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May 9, 2008

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

PROJECT NAME : North Beverly Drainage Improvements Projects
PROJECT MUNICIPALITY : Beverly
PROJECT WATERSHED : North Coastal
EEA NUMBER : 14209
PROJECT PROPONENT : City of Beverly
DATE NOTICED IN MONITOR : March 26, 2008

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).

As described in the Environmental Notification Form (ENF), the project consists of seven separate and distinct drainage projects designed to alleviate existing flooding problems in the North Beverly drainage area. The improvements include structural and non-structural improvements to the City of Beverly's drainage system to divert storm flows and increase flow capacity of system elements. Work within wetland resource areas has been designed to improve the resource areas' capacity to protect and enhance the flood control and storm damage prevention interests of the Massachusetts Wetlands Protection Act. Currently, during large storm events, flooding of public and private properties occurs due to limited flood storage, culvert restrictions, and reduced hydraulic capacity of culverts and an open channel.

The seven specific project areas described in the ENF include:

1. Kinsman Street Drain;
2. Walden Street Drain, Tozer Road Relief Drain and North Beverly Brook Cleaning and Bank Stabilization;
3. Sonning Road Culvert Replacement and Brook Cleaning;
4. Lexington Drive Culvert Replacement, Channel Widening and Cleaning;
5. Cummings Center Drain;
6. Culvert Cleaning in Cummings Center and Sonning Road; and
7. Kelleher's Pond Outlet Modification.

Work to be conducted in these project areas include a combination of improvements including:

- Removal of accumulated sediment to restore the flow capacity of the North Beverly Brook channel;
- Replacing collapsed/damaged pipes, and installing new pipes and/or replacement of collapsed/damaged pipes in selected critical flood prone areas to convey peak rates of runoff during a 10-year storm event; and
- Installing a relief culvert in Tozer Road to convey peak storm flows around restricted sections of North Beverly Brook.

Jurisdiction

The project is undergoing review pursuant to Section 11.03 (3)(b)(1)(b) because the project will alter 500 or more linear feet of inland bank. The project will require a Superseding Order of Conditions and a Section 401 Water Quality Certification (dredge permit) from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require approval under a Category 2 Programmatic General Permit (PGP) issued by the United States Army Corps of Engineers. Finally, the project will require a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities from the United States Environmental Protection Agency.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over wetlands and stormwater.

Wetlands and Stormwater

Estimated wetland impacts associated with the project include the conversion of 2,405 square feet (sf) of Bordering Vegetated Wetlands (BVW) to inland Bank, alteration of 18,170 sf of Land Under Water, temporary alteration of 10,980 sf of Bordering Land Subject to Flooding,

temporary impact to 2,200 sf of Riverfront Area, and 800 sf of temporary impact to Isolated Wetlands (regulated by the City of Beverly).

MassDEP has opined in its comment letter that the information contained in the ENF is not sufficient to demonstrate that the project can be permitted under the Wetlands Protection Act regulations and the MassDEP Stormwater management regulations and standards. The MassDEP comment letter on the ENF has outlined a number of additional issues that will need to be addressed as part of MassDEP's review for a Superseding Order of Conditions and in association with the 401 Water Quality Certification. The proponent should use the MassDEP comment letter on the ENF as guidance for information that will need to be provided in conjunction with these project permitting requirements. I encourage the proponent to continue an open dialogue with MassDEP to resolve these outstanding issues during the permitting process. Should design changes to comply with MassDEP standards necessitate significant project modifications, the proponent is reminded to consult the MEPA regulations at 301 CMR. 11.10 to confirm if a Notice of Project Change (NPC) would need to be filed.

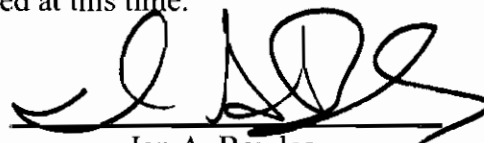
Construction Period Impacts

The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as required by a 2004 regulation issued by the U.S. EPA. I encourage the proponent to further mitigate construction period air quality impacts through the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains even lower sulfur content than LSD.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time.

May 9, 2008
Date


Ian A. Bowles

Comments received:

04/29/2008 Massachusetts Department of Environmental Protection - NERO

IAB/HSJ/hsj