extend the two existing outfall structure pipes eastward approximately 50 feet into the Taunton River so that at mean low water (MLW), their inverts remain submerged. In addition, a 90 degree bend in a section of Outfall Structure No. 004 will be realigned to better direct flow towards the river. The extensions are designed to minimize the impacts of the presence of the pipe on the natural streamflow and the existing contours of the streambed. These modifications will also enhance mixing and will minimize fish mortality. The outfall structures will continue to be used for water, debris and fish return as is their current use.

There will be temporary streambed impacts associated with the installation of the pipes. The pipeline extension will be constructed underwater with the use of long-stick excavators acting as dredges. The excavator may be temporarily barge-mounted to achieve the required trench distance from the shore. Excavated sediment will be temporarily sidecast on the river bed upstream of the trench, or on shore. The excavated sediment will be used to backfill the trench. The pipe extension will be assembled in the upland support area, moved into the river, and lowered into the trench. The existing river bed contours will be restored upon completion of the installation. Under direction from MassDEP, this activity will require a Minor Dredge Permit under the 401 Water Quality Certification. The proponent will install a silt screen in a U-shape around the entire construction work area within the Taunton River.

Screen House Dredging

Maintenance dredging around and in the water intake structure at the Screen House is also required by the EPA in the facility's NPDES permit. Accumulated debris in the area of the water intake structure within the Screen House will be removed from the concrete floor via hydraulic/vacuum dredging. In addition, the area of riverbed just in front of the intake screens will be dredged to create a natural slope between the screens and the surrounding river bed. The maintenance dredging around and in the water intake structure at the Screen House is required to maintain the intake screen flow area. The proposed dredging area is the minimum required to establish flow area.

The proponent evaluated several alternatives for the removal of sediments from outside and inside the Screen House. While the activity would ideally be completed in a dry setting with the use of a coffer dam for example, the facility needs to be able to generate electricity on a demand-based schedule, and the water intake at the Screen House must be able to withdraw water for cooling purposes at all times. The proponent will use vacuum dredging and will install a silt screen around the entire outer limits of the dredge area. The dredge material will be pumped through a flexible pipe to one of two alternative dewatering areas. One option is to directly discharge the slurry into vacuum or dewatering boxes and the other option would involve a large temporary dewatering containment structure located near the Screen House. The proponent will evaluate both dewatering options during the 401 WQC permitting process. The total volume of sediment expected to be removed from inside and outside the Screen House is 157 cubic yards.

Shoreline Stabilization

TMLP is also proposing to stabilize approximately 210 linear feet of the Taunton River shoreline along its eastern property limits south of the Screen House. As a consequence of erosion along the bank of the Taunton River, the profile and position of the shoreline have changed over time. The west bank of the Taunton River along the existing access road is eroding towards the Cooling Tower and impacting the existing access road. The entire Cooling Tower area is comprised of fill placed in the 1960s. A level access road of established width is necessary to safely conduct maintenance on the Cooling Tower with vehicle mounted equipment.

The proponent proposes to install an anchored gabion revetment for shoreline stabilization to minimize future erosion. A backhoe will excavate the bank as needed to create a bed for the gabion revetment. The footing for the revetment will be set just below the horizontal elevation of mean low water. A silt screen will be installed within the river adjacent to the full length of the revetment. Excavated material will be temporarily staged in upland areas.

Davits

The installation of the davits on the Screen House deck will allow the TMLP to securely maintain a boat on the premises for emergency response purposes. The facility is required to maintain the capability to respond to spills or releases to the Taunton River in accordance with the facility's Spill Prevention Control and Countermeasure (SPCC) and Facility Response Plans.

Wetlands and Waterways

The extension of Outfall Structure No. 003 will temporarily impact riverfront area, buffer zone, bank and land under water as a trench will be cut into the bank to tie into the existing discharge pipe and into the riverbed to extend the new outfall. The replacement and extension of Outfall Structure No. 004 will temporarily impact riverfront, buffer zone, bank and land under water. The shoreline stabilization will permanently impact riverfront area, buffer zone, bordering vegetated wetlands (BVW) and bank as the gabion revetment is constructed along the shoreline. The maintenance dredging will permanently impact land under water and will result in temporary impacts to riverfront area and buffer zones for equipment staging.

The entire project area is within an area designated as Land Subject to Flooding. In addition, all of the proposed projects will occur within the 200-foot Riverfront area and within the 100-foot buffer zone. Total resource areas impacts associated with the projects submitted for review under this ENF include:

- Temporary impacts to 8,710 sf of Riverfront Area, Bordering Land Subject to Flooding, and buffer zone;
- Temporary impacts to 5 linear feet of Bank;
- Permanent impacts to 210 linear feet of Bank;
- Temporary impacts to 50 sf of BVW; permanent impacts to 945 sf of BVW; and, Temporary impacts to 2,853 sf of Land Under Water.

The proponent has filed a Notice of Intent (NOI) with the Taunton Conservation Commission (DEP SE# 073-2249). The proponent should note MassDEP's comments on the NOI that compensatory storage will be required for lost flood storage.

The proponent will implement various Best Management Practices (BMPs) during construction to prevent adverse impacts to resource areas. Silt screens, silt fencing and strawbales will be employed as erosion and sediment control during the project. Catch basin inlets will be protected from sediment via inset silt sacks or surrounding straw bales. Soil stockpiles in upland areas will be surrounded by silt fence or straw bales.

The extension of the discharge pipes into the Taunton River and the installation of the davits on the Screen House are considered water dependent uses under the Chapter 91 License regulations. The TMLP will work with MassDEP to determine the mitigation necessary to offset the water dependent use of the pipe extensions under the applicable regulations.

Rare Species

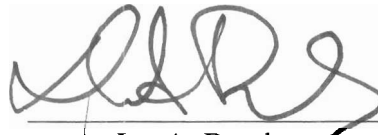
In its comments on the ENF, NHESP states that the project site project occurs within the habitat of the Atlantic Sturgeon (*Acipenser oxyrinchus*). This species is listed as "Endangered" pursuant to the provisions of the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). The proposed project is located within Priority Habitat and if it is not exempt from review (see 321 CMR 10.14), project plans, a fee, and other

required filing materials must be sent to NHESP Environmental Review to determine whether a probable “take” under the MA Endangered Species Act would occur (321 CMR 10.18). If the project cannot be revised to avoid a take, it may only be permitted if it meets the performance standards for a Conservation and Management Permit (321 CMR 10.23). The proponent must develop a work plan to avoid harm to the Atlantic Sturgeon during work. The proponent should consult with NHESP regarding the project’s potential impacts to habitat and any permitting requirements.

Conclusion

I have determined that the ENF has sufficiently defined the nature and general elements of the project and has proposed measures to avoid and mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA.

March 22, 2007
Date


Ian A. Bowles

Comments received:

3/9/2007 Department of Environmental Protection, Southeast Regional Office
3/13/2007 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program

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