



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

December 12, 2007

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

PROJECT NAME : Cobb Brook Flood Control Project (f/k/a Cobb Brook
Relocation Project)
PROJECT MUNICIPALITY : Taunton
PROJECT WATERSHED : Taunton
EEA NUMBER : 14120
PROJECT PROPONENT : City of Taunton, Public Works Department
DATE NOTICED IN MONITOR : October 27, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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 History and Description

The proponent provided additional information subsequent to the MEPA site visit, held on November 15, 2007, in which the project was modified to reduce wetland impacts beyond those outlined in the original Environmental Notification Form (ENF). The project as presently proposed includes the provision of flood control measures through the installation of a box culvert and weir system in the industrial area of West Water Street and Fifth Street. Under existing conditions, Cobb Brook flows through a series of open-channel segments, culverts and under existing industrial buildings, including the Taunton Municipal Light Plant (TMLP). The project involves the diversion of excess flows from Cobb Brook to reduce widespread flooding. The project will include the installation of a weir plate at the entrance to the existing culvert

system (a headwall of twin 48-inch pipes) which will allow all low flow conditions to continue flowing through the existing drainage system and feeding wetland resource areas. During large storm events the weir will be utilized to control peak discharge rates to the existing system and divert excess and overflow into the proposed 750-foot long, four-foot by ten-foot box culvert, which ultimately discharges into the Taunton River.

The project area is occupied by numerous industrial uses, portions of which have a history of review and hazardous waste clean up conducted in accordance with the Massachusetts Contingency Plan. Historic uses and Activity and Use Limitations, as well as property ownership issues have influenced the location and scope of this flood mitigation project, as a primary goal is to limit soil disturbance and to ensure the ongoing ability to maintain infrastructure. Under existing severe flooding conditions, West Water Street is rendered impassible, limiting access to both the TMLP and the Taunton Wastewater Treatment Plant.

The project site contains several wetland resource areas, including Bank, Land Under Water, Bordering Land Subject to Flooding (BLSF), and Riverfront Area. The project will permanently alter 60 linear feet of Bank and temporarily alter 30 linear feet of Bank, however the project will replace 160 linear feet of Bank within the project site. No alterations are anticipated to Land Under Water. Approximately 1,400 square feet (sf) of BLSF will be added, which equates to 9,375 cubic feet of additional flood storage. The project will alter approximately 35,400 sf of Riverfront Area associated with Cobb Brook and the Taunton River. Stormwater in roadways will be managed using deep sump hooded catch basins and the proponent will prepare an erosion and sedimentation control plan in accordance with a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP).

Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to Sections 11.03(2)(b)(2) because it requires a State permit and may result in the take of an endangered or threatened species or species of special concern and Section 11.03(3)(b)(1)(f) because the project will result in the alteration of ½ or more acres of any other wetlands. The project will require a Chapter 91 License and a Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP), a Category II PGP from the United States Army Corps of Engineers (U.S. ACOE), and approval from the Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program in accordance with the Massachusetts Endangered Species Act (MESA). The project will also require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA). Finally, the project must obtain an Order of Conditions from the Taunton Conservation Commission, or in the case of appeal, a Superseding Order of Conditions from MassDEP.

The project will receive financial assistance from the Massachusetts State Revolving Fund (SRF). Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Wetlands

As noted previously, the project site contains several wetland resource areas including: Bank, Land Under Waterbodies and Waterways, BLSF and Riverfront Area. The Taunton River, which is tidally influenced, has a 25-foot Riverfront Area, while Cobb Brook has a 200-foot Riverfront Area. The project will result in the temporary and permanent impact to various wetland resource areas; however the purpose of the project is to alleviate an existing flooding problem and public safety concerns.

The project will include the removal of brush and debris from the existing culvert and open channels as well as the installation of a weir to maintain a minimum flow of a depth of two feet in the existing channel. Preservation of these flows has been provided to maintain the wetland value and function of the existing drainage system. Fencing will be installed around the perimeter of open channels to reduce dumping of waste.

During larger storm events stormwater flows will be channeled into the new box culvert, designed to accommodate flows for the 100-year storm, and discharge through a headwall into the Taunton River. Under existing conditions, there is a 15-inch diameter outfall pipe and granite headwall in approximately the same location as the proposed outfall. A Chapter 91 License will be required from MassDEP due to modifications to the granite headwall to accommodate the new expanded outfall. Under the original proposal, tide gates were proposed at the discharge point to the Taunton River. The modified plans have removed the tide gates, to allow for the ongoing mixing of salt and fresh water between Cobb Brook and the Taunton River, similar to existing conditions.

I encourage the proponent to prepare a comprehensive operation and maintenance plan to ensure the viability of this flood control project. Such a plan should outline maintenance procedures, a schedule for debris removal and fence maintenance, and consideration of a monitoring protocol to evaluate the effectiveness of the project on reducing flooding in this industrial area.

Rare Species

Based upon review of the information provided and the information contained in the NHESP database, the NHESP has determined that a portion of the proposed project site is located within *Priority Habitat* (PH 84) and *Estimated Habitat* (EH 827) of the Atlantic Sturgeon (*Acipenser oxyrinchus*). This species is state-listed as "Endangered" and individuals and their habitat are protected pursuant to the Massachusetts Endangered Species Act (MESA) (M.G.L. c. 131A) and its' implementing regulations (321 CMR 10.00).

The outfall associated with the proposed project is located within *Estimated Habitat*. The NHESP has indicated that they are primarily concerned with water quality impacts to the Taunton River during construction. The NHESP indicated in their comment letter submitted prior to project modifications that "provided that adequate sedimentation controls are installed and maintained to protect the water quality of the Taunton River, the NHESP finds that the

project does NOT result in an adverse effect to the actual resource area habitat of the state-listed species.” Given the modifications to the proposed project, the proponent should confirm with the NHESP, through the Notice of Intent amendment process or by other means in accordance with MESA Regulations, that this finding by the NHESP remains valid. If additional review is necessary, the proponent should file with the NHESP to ensure compliance with MESA prior to the commencement of construction.

Hazardous Waste

The MassDEP comment letter has noted that the proposed construction will occur within the boundaries of a disposal site, Release Tracking Number (RTN) 4-165 (Taunton Gas Works), located on West Water Street. The Taunton Gas Works site entered into Remedy Operation Status on September 25, 2006. As part of the remedy implementation for this site, a clean soil corridor across a portion of the site was provided for the relocation of Cobb Brook. Despite these clean up efforts, there is a possibility that contaminated soils or groundwater may be encountered in this area of the project site, or in other portions of the project area. Therefore the proponent should make provisions to manage contaminated groundwater generated during dewatering associated with excavation, obtain necessary permits and work with Licensed Site Professionals (LSPs) during the construction process. Furthermore, the culvert through the Taunton Gas Works site should be completely sealed to prevent intrusion of potentially contaminated groundwater into the culvert, and its subsequent discharge into the Taunton River. MassDEP has recommended that a Utility Abatement Measure (URAM) Plan detailing management of any encountered contaminated soil and groundwater be filed prior to the commencement of any construction.

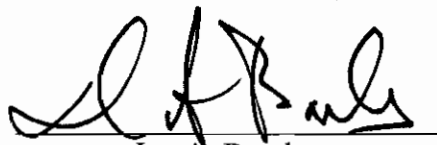
Construction Period Impacts

The proponent should prepare an erosion and sedimentation control plan in accordance with the NPDES CGP and any conditions outlined by the Taunton Conservation Commission. The proponent should take measures to reduce potential excavation and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and work with City officials to ensure that access to businesses and the TMLP and Taunton Wastewater Treatment Plant will not be adversely affected. The proponent will need to work cooperatively with local utilities to maintain services during the construction period given the intersection of various utility infrastructure and the location of the box culvert.

The proponent can resolve any remaining issues during the state permitting process. No further MEPA review is required.

December 12, 2007

Date



Ian A. Bowles

Comments received:

- 11/13/2007 Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program
- 11/20/2007 United States Environmental Protection Agency
- 12/03/2007 Massachusetts Department of Environmental Protection – SERO
- 12/03/2007 Division of Marine Fisheries
- 12/03/2007 Mass Audubon and the Taunton River Watershed Alliance, Inc.

IAB/HSJ/hsj