

E-5034-173
April 20, 2022

Chance Perks, Conservation Agent
New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, Massachusetts 02740

Re: **Request for Certificate of Compliance (DEP File No. SE 49-348)
New Bedford Oceanarium Project
180 MacArthur Drive, New Bedford, Massachusetts**

Dear Agent Perks and the Members of the Commission:

On behalf of Eversource Energy Service Company (Eversource), Tighe & Bond respectfully requests the issuance of a Certificate of Compliance (COC) related to the New Bedford Oceanarium Project. The Order of Conditions (OOC; Registry of Deeds book 5524 and page 262) was issued by the New Bedford Conservation Commission (the Commission) to New Bedford Oceanarium Corporation on May 20, 2002, for activities within the Canon Street Station property, located at 180 MacArthur Drive in New Bedford, Massachusetts, at the time owned by Commonwealth Electric. Eversource is selling the property, and the title exam uncovered this open OOC. A copy of WPA Form 8A *Request for Certificate of Compliance* is provided in Attachment A, and a copy of the OOC is provided in Attachment B.

Project Background

The proposed project consisted of renovating a former power plant building located on-site to house an oceanarium, which would have included aquarium tanks, exhibits, educational facilities, exhibition halls, offices, meeting rooms, and other amenities. However, the work was never initiated. No component of the proposed project was undertaken at the subject property.

Regulatory Compliance

The original OOC was issued on May 20, 2002 and was recorded at the Bristol County Registry of Deeds on the same day in Book 5524, Page 262. As noted above, no proposed aspects of this project were ever undertaken. A record search was conducted by Eversource on March 24, 2022, to review any available documents pertaining to this project in the Commission's records. No Registered Professional Engineer-stamped plans were located in the available files. As the work was never undertaken, it is our understanding that record drawings will not be required. In accordance with 310 CMR 10.05(9)(b), a site inspection took place on April 5, 2022, by the New Bedford Conservation Commission, Tighe & Bond, and Eversource to confirm OOC compliance. A letter from a Registered Professional Engineer certifying that the proposed work was not undertaken is provided in Attachment C.

Summary

The original OOC and the Request for Certificate of Compliance Application (WPA Form 8A) are enclosed. A check for \$1,500 will be submitted to the New Bedford Conservation Commission under separate cover. We appreciate your review of this request and supporting materials at your next scheduled public hearing on May 3, 2022. Should you have any questions or need additional information, please contact me by phone at (508) 304-6354 or via email at AJHoule@tighebond.com. Thank you for your attention to this request.



Sincerely,

TIGHE & BOND, INC.

A handwritten signature in blue ink that reads "Amanda J. Houle". The signature is fluid and cursive, with the first name being the most prominent.

Amanda J. Houle, PWS
Senior Environmental Scientist

Enclosures

Cc: Kristin Yankauskas, Eversource Energy
Massachusetts Department of Environmental Protection (SERO)



MAYOR
JON MITCHELL

City of New Bedford Conservation Commission • Department of Environmental Stewardship

133 William Street • Room 304 • New Bedford, Massachusetts 02740

Telephone: (508) 991.6188

Conservation • Environmental Stewardship • Resilience

CITY OF NEW BEDFORD, MASSACHUSETTS

CONSERVATION COMMISSION 2022 FILING FEE CALCULATION WORKSHEET*

PROJECT LOCATION: _____

MAP(S) _____ LOT(S) _____

APPLICANT: _____

CONSERVATION COMMISSION APPLICATION TYPE:

- () REQUEST FOR DETERMINATION OF APPLICABILITY
- () NOTICE OF INTENT
- () AMENDED ORDER OF CONDITIONS
- () EXTENSION PERMIT
- () CERTIFICATE OF COMPLIANCE

(A) ALTERATION FEES:

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$200.00 plus the applicable alteration fee as follows:

	AMOUNT DUE:
• Application and Field Review Fee (\$200.00)	<u>\$200.00</u>
• \$0.50 X _____ SF Wetland Resource Area Fee shall not exceed \$2000.00 per project	\$ _____
• \$0.05 X _____ SF of Isolated Land Subject to Flooding, Bordering Land Subject to Flooding or Land Subject to Coastal Storm Flowage Fee shall not exceed \$500.00	\$ _____
• \$0.50 X _____ SF of altered 25' Riverfront Area Fee shall not exceed \$1,500.00	\$ _____
• \$1.00 X _____ SF of undeveloped 25' Riverfront Area Fee shall not exceed \$2000.00	\$ _____
• \$5.00 X _____ LF of Coastal or Inland Bank Fee shall not exceed \$750.00	\$ _____



- \$0.10 X _____ SF of Buffer Zone altered \$ _____
Fee shall not exceed \$6,500.00
- \$10.00 X _____ LF of dock \$ _____
- \$10.00 X _____ acres of aquaculture \$ _____

(B) EXTENSION OF AN ORDER OF CONDITIONS:

- Single family dwelling, or minor project (house addition, in ground pool dock etc.) = \$200.00 \$ _____
- Subdivision, commercial or industrial project = \$400.00 \$ _____

(C) AMENDING A PERMIT

- Single family dwelling or minor project (house addition, in ground pool dock etc.) = \$200.00 + new alteration fee – refer to (A) above \$ _____
- Subdivision, commercial or industrial project = \$500.00 + new alteration fee – refer to (A) above \$ _____

(D) WETLAND DELINEATION VERIFICATION (with or without proposed alteration)

- ½ acre or less
- ½ acre to 2 acres = \$500.00 (\$100/acre thereafter) not to exceed \$3,500 \$ _____

(E) CERTIFICATES OF COMPLIANCE

- One new house = \$250.00 \$ _____
- One activity at an existing house = \$150.00 \$ _____
- Residential or Commercial docks = \$200.00 \$ _____
- Commercial & Industrial Facilities = \$1,500.00 \$ _____
- New Roadways & Associated Stormwater Mgt. Systems = \$1,500.00 \$ _____

Partial Certificates of Compliance have the same fee as a Certificate of Compliance, But you only pay the fee once (you do not pay double to obtain a full Certificate of Compliance).

(F) AFTER THE FACT FILING FEE

- Notice of Intent or Amended Order of Conditions = \$500.00 \$ _____
- Request for a Determination of Applicability = \$250.00 \$ _____

TOTAL AMOUNT DUE: \$ _____

Notes:

*Please refer to the Conservation Commission fee schedule – dated 02/2020

Please make check or Money Order payable to the City of New Bedford
Cash is not accepted.



Tighe & Bond, Inc.
 53 Southampton Road
 Westfield, MA 01085

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions call Deluxe Payment Exchange customer support at 877-373-6964. Ref: 91A7-099D

5808

Date 04/07/2022
 Void after 90 days

PAY TO THE ORDER OF City of New Bedford

\$ 1,500.00

One thousand, five hundred and 00/100 Dollars

TD Bank, NA

Memo _____



Verify check at <https://echecks.com/verify>

FILE COPY

⑈005808⑈ [Barcode] Account numbers are concealed for your security

FILE COPY

Check Details

Check issued: 04/07/2022
Check number: 5808
From: Tighe & Bond, Inc.
Amount: \$1,500.00
Payable to: City of New Bedford
Delivered to: cpacella@tighebond.com
Documents: Yes - see Remittance below

Message from sender: Hi, attached is your Tighe & Bond electronic check. Any questions please email AP@tighebond.com.

Notes

Activity

ACTIVITY TYPE	TIME	DATE
Tracy Houle issued check 5808	10:46 AM EDT	04/07/2022
Check 5808 printed by Christina Pacella	16:58 PM EDT	04/12/2022
Check 5808 file copy printed by Christina Pacella	11:02 AM EDT	04/20/2022

Tighe&Bond

ATTACHMENT A



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Kristin L. Yankauskas, Eversource Energy

Name

247 Station Drive

Mailing Address

Westwood

MA

02090

City/Town

State

Zip Code

(781) 441-8926

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

New Bedford Oceanarium Corp.

Applicant

05/20/2002

49-348

Dated

DEP File Number

3. The project site is located at:

180 MacArthur Drive

New Bedford

Street Address

City/Town

42

84

Assessors Map/Plat Number

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Commonwealth Electric Company

Property Owner (if different)

Bristol

5524

262

County

Book

Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Tighe&Bond

ATTACHMENT B



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE49-348

Provided by DEP

A. General Information

BK 5524 PG 262

05/20/02 10:15 DOC. 19347

Bristol Co. S.D.

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

New Bedford

Conservation Commission

This issuance is for (check one):

Order of Conditions

Amended Order of Conditions

To: Applicant:

New Bedford Oceanarium Corp

Name

128 Union Street

Mailing Address

New Bedford

City/Town

Mass

State

02740

Zip Code

Property Owner (if different from applicant):

Commonwealth Electric Company

Name

800 Boylston Street

Mailing Address

Boston

City/Town

Mass

State

02199

Zip Code

1. Project Location:

180 MacArthur Drive

Street Address

42

Assessors Map/Plat Number

New Bedford

City/Town

84,160 & 178

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Bristol

County

1821

Book

440

Page

Certificate (if registered land)

3. Dates:

3/15/02

Date Notice of Intent Filed

4/30/02

Date Public Hearing Closed

5/17/02

Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

SEE ATTACHED

Title

Date

Title

Date

Title

Date

5. Final Plans and Documents Signed and Stamped by:

George E. Block, Jr. P.E. No. 33439-C

Name

6. Total Fee:

\$1025.00

(from Appendix B: Wetland Fee Transmittal Form)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

SE49-348
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|--|---|--|
| <input type="checkbox"/> Public Water Supply | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

General Conditions (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE49-348
Provided by DEP**B. Findings (cont.)**

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
"File Number SE49-348"
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

SE49-348

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

B. Findings (cont.)

- 15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
- 16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

SEE ATTACHED SPECIAL CONDITIONS # 18 - 48

Findings as to municipal bylaw or ordinance

Furthermore, the _____ hereby finds (check one that applies):
Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Municipal Ordinance or Bylaw Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Municipal Ordinance or Bylaw Citation

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE49-348
Provided by DEP

B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date May 20, 2002

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature] _____ [Signature] _____
[Signature] _____
[Signature] _____
[Signature] _____

On 30th Day of April 2002
Month and Year

before me personally appeared

[Signature]

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature] _____
Notary Public My Commission Expires December 15, 2006

This Order is issued to the applicant as follows:

by hand delivery on

Date

by certified mail, return receipt requested, on

[Signature] _____
Date

7000 1670 0001 4543 0594



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 5 – Order of Conditions

SE49- 348
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

New Bedford

Conservation Commission

SPECIAL CONDITIONS

DEP File Number SE49-348
New Bedford Oceanarium Corp.
180 MacArthur Drive, map 42 lots 84,160 & 178
New Bedford, Mass. 02740

18. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
19. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
20. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
21. Contours shall remain unchanged except as permitted by this Order of Conditions.
22. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
23. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
24. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
25. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
26. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
27. No runoff shall be caused to drain on to adjoining property or on any public ways.
28. All excess material shall be removed from the site.
29. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
30. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.

31. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this order.
32. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
33. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act.
34. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
35. This order of Conditions shall apply to any successor in interest or successor in control.
36. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
37. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

The Department of Environmental Protection
Army Corps of Engineers
Coastal Zone Management
Division of Waterways
38. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
39. Any fill and/or construction materials shall be placed in upland areas.
40. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
41. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
42. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to

go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.

43. All erosion control barriers shall be constructed of snow fencing, silt fencing and staked hay bales and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent
44. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
45. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.
46. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
47. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
48. The design engineer will certify, with an as-built plan, that this project has been completed in accordance with the above Order of Conditions before the certificate of Compliance will be issued.



CITY OF NEW BEDFORD
MASSACHUSETTS
CONSERVATION COMMISSION

**New Bedford Oceanarium
Approved Plans and Documents for Order of Conditions SE49-348**

1. New Bedford Oceanarium Existing Conditions Site Plan (revised date 4/25/02)
2. New Bedford Oceanarium Proposed Site Plan (revised date 4/25/02)
3. New Bedford Oceanarium Erosion Control Plan (revised date 4/25/02)
4. New Bedford Oceanarium Detail Sheet 1 of 2 (revised date 4/25/02)
5. New Bedford Oceanarium Detail Sheet 2 of 2 (revised date 4/25/02)
6. Stormceptor Recommended Maintenance Procedure

Table 2. Stormceptor Capacities

Model	Sediment Capacity ft ³ (L)	Oil Capacity US gal (L)	Total Holding Capacity US gal (L)
450i	45 (1276)	86 (326)	470 (1779)
900	75 (2135)	251 (950)	952 (3604)
1200	113 (3202)	251 (950)	1234 (4671)
1800	193 (5470)	251 (950)	1833 (6939)
2400	155 (4387)	840 (3180)	2462 (9320)
3600	323 (9134)	840 (3180)	3715 (14063)
4800	465 (13158)	909 (3441)	5059 (19150)
6000	609 (17235)	909 (3441)	6136 (23227)
7200	726 (20551)	1059 (4009)	7420 (28088)
11000s	942 (26687)	2797 (10588)	11194 (42374)
13000s	1230 (34841)	2797 (10588)	13348 (50528)
16000s	1470 (41632)	3055 (11564)	15918 (60256)

4.1 Recommended Maintenance Procedure

For the "disc" design, oil is removed through the 6" inspection/cleanout pipe and sediment is removed through the 24" diameter outlet riser pipe. Alternatively, oil could be removed from the 24" opening if water is removed from the treatment chamber, lowering the oil level below the drop pipes.

The depth of sediment can be measured from the surface of the Stormceptor with a dipstick tube equipped with a ball valve (Sludge Judge®). It is recommended that maintenance be performed once the sediment depth exceeds the guideline values provided in Table 3 for the reasons noted in Section 4 Stormceptor Maintenance Guidelines.

Table 3. Sediment Depths Indicating Required Maintenance

Model	Sediment Depth
450i	3" (200 mm)
900	8" (200 mm)
1200	10" (250 mm)
1800	15" (375 mm)
2400	12" (300 mm)
3600	17" (425 mm)
4800	15" (375 mm)
6000	18" (450 mm)
7200	15" (375 mm)
11000s	15" (375 mm)**
13000s	18" (375 mm)**
16000s	15" (375 mm)**

* Depths are approximate.

** In each structure.

No entry into the unit is required for routine maintenance of the Inlet Stormceptor or the smaller disc insert models of the In-Line Stormceptor. Entry to the level of the disc insert may be required for servicing the larger disc insert models. Any potential obstructions at the inlet can be observed from the surface. The fiberglass insert has been designed as a platform for authorized maintenance personnel, in the event that an obstruction needs to be removed, sewer flushing needs to be performed, or camera surveys are required.

Typically, maintenance is performed by the Vacuum Service Industry, a well established sector of the service industry that cleans underground tanks, sewers, and catch-basins. Costs to clean a Stormceptor will vary based on the size of the unit and transportation distances. If you need assistance for cleaning a Stormceptor unit, contact your local CSR representative, or the Stormceptor Information Line at (800) 909-7763.

Figures 1 and 2 will help illustrate the access point for routine maintenance of Stormceptor.

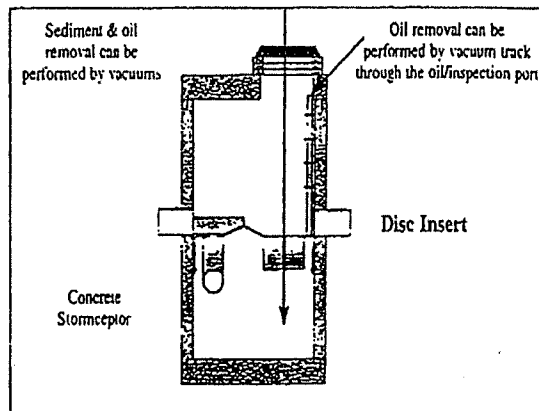


Figure 1 Single Inlet/Outlet "Disc" Insert
In-Line Stormceptor

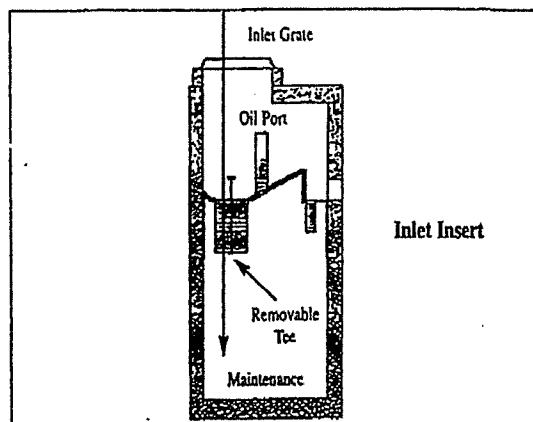


Figure 2 STC 450i
Inlet Stormceptor

4.2 Disposal of Trapped Material from Stormceptor

The requirements for the disposal of material from Stormceptor are similar to that of any other Best Management Practices (BMP). Local guidelines should be consulted prior to disposal of the separator contents.

In most areas the sediment, once dewatered, can be disposed of in a sanitary landfill. It is not anticipated that the sediment would be classified as hazardous waste. In some areas, mixing the water with the sediment will create a slurry that can be discharged into a trunk sanitary sewer. In all disposal options, approval from the disposal facility operator/agency is required. Petroleum waste products collected in Stormceptor (oil/chemical/fuel spills) should be removed by a licensed waste management company.

What if I see an oil rainbow or sheen at the Stormceptor outlet?

With a steady influx of water with high concentrations of oil, a sheen may be noticeable at the Stormceptor outlet. This may occur because a rainbow or sheen can be seen at very small oil concentrations (< 10 ppm). Stormceptor will remove over 95% of all free oil and the appearance of a sheen at the outlet with high influent oil concentrations does not mean that the unit is not working to this level of removal. In addition, if the influent oil is emulsified, the Stormceptor will not be able to remove it. The Stormceptor is designed for free oil removal and not emulsified or dissolved oil conditions.

5.0 Recommended Safety Procedures

CSR strongly recommends that any person who enter a Stormceptor System follow all applicable OSHA regulations for entry and work in permit required confined spaces, as outlined in 29 CFR 1910.146. A permit required confined space consists of a space that:

- Is large enough and so configured that an employee can bodily enter and perform assigned work.
- Has limited or restricted means for entry and exit.
- Is not designed for continuous employee occupancy.
- Contains or has one of the following:
 - a potential to contain a hazardous atmosphere.
 - a material that has the potential for engulfing an entrant.
 - any other recognized serious safety hazard.

Storm water and wastewater systems fall under the OSHA guidelines for a permit required confined space. Failure to follow OSHA guidelines for entry and work in a permit required confined space can result in serious injury or death. Please exercise extreme caution and follow appropriate safety procedures when entering any confined space.

Two square pick holes in the cover vent the Stormceptor, allow for removal of the cover, and provide sampling ports for air quality monitoring before the cover is removed. If you must enter the Stormceptor, please note that if the disc insert inside is wet, it can be slippery.

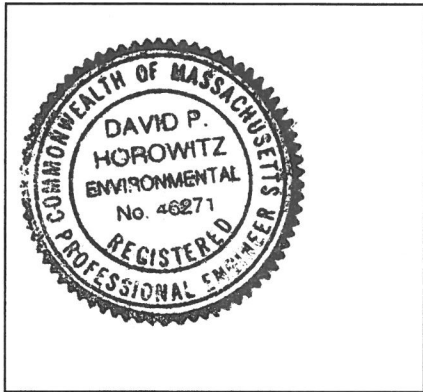
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ATTACHMENT C

PROFESSIONAL ENGINEER'S STATEMENT

The following statement has been prepared in accordance with 310 CMR 10.05(9)(d) for MassDEP File Number 49-348 issued by the City of New Bedford Conservation Commission to Commonwealth Electric Company (d/b/a Eversource Energy) on May 20, 2002.

I, David P. Horowitz, a Registered Professional Engineer in the Commonwealth of Massachusetts ([Environmental] P.E. # 46271) hereby certify none of the proposed aspects of the New Bedford Oceanarium Project, as described on the plans of record approved in the May 20, 2002 Order of Conditions, were undertaken at the subject property.



Name: _____

A handwritten signature in black ink, appearing to read "David P. Horowitz", written over a horizontal line.

Date: _____

4.14.2022