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September 18, 2009

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

PROJECT NAME: Comprehensive Wastewater Management Plan -
(Winthrop Street, Davenport Terrace, Williams
Street Sewer Extension)

PROJECT MUNICIPALITY: Taunton

PROJECT WATERSHED: Taunton River

EEA NUMBER: 13897

PROJECT PROPONENT: City of Taunton Department of Public Works

DATE NOTICED IN THE MONITOR: August 12, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I determine that this project **continues to require** the preparation of an Environmental Impact Report (EIR). In a separate Decision also issued today (September 18, 2009), I have proposed to **grant** a Phase I Waiver to allow this portion of the Taunton Comprehensive Wastewater Management Plan (CWMP) to proceed prior to the completion of the EIR for the CWMP. This Certificate sets forth the issues that must be addressed by the Proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Project History

The City of Taunton is developing a Comprehensive Wastewater Management Plan (EOEA# 13897). This NPC has been filed in response to the Certificate on the ENF for the City of Taunton CWMP. The Certificate on the ENF stated that any project that is advanced in Taunton prior to completion of CWMP EIR and that requires a Massachusetts Department of Environmental Protection (MassDEP) sewer extension or connection permit that had not already

been approved by MassDEP at the time of the issuance of the ENF Certificate, would need to request a Phase I Waiver from the MEPA office prior to obtaining the required permit(s) from MassDEP.

The City of Taunton filed a joint NPC/Draft EIR (DEIR), which was noticed in the August 12, 2009 Environmental Monitor. The document presented both an NPC with a request for Phase I Waiver, and a DEIR that was submitted in response to the Scope included in the ENF Certificate. The document was given a 30-day review period, expiring on September 11, 2009, with a Certificate issuance date of September 18, 2009. During the comment period, at the request of MassDEP, the City of Taunton agreed to extend the comment period on the DEIR portion of the document to allow for the distribution of additional information for consideration by commenters. The DEIR comment period was extended to October 9, 2009, with an anticipated Certificate issuance on October 16, 2009. The NPC comment period for the NPC and Phase I Waiver request remained unchanged.

Finally, the City of Taunton is presently operating under both a United States Environmental Protection Agency (U.S. EPA) Administrative Order and a MassDEP Administrative Consent Order. MassDEP's comment letter noted the efforts underway by the City of Taunton to reduce problem conditions within its sewer collection system and the adoption of an ordinance requiring a reduction in flow prior to authorizing new flow to the collection system. MassDEP has recommended that the Phase I Waiver be granted to allow this project to move forward to construction.

Description of Project Change

The project change includes the advancement of sewer extensions in multiple locations within the City of Taunton prior to the completion of MEPA review for the CWMP. Specifically, the project is comprised of:

1. A sewer extension along Winthrop Street between Joseph Warner Boulevard and Range Avenue in order to eliminate failed septic systems in the area;
2. A sewer extension on Williams Street and the associated neighborhoods of Duffy Drive and Donna Terrace. This extension was requested by residents at the ENF scoping session held on November 16, 2006;
3. A sewer extension along Davenport Terrace; and
4. Replacement of three failed community septic systems serving 26 homes with new septic tanks and pressure-dosed infiltration systems servicing Matthews Drive.

The project is anticipated to generate a total of approximately 80,000 gallons per day (gpd) of flow. The NPC states that recent and ongoing Infiltration and Inflow (I/I) reduction projects have removed over 2,228,000 gpd of I/I from the existing sewer system. Therefore, sufficient capacity is available within the Taunton sewer system and the Taunton Wastewater Treatment Facility (WWTF) to convey and treat the flows generated by this project. The Taunton WWTF currently has average daily flows of approximately 7.2 million gpd (MGD), and

is permitted for 8.4 MGD. The project can therefore be accommodated within the existing Taunton WWTF permit limitations.

According to the NPC, the project, consisting of four parts, has been approved for Clean Water State Revolving Funds. Additionally, the project is eligible for funding under the American Recovery and Reinvestment Act (ARRA).

Jurisdiction and Permitting

The project was required to file an NPC for review as a condition of the Certificate on the ENF issued for the Taunton CWMP. The project will require a Sewer Extension Permit from MassDEP. The project may require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. EPA. The project will also require an Order of Conditions from the Taunton Conservation Commission.

The Proponent may receive funding from the Massachusetts State Revolving Fund. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Review of the NPC

The NPC identified the location of each project, described the environmental benefits of sewer connection/upgrades, and outlined the project's consistency with the Phase I Waiver requirements of the MEPA regulations at 301 CMR 11.11. With the exception of Davenport Terrace, each part of the project was identified in the Draft CWMP as a Needs Area (i.e. high priority sewer needs areas). The project will include approximately 3.2 miles of new sewer main.

Winthrop Street

According to the NPC, sewerage Winthrop Street (Needs Area K) will reduce and avoid potential contamination of the Three Mile River from failing septic systems. The project will also eliminate private sewer servicing businesses in the Needs Area, bringing all sewers in the area under the City's control. Finally, the project aims to eliminate excess groundwater flow in an area of contaminated soil near wetland resource areas.

Williams Street

According to the NPC, sewerage Williams Street and its associated neighborhoods (Needs Area U) will reduce and avoid possible contamination to the Taunton River and area wetlands from failed septic systems. The project area is directly adjacent to the Taunton River. Additionally, an existing under-sized single barrel siphon across the Taunton River will be

upgraded, lowering the potential for sewage overflows resulting from an overloaded or blocked siphon.

Davenport Terrace

Sewering of Davenport Terrace will complete the sewerage of an area that was partially sewerage in the past. Davenport Terrace is not in a Needs Area because it is within the existing sewerage area. It is suspected that the majority of the 16 homes to be serviced by this extension are probably utilizing cesspools or substandard systems for on-site wastewater disposal. The project requires low-pressure sewers, which hadn't been invented when the rest of the street was sewerage. Sewering this area will reduce the potential for wastewater-related contamination of adjacent wetlands areas.

Matthews Drive

This project will replace three community septic systems that are presently failing within Needs Area Z. The City of Taunton has proposed the installation and ownership of a new common septic system to service 26 homes in lieu of a sewer extension due to the long distance between Needs Area Z and existing sewer mains.

Wetlands

The majority of the proposed work is to be located within existing roadways. However, work associated with the directional drilling of the replacement siphon under the Taunton River will alter wetland resource areas. Approximately 4,700 square feet (sf) of Riverfront Area and 190 sf of Bordering Vegetated Wetlands (BVW) will be altered. The City of Taunton should file a Notice of Intent with the Taunton Conservation Commission for any work subject to regulation by the Massachusetts Wetlands Protection Act. The City of Taunton will be required to provide BVW replication areas at a ratio of 1:1 and construct them in accordance with the MassDEP Inland Wetland Replication Guidelines. Appropriate erosion and sedimentation control Best Management Practices (BMPs) should be implemented to limit impacts to wetland resource areas.

Portions of the project abut the Taunton River and Three Mile River. The Division of Marine Fisheries (*Marine Fisheries*) has indicated that these rivers contain diadromous fish populations, using the river for passage, spawning, nursery, and forage habitat. *Marine Fisheries* has recommended that no runoff from construction activities be allowed to enter the river. If any activities will contribute to the turbidity in the river, a time-of-year restriction barring any construction activity from March 15th through July 30th should be placed on any portion of the project occurring within the 100-foot buffer zone to these rivers.

Rare Species

Comments on the NPC provided by the Natural Heritage and Endangered Species Program (NHESP) note that activities in the Winthrop Street Needs Area may occur within Priority Habitat as indicated on the most recent Natural Heritage Atlas. The Proponent should review the latest Atlas and the Massachusetts Endangered Species Act (MESA) regulations (321 CMR 10.00) to determine if the project qualifies as an exempt activity or if a direct filing under MESA will be required, and respond accordingly.

Historic and Archaeological Resources

While the proposed construction of underground sewer will occur mainly within existing roadway and pipeline construction will not proceed onto private properties, the Proponent has indicated that as necessary for project phases, they will prepare Project Notification Form (PNF) for submittal to the Massachusetts Historical Commission (MHC). The Proponent provided an assessment of potential historic impacts for each Needs Area as part of the DEIR, but did not discuss specific potential impacts, if any, for those projects contemplated in the NPC. The Proponent should, as proposed in their Draft Section 61 Findings, determine if a PNF should be filed for the Phase I projects and coordinate with MHC as necessary.

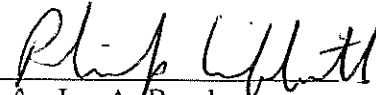
Conclusion

Based on a review of the information provided by the Proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. Outstanding issues may be addressed during the permitting process.

I have also issued today a Draft Record of Decision (DROD) proposing to grant a Phase I Waiver for the project. The DROD will be published in the next edition of the Environmental Monitor on September 23, 2009 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on October 6, 2009. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision (FROD) or amend the Scope for the EIR within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). If the Phase I Waiver is not approved based on comments received on the DROD, then this Certificate on the NPC will be re-issued with a modified Scope for an EIR.

September 18, 2009

Date


for Ian A. Bowles

Comments received:

08/17/2009 Board of Underwater Archaeological Resources
09/01/2009 Massachusetts Historical Commission
09/08/2009 Division of Marine Fisheries
09/10/2009 Natural Heritage and Endangered Species Program
09/11/2009 Massachusetts Department of Environmental Protection – SERO

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