



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

Charles D. Baker  
GOVERNOR

Karyn E. Polito  
LIEUTENANT GOVERNOR

Matthew A. Beaton  
SECRETARY

Tel: (617) 626-1000  
Fax: (617) 626-1081  
<http://www.mass.gov/eea>

February 9, 2018

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

PROJECT NAME : Environmental Impact Report and Comprehensive  
Wastewater Management Plan / Main Lift Pumping  
Station Improvements (f/k/a Comprehensive Wastewater  
Management Plan)

PROJECT MUNICIPALITY : Taunton

PROJECT WATERSHED : Taunton

EEA NUMBER : 13897

PROJECT PROPONENT : City of Taunton, Public Works Department

DATE NOTICED IN MONITOR : December 20, 2017

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the third Notice of Project Change (3<sup>rd</sup> NPC) and hereby determine that this project **continues to require** the submission of a Final Environmental Impact Report (FEIR). The Proponent submitted additional information to supplement the 3<sup>rd</sup> NPC which included a request that I grant a Phase 1 Waiver pursuant to Section 11.11 of the MEPA regulations. In a separate Draft Record of Decision (DROD), also issued today, I **propose to grant** a Phase 1 waiver that will allow a portion of the Comprehensive Wastewater Management Plan (CWMP), as described in the 3<sup>rd</sup> NPC, to proceed to permitting prior to completing the MEPA review process for the CWMP.

### Project Background

The purpose of the 3<sup>rd</sup> NPC is to resume the City's CWMP planning process which was initiated via submittal of an Environmental Notification Form (ENF) in October 2006, followed by a Draft Environmental Impact Report (DEIR) in July 2009. On October 30, 2009, the Secretary issued a Certificate on the DEIR which determined it adequately and properly complied with MEPA and included a scope for a FEIR. When the DEIR was reviewed, the City was operating under a draft 2007 National Pollutant Discharge Elimination System (NPDES) Permit. The U.S. Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (MassDEP) indicated that the future total nitrogen discharges from the Wastewater Treatment Facility (WWTF) would be regulated under the next-generation NPDES Permit. At that time, the schedule and timeframe for issuing the permit was unknown. Based on this, the City paused the CWMP planning process until the NPDES Permit was issued. The NPDES Permit was issued in April 2015 (Permit No. MA0100897) and the City resumed the CWMP planning process via the submittal of this 3<sup>rd</sup> NPC.

As described in the 2009 DEIR, the City of Taunton proposes to expand its sewer system to encompass an additional 14 priority Needs Areas identified within the CWMP. The Recommended Plan identified in the DEIR proposed the expansion of the wastewater collection system (mostly within existing paved roadways) to the Needs Areas, an upgrade of the wastewater treatment facility (WWTF) for nutrient control and increased future flow capacity, and implementation of a plan to eliminate the Combined Sewer Overflow (CSO) located adjacent to West Water Street. According to the DEIR, total estimated wastewater flows included flows from these Needs Areas, future infill development within the existing sewered areas, and projected additional inter-municipal flows from Raynham, Dighton, Norton and Easton. The DEIR estimated that approximately 50 miles of gravity and force main sewers and 16 pump stations would be necessary to accommodate the expansion within the Needs Areas. The DEIR proposed an expansion of the existing WWTF from a current treatment capacity of 8.4 million gallons per day (mgd) (average daily flow) to 10.2 mgd by the year 2025. The Recommended Plan was proposed by the City of Taunton in accordance with the requirements of an Administrative Consent Order (ACO) (ACOP-SE-R006-1N-SEP) issued by MassDEP and an Administrative Order (AO) issued by U.S. EPA.

Two NPCs requesting Phase 1 Waivers were filed in the interim between the ENF and DEIR. These projects were each granted a Phase 1 Waiver by the Secretary to allow the construction and extension of sewer service to multiple locations within the City of Taunton prior to the completion of MEPA review for the CWMP.<sup>1</sup>

### 3<sup>rd</sup> Notice of Project Change Description

The 3<sup>rd</sup> NPC was submitted to address a Lapse of Time and to request a Phase 1 Waiver to allow construction of the Main Lift Pump Station and two new sewer force mains prior to completion of the MEPA review process for the CWMP. Construction of a new or expanded Main Lift Pump Station was previously identified in the CWMP/DEIR as a component of the

---

<sup>1</sup> The Final Records of Decision (FROD) which granted the Phase 1 Waivers were issued on March 22, 2007 and October 9, 2009.

**Recommended Plan.** As described below in greater detail, the 3<sup>rd</sup> NPC presented a slightly revised version of the Main Lift Pump Station improvements compared to that previously presented in the CWMP.

The 3<sup>rd</sup> NPC also identified a Lapse of Time and the following developments that have occurred since completion of the DEIR which warrant additional review and analysis in the CWMP/FEIR:

- **Infiltration and Inflow (I/I) Reduction Projects** – The City has completed twelve phases of Sewer System Evaluation Survey (SESS) projects which have removed an estimated 4 mgd of I/I from the collection system (based on the 1-year storm).
- **Sewer Extensions** – The City completed the “Winthrop Street, Williams Street, and Davenport Terrace Sewer Extension and Matthews Drive Septic System Replacement” project and the “Winthrop Street West Sewer Extension Project” which addressed sewer needs in Needs Areas U, Z, K, and a portion of L.
- **Needs Analysis and Future Flow Projections** – The needs analysis and future flow projections were developed in 2004 and 2005. The lapse of time warrants a re-evaluation of the Needs Areas and reassessment of future flow projections to address changes in conditions (i.e. age of sewer system, failure rates, etc.) and development that is in the planning stages and/or that has occurred since the DEIR was filed.
- **New Nutrient Limits** – The DEIR/CWMP based the design of the WWTF on the assumption of a future total nitrogen limit of 8 mg/l. The current NPDES Permit targets a total nitrogen limit of 3 mg/l. This requires a re-examination of the treatment technologies and improvements to be incorporated into the WWTF in order to comply with the nitrogen limits.
- **Energy Audits** – The City completed energy audits at the WWTF for the process equipment and the building systems.
- **Mobile Home Consent Orders** – In 2016, MassDEP issued an ACO that requires the City to extend sewer service to two mobile home parks located in Needs Area C.
- **CSO Mitigation** – The DEIR/CWMP proposed two alternatives to mitigate the majority of the CSO’s in Taunton: Alternative 1 – Local Storage and Pumping and Alternative 2 – Local Pumping and Remote Storage. The 3<sup>rd</sup> NPC indicated that Alternative 2 has been identified as the Preferred Alternative and that construction of a new CSO outfall is no longer required.
- **WWTF Flow Limits** – The DEIR proposed an expansion of the WWTF from 8.4 mgd to 10.2 mgd based on the assumption that the future NPDES Permit would increase allowable flow limits. The NPDES permit does not include an increased flow limit and, as a result, expansion of the WWTF’s capacity is no longer included in the project. The 3<sup>rd</sup> NPC indicated that groundwater disposal options and discharge locations will be evaluated in the FEIR.

The City of Taunton is allowed to discharge pollutants from a CSO located ahead of the Main Lift Pump Station on West Water Street. The DEIR indicated that the CSO becomes active when wet weather flows to the existing Main Lift Pump Station exceed its pumping capacity of

22.4 mgd. Mechanical and pipe failure at the existing pump station was also identified as a contributing factor to CSO events. The DEIR identified infrastructure capacity upgrades and an expansion of the Main Lift Pump station as a component of the CWMP necessary to accommodate the increased capacity of the WWTF and to mitigate CSO events. Specifically, the DEIR proposed a New Main Lift Pump Station with a peak design flow capacity of 25.5 mgd that would discharge to the WWTF via a new 36-inch diameter force main. The DEIR indicated that the existing 20- and 24-inch diameter force mains would be maintained and utilized for pumping to a CSO wet weather remote storage facility (as described in CSO Alternative 2). The 3<sup>rd</sup> NPC presented a slightly modified version of this scenario. As described in the 3<sup>rd</sup> NPC, Phase 1 includes construction of a Main Lift Pump Station with peak design flow capacity of 25 mgd and two 24-inch diameter force mains (each 1,750 lf) that will follow the alignment of the existing sewer lines to discharge to the WWTF. The existing 20-inch diameter force main will be abandoned and the 24-inch force main to the WWTF will be maintained. The 3<sup>rd</sup> NPC indicated that removal of inflow within the collection system that has occurred since the DEIR was filed has provided the ability to reduce the pump station's design flow (from 25.5 to 25 mgd). According to the 3<sup>rd</sup> NPC, the wet weather CSO remote storage facility associated with CSO Alternative 2 is no longer included as part of Phase 1 but is included in the CWMP.

### Project Site

As described in the DEIR, the municipal sewer system consists of approximately 100 miles of collection system piping and 20 pump stations. The Taunton WWTF discharges to the Taunton River and must maintain compliance with the NPDES Permit discharge limitations. The WWTF is designed to treat an average daily flow of 8.4 mgd and a peak daily flow of 17.4 mgd, and can hydraulically handle flows up to 22.4 mgd through the process systems. According to the DEIR, the City of Taunton has recorded average daily wastewater flows in 2006, 2007, and 2008 of 8.1 mgd, 7.0 mgd, and 7.2 mgd, respectively. However, springtime flows have exceeded the permitted flow level of 8.4 mgd for extended periods of time, and peak wet weather flows in the system can exceed 18 mgd. The Taunton WWTF also treats flows from portions of the towns of Raynham, Dighton, and Norton. The City of Taunton is also implementing an extensive I/I removal program to increase capacity of the system.

The existing Main Lift Pump Station ("Pump Station") has been identified as a critical component in the City's wastewater collection system as it conveys all of the wastewater generated in the service area to the WWTF. It was constructed in 1947 and was updated in 1975 and 2002. The Pump Station has a capacity of 22.4 mgd which is exceeded during wet weather events, resulting in CSO discharges. The 3<sup>rd</sup> NPC indicates that the Pump Station requires immediate replacement as it experiences mechanical and pipe failures which also result in CSO events. The Pump Station discharges to the WWTF through 20- and 24-inch diameter force mains. It is located on a 0.488-parcel on West Water Street and is generally bounded by a capped landfill to the north, the Taunton River to the east, an industrial property to the south, and West Water Street to the west. The Taunton River is mapped as Priority and Estimated Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP). According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) for Bristol County (Map No. 25005C0163G,

effective July 16, 2015), the entirety of the Pump Station project site is located within a designated AE Zone (Areas subject to inundation by the 1-percent-annual-chance flood event).

The DEIR indicated that the majority of the Needs Areas identified in the CWMP are largely already developed. Portions of the Recommended Plan are located in Priority and/or Estimated Habitat as mapped by the NHESP. Additionally, the CWMP proposes to extend sewers to areas located within the Canoe River Aquifer, Hockomock Swamp, and Three Mile River Areas of Critical Environmental Concern (ACEC).

### Environmental Impacts and Mitigation

As described in the 3<sup>rd</sup> NPC, Phase 1 of the project will create approximately 10,000 sf of impervious area and will impact the following wetland resource areas: Bordering Vegetated Wetlands (BVW) (13,246 sf), Bordering Land Subject to Flooding (BLSF) (30,149 sf and loss of 8,129 cubic feet (cf) of storage), Land Under Water (449 sf), Riverfront Area (2,629 sf), and Bank (30 linear feet (lf)). According to the DEIR, implementation of the remaining portions of the CWMP will not result in permanent wetland impacts or alteration to wetland resource areas. The majority of work is limited to paved roadways or rights-of-way, will be temporary in nature, and located in buffer zones to wetland resource areas or upland areas.

The 3<sup>rd</sup> NPC indicated that Phase 1 will reduce the amount of bacteria and other pathogens present in wastewater effluent from entering the Taunton River by reducing the size and frequency of CSO events. Measures to avoid, minimize, and mitigate Phase 1 impacts include: the use of erosion and sediment control measures during construction, provision of 83,561 cf of compensatory storage at the proximate Weir Riverfront Park, limiting areas of disturbance by locating work within previously disturbed areas where possible, measures to reduce the pump station's energy use and resulting greenhouse gas emissions, and locating critical infrastructure a minimum of 3-ft above the Base Flood Elevation (BFE).

### Jurisdiction and Permitting

The CWMP is undergoing MEPA review and is subject to preparation of a Mandatory EIR pursuant to 301 CMR 11.03(5)(a)(3) of the MEPA regulations because it requires State Agency Actions and involves the construction of one or more new sewer mains of ten or more miles in length. The DEIR indicated that implementation of the CWMP requires an Access Permit from the Massachusetts Department of Transportation (MassDOT), a Sewer Connection/Extension Permit from MassDEP, and a Chapter 91 License from MassDEP for the construction of the outfall pipe (if proposed). It may also require a Groundwater Discharge Permit, Treatment Works Approval, and Utility-Related Abatement Measure (URAM) Plan from MassDEP and a Conservation and Management Permit (CMP) from the NHESP. It will require one or more Orders of Conditions from the Taunton Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). I note that the project no longer requires a Sewer Extension Permit from MassDEP because regulatory revisions transferred permitting authority to the local sewer authority. Additionally, the 3<sup>rd</sup> NPC indicated that the project will no longer require construction of a new CSO outfall pipe. Based on this, a c.91 License may not be required. This should be clarified in the FEIR.

According to the DEIR, construction of the new outfall from the CSO facility will require a permit from the U.S. Army Corps of Engineers (if proposed) and the project will require a National Pollutant Discharge Elimination System (NPDES) Surface Water Discharge Permit Modification, a NPDES Construction General Permit, a NPDES General Permit for Construction Dewatering, and a NPDES Remediation General Permit from the U.S. EPA.

As described in the 3<sup>rd</sup> NPC, the Phase 1 project will require a 401 Water Quality Certification (WQC) from MassDEP. The Taunton Conservation Commission issued an Order of Conditions (MassDEP File No. SE 73-2721) for Phase 1 on September 21, 2017 which was not appealed.

The Phase 1 project will receive Financial Assistance from the Commonwealth in the form of a \$17 million loan from the Clean Water State Revolving Fund (SRF). The City anticipates applying for additional SRF loans for subsequent construction of portions of the project. Therefore, MEPA jurisdiction 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 3<sup>rd</sup> NPC

The 3<sup>rd</sup> NPC included a description of the proposed changes to the design of the Main Lift Pump Station, a comparison of these changes to the project as previously reviewed in the 2009 DEIR, and existing and proposed conditions plans. As noted above, it also identified a Lapse of Time and developments that have occurred since completion of the DEIR which warrant additional review and analysis in the CWMP. The Proponent requested a three-week extension of the comment period and provided additional information on January 16, 2018 to supplement the 3<sup>rd</sup> NPC. The additional information included a request for a Phase 1 Waiver that would allow construction of the Main Lift Pump Station and associated sewer force main to proceed prior to completion of the FEIR for the CWMP. It also included a narrative that addressed the findings that the Secretary must consider when determining whether to grant the request for a Phase 1 Waiver per Sections 11.11 of the MEPA regulations. For the purposes of clarity, the term 3<sup>rd</sup> NPC throughout this document includes the content of the 3<sup>rd</sup> NPC, as well as this supplemental information. The comment period closed on January 30, 2018.

#### *Alternatives Analysis*

The 3<sup>rd</sup> NPC included an alternatives analysis that evaluated the following locations for a new Phase 1 Pump Station: 825 West Water Street, Assessor's Parcel 106-6-0, and Assessor's Parcel 106-191-0 (Preferred Alternative). According to the 3<sup>rd</sup> NPC, the 825 West Water Street Parcel was dismissed as it would require relocation of an existing sewer line and would result in increased impacts to wetland resource areas (including potential relocation of a stream channel). The 3<sup>rd</sup> NPC indicates that the Assessor's Parcel 106-6-0 alternative was dismissed as it is a capped landfill and the cost to manage and dispose contaminated soil during construction would make the project cost prohibitive. The alternatives analysis also evaluated the following alternatives for the Phase 1 force mains: New Alignment (follow access road and West Water

Street), Utilize Existing Force Mains, and Follow Existing Alignment (Preferred Alternative). The 3<sup>rd</sup> NPC indicates that the New Alignment alternative was dismissed due to the presence of other utilities (drain, water, electric, gas) within the alignment which creates constructability issues. According to the 3<sup>rd</sup> NPC, the Utilize Existing Force Mains alternative was dismissed as the existing 20-inch diameter force main is approximately 70 years old and has exceeded its design life and the existing 24-inch diameter will not meet the required capacity of the pump station. The 3<sup>rd</sup> NPC indicates that the Preferred Alternative (as described herein) was selected as it has reduced construction impacts (reduced depth of excavation) and will reduce new land alteration by following the existing pipe alignment within a previously disturbed area.

### *Wastewater*

As described in the 3<sup>rd</sup> NPC, the City of Taunton is serviced by a combined sewer system and is implementing a storm water separation and removal program. The goal of the Phase 1 project is to reduce CSO events. The 3<sup>rd</sup> NPC indicated that the Main Lift Pump Station is under sized and has reliability issues due to clogging and mechanical failure. When the existing station reaches its pumping capacity, excess wastewater is discharged to the Taunton River through a permitted CSO structure. Phase 1 includes construction of a new Main Lift Pump Station located between the existing station and the Taunton River. It will have a peak design flow of 25 mgd and will consist of four duty pumps and one back-up pump. As noted above, the 3<sup>rd</sup> NPC also identified changes that have occurred since the DEIR was filed with respect to the City's wastewater system that will be further developed in the CWMP and FEIR.

### *Wetlands/Stormwater/Water Quality*

The 3<sup>rd</sup> NPC described the wetland resource areas on the site and identified potential impacts to resource areas associated with Phase 1. The Phase 1 project will impact Bank, BVW, BLSF, and Riverfront Area. The Phase 1 project will place 8,129 cf of fill within the 100-year floodplain. As described in the 3<sup>rd</sup> NPC, there is no area at the Phase 1 site to provide compensatory storage. The 3<sup>rd</sup> NPC indicated that the loss of storage will be mitigated through the provision of 83,561 cf of compensatory storage at the proximate Weir Riverfront Park which is located on the bank of the Taunton River approximately 1,600 ft north of the Main Lift Pumping Station site. The Taunton Conservation Commission reviewed the Phase 1 project and determined that it is consistent with the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00), and MassDEP's Stormwater Management Standards (SMS) as indicated by the Order of Conditions issued on September 21, 2017 which approved the project.

Construction of the New Main Pump Station in Phase 1 will increase impervious area by approximately 10,000 sf. The 3<sup>rd</sup> NPC included a Phase 1 Stormwater Management Report (Attachment D) that described the proposed stormwater management system and provided supporting data and calculations. As a limited project and redevelopment project, the Phase 1 stormwater management system has been designed to comply with MassDEP's Stormwater Management Standards (SMS) to the maximum extent practicable. The proposed stormwater management system will increase peak flow rates by less than 0.7 cfs during the 2-, 10-, and 100-year storm events. The stormwater management system includes an infiltration trench and will be designed to remove 80% of Total Suspended Solids (TSS).

The 3<sup>rd</sup> NPC indicates that Phase 1 will improve water quality in the Taunton River by reducing the size and frequency of CSO events. The 3<sup>rd</sup> NPC indicated that the FEIR/CWMP will reevaluate treatment technologies and WWTF improvements required to comply with the nutrient limits in the newly issued NPDES Permit.

#### *Greenhouse Gas (GHG) Emissions and Climate Change Adaptation and Resiliency*

The 3<sup>rd</sup> NPC identified the following measures that will be incorporated into the Main Lift Pump Station to reduce its energy consumption and associated greenhouse gas (GHG) emissions: premium efficiency motors with Variable Frequency Drives (VFDs), efficient building envelope, LED lighting system, and occupancy controls for lighting and HVAC systems. The 3<sup>rd</sup> NPC did not provide specific information regarding energy usage or GHG emissions for the remaining proposed pump stations. The 3<sup>rd</sup> NPC indicated that the City completed energy audits at the WWTF for the process equipment and the building systems and that the results of the energy audits will be addressed in the FEIR.

The Main Lift Pump Station is located within the 100-year floodplain associated with the Taunton River. The base flood elevation (BFE) at the Phase 1 site is 13-ft NAVD88. The 3<sup>rd</sup> NPC indicated that all critical equipment/infrastructure within the proposed Pump Station will be located a minimum of 3-ft above the BFE. Additional information regarding measures to improve the resiliency of the wastewater collection and treatment infrastructure to the effects of climate change should be provided in the FEIR.

#### *Rare Species*

According to the NHESP, portions of the Phase 1 project and the CWMP are located within Priority and Estimated Habitat of state-listed rare species pursuant to the MESA. Work within these areas that is not exempt from MESA review per 321 CMR 10.14(10), such as installation of utility/sewer lines within ten feet from the edge of existing paved roads, will require further review by NHESP. Comments from NHESP indicate that more detailed site plans are needed to confirm whether work associated both with Phase 1 and the CWMP will require an official MESA filing.

#### Conclusion

Based on a review of the 3<sup>rd</sup> NPC, prior MEPA documents, consultation with State Agencies and public comments, I have determined that the project continues to be subject to a mandatory EIR. The Scope has been revised to reflect the Lapse of Time and changes to the project. The Proponent should prepare a FEIR consistent with the Scope outlined below. In a separate Draft Record of Decision (DROD), also issued today, I propose to grant a Phase 1 Waiver that will allow construction of the Main Lift Pump Station, as described in the 3<sup>rd</sup> NPC, to proceed prior to completion of the FEIR for the CWMP.



## SCOPE

### General

The FEIR/CWMP should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope and may be consolidated (i.e. separate documents do not have to be provided).

I remind the Proponent that any phase or element of this project that is advanced prior to completion of MEPA review of the CWMP will have to file a Notice of Project Change (NPC) and may require a Phase 1 waiver from MEPA provided it was not previously approved by MassDEP at the time of the issuance of the Certificate on the ENF.

### Project Description and Permitting

The FEIR should include a detailed description of the project and describe any changes to the Recommended Plan since the filing of the DEIR. Each section of the CWMP (Needs Analysis, Recommended Plan, etc.) should contain an executive summary that identifies the specific revisions to project design or analyses that have occurred since the filing of the DEIR, including those necessitated by the recently issued NPDES Permit. The FEIR should identify significant environmental benefits and impacts, and measures that will be taken to avoid, minimize, and mitigate adverse impacts. Detailed information should be provided for each area where construction is proposed, including maps that show where sewer lines, cross-country easements, pumping stations, and other facilities will be located. The FEIR should include a discussion of permitting requirements associated with the project (including clarifying whether the project will require a c.91 License, Groundwater Discharge Permit and/or Treatment Works Approval from MassDEP) and how the project will be constructed in accordance with applicable regulatory performance standards.

The FEIR should describe the planning process that has occurred to date, and the proposed schedule for implementing the remaining phases of the CWMP. It should include a summary of the activities the City is required to conduct to reduce I/I and eliminate the CSO as required by MassDEP's Administrative Consent Order (ACOP-SE-R006-1N-SEP) and the U.S. EPA's Administrative Order and the associated deadlines or schedule for completing them. The FEIR should discuss the state permitting process for this project and describe how it will meet all applicable performance standards. I encourage early coordination with MassDEP during preparation of the FEIR/CWMP.

The FEIR should provide an update on Phase 1 construction activities. It should clarify whether the "Winthrop Street, Williams Street, and Davenport Terrace Sewer Extension and Matthews Drive Septic System Replacement" project and the "Winthrop Street West Sewer Extension" project were addressed in the two previously issued Phase 1 Waivers (issued March 22, 2007 and October 9, 2009). If not, the FEIR should identify the environmental impacts of these projects (including but not limited to land alteration, wetland resources, impervious area, and wastewater) and measures that were incorporated to avoid, minimize, and mitigate said

impacts. When the FEIR is filed it should incorporate impacts from the Phase 1 Waiver and prior waivers (including the two projects referenced above) into the assessment of the project's cumulative impacts and benefits. The FEIR should include a summary table identifying the potential environmental impacts associated with the WWTF upgrades, construction of pump stations, and extension of sewer mains. It is acknowledged these impact estimates will be conceptual in nature, but will assist in identifying potential permitting requirements, design challenges, and identify land alteration, wetland, traffic, stormwater, construction-period and other potential impacts.

### Wastewater

The FEIR should contain an updated and detailed analysis of Taunton's existing and proposed wastewater flows. The FEIR should include an updated discussion of existing flows, infrastructure and service areas within other communities facilitated through inter-municipal agreements (IMAs). This discussion should include a brief history of IMAs, remaining capacities under existing IMAs, potential future IMAs, and what portion of the proposed CWMP is allocated to accommodate IMAs. It should contain an analysis of the Town's wastewater transmission and conveyance capacities for its existing wastewater flows, and for the projected design year flows. The existing and future flow conditions should be revised to address the Lapse of Time, the recently issued ACO regarding extending sewer to two mobile home parks, reflect completed or planned development projects, and should adjust flows to account for infill development that has occurred since the DEIR was filed. The FEIR should include revised tables, graphics, and figures, as appropriate to reflect these changes.

The FEIR should also identify changes to the CWMP proposed to meet the nutrient and effluent discharge limits in the recently issued NPDES Permit. This should include an evaluation of alternative treatment technologies to comply with the nutrient discharge limits and an evaluation of potential groundwater discharge/disposal options. The FEIR should summarize proposed improvements to the WWTF, potential impacts of plant expansion to wetland resource areas and compliance with performance standards, upgrades in treatment capabilities, and proposed mitigation, if any. The FEIR should include details of the proposed capital and ongoing operation and maintenance costs associated with the WWTF upgrades, including a scenario with enhanced nitrogen and phosphorus treatment to comply with the NPDES Permit limits. The FEIR should discuss how plant upgrades and operating costs are addressed within IMAs.

As indicated in the 3<sup>rd</sup> NPC, implementation of the Administrative Order to eliminate the CSO is ongoing. The FEIR should describe the alternative proposed to mitigate the majority of the CSO's in Taunton (Alternative 2 – Local Pumping and Remote Storage). The FEIR should clarify how the CSO will be converted to a Sewer System Overflow (SSO) and the timeframe for this change. It should provide conceptual plans, identify environmental impacts, and propose mitigation measures, as appropriate. The terms of the Administrative Order require that a report be submitted that documents the results of the overall I/I program and addresses the elimination of the CSO. The FEIR should provide an update on compliance with the AO, including additional I/I reduction measures implemented since the filing of the DEIR, treatment capacity gained, and overall status of the program.

The FEIR should contain a discussion as to how the City of Taunton will control future sewer extensions and connections. This narrative should provide an update on the potential creation of a "sewer bank" to mitigate new I/I flows for future connections to the Taunton WWTF. The City should consult with MassDEP for additional guidance on this issue. The FEIR should update and provide additional documentation and analysis to support the conclusions of the water balance presented in the DEIR. I refer the City to the DEIR Certificate issued on October 30, 2009 for additional guidance on this issue. The FEIR should address how the CWMP is consistent with regional wastewater planning efforts, including but not limited to the recommendations presented in the Upper Taunton River Regional Wastewater Project.

#### Water Quality

The FEIR should clarify how the pollutant loading from the WWTF will be reduced in the future to the Taunton River; an impaired water under Section 303(d) of the federal Clean Water Act. The FEIR should discuss what mitigation measures will be implemented to avoid exacerbating non-attainment, and address how to prevent additional areas from failing to attain their targeted water quality level. This discussion should describe the potential impact of water quality degradation on aquatic resources, downstream water withdrawals, and water quality.

#### Wetlands

The FEIR should identify and provide additional detail at a conceptual level regarding potential work at the WWTF and in Needs Areas that require wetland crossings, work in flood zones or temporary/permanent disturbances to wetland resource areas. The FEIR should illustrate that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Protection Act Regulations (310 CMR 10.00). Impacts to wetland resource areas should be summarized in a tabular format with accompanying narrative.

#### ACECs

The CWMP proposes to extend sewer to areas located within the Canoe River Aquifer, Hockomock Swamp, and Three Mile River ACECs. The FEIR should include maps that show the ACEC boundaries in relation to the Needs Areas and should label major water bodies within the ACECs. The FEIR should characterize the Needs Areas within the Three Mile River ACEC. It should describe the current sewer status, identified Needs Areas, anticipated future flows from these Needs Areas and demonstrate no negative water balance impacts in the Three Mile River ACEC. The FEIR should include an updated characterization of the Needs Areas within the Hockomock Swamp and Canoe River ACEC's. The FEIR should discuss mitigation measures proposed to limit direct environmental impacts and potential secondary growth impacts in all ACECs.

#### Rare Species

The NHESP has requested that the proponent consult with NHESP to discuss any rare species concerns pursuant MESA as specific plans are developed. The FEIR should report on the

results of this consultation with NHESP and discuss the applicability of the exemption provisions of the Massachusetts Endangered Species Act (MESA) Regulations as they may apply to the project. If the NHESP should subsequently find that the project will require a Conservation and Management Permit pursuant to the MESA, I will require the City to explain the impacts and evaluate avoidance/mitigation strategies. I strongly encourage the City to submit project plans for NHESP's review for any proposed work within rare species habitat located within the project area as early as possible.

### Climate Change

Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569) was issued on September 16, 2016. EO 569 recognizes the serious threat presented by climate change and directs agencies within the administration to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change.

The GHG Policy and requirements to analyze the effects of climate change through EIR review is an important part of a statewide strategy. These analyses advance proponents' understanding of the projects contribution and vulnerability to climate change.

### *Greenhouse Gas Emissions (GHG)*

The CWMP is subject to review under the May 5, 2010 MEPA GHG Policy. The Policy requires Proponents to quantify carbon dioxide (CO<sub>2</sub>) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis should quantify the direct and indirect CO<sub>2</sub> emissions of the project's energy use. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions from vehicles used by employees, vendors, customers and others. The Policy directs Proponents to use applicable building codes to establish a project emissions baseline that is "code-compliant." However, there is no building energy code equivalent that applies specifically to WWTFs or commonly accepted energy use models (such as eQUEST) designed to estimate the projected energy use of the WWTF processing energy loads.

In accordance with the GHG Policy, the FEIR should consider GHG emissions in the evaluation criteria of alternatives for both the pump stations and the WWTF and propose measures to mitigate the GHG emissions of the proposed pump stations and the WWTF improvements. The FEIR should include a GHG evaluation which should establish a Base Case and an as-proposed Preferred Alternative Case for the pump stations, the WWTF building, and the WWTF process equipment, along with providing the other information as contained in and required by the Policy. Both the projected energy consumption and related GHG emission should be quantified for both cases.

The energy audit completed for the WWTF building should be used as the Base Case for the WWTF building. Unless an energy audit has also been completed for a pump station; design assumptions for the Base Case pump station design should be based on a typical pump station design that meets the requirements of the 2016 edition of TR-16, *Guides for the Design of Wastewater Treatment Works*, which is commonly used as a guide for pump station design in Massachusetts. The Proponent should meet with the MEPA Office prior to preparing the GHG evaluation in order to establish an appropriate Base Case for the WWTF process equipment that considers the results of the energy audit, best design standards, and the nutrient discharge limits in the recently issued NPDES Permit.

The as-proposed Preferred Alternative Cases for the pump station and the WWTF should include features and measures that would result in a significant reduction from the Base Case in both the consumption of grid electricity and the related GHG emissions. Measures that should be evaluated include: increasing piping sizes to reduce friction loss; use of premium class efficiency pumps and motors; energy efficient lighting and building envelope design; and use of variable frequency pump drives (VFD). Unlike many projects reviewed under the Policy, wastewater treatment process energy loads and subsequent CO<sub>2</sub> emissions play a larger role in the overall project's GHG emissions than the buildings that contain the facilities themselves. The FEIR should perform an energy consumption analysis for various treatment technologies that could meet the effluent discharge NPDES Permit limits. It should include a comparative table that presents the approximate annual energy use and related GHG emissions in tons per year (tpy) for each technology. The FEIR should identify the benefits and drawbacks of each technology (including but not limited to energy use, ability to reliably meet effluent discharge NPDES Permit limits, and cost) and discuss the relationship between energy demand and meeting stringent effluent limits. The FEIR should include emission tables that compare the Base Case emissions in tpy and with the Preferred Alternative showing the anticipated change in tpy and percentage by emissions source (Pump Station(s), WWTF Building, and WWTF Process Equipment). It should clearly identify which GHG reduction measures will be incorporated into the WWTF and pump station design.

The City should consult MassDEP's "*Energy Efficiency and Renewable Energy Opportunities at Water and Wastewater Facilities*" webpage<sup>2</sup>, the Water Environment Research Foundation's *Utilities of the Future Energy Findings*<sup>3</sup> report published in 2014, the EPA's *Evaluation of Energy Conservation Measures for Wastewater Facilities*<sup>4</sup> (2010), the *Water and Wastewater Energy Management Best Practices Handbook*<sup>5</sup> (2010) prepared by the New York State Energy Research and Development Authority, and other resources to identify energy efficiency practices at WWTFs. For key components and systems of the WWTF, the CWMP should review energy-efficient alternatives identified in the reports cited above and indicate whether the City will adopt the measure or not, and provide a rationale for the decision.

<sup>2</sup> Available at: <http://www.mass.gov/eea/agencies/massdep/climate-energy/energy/water-utilities/energy-efficiency-at-water-and-wastewater-facilities.html>

<sup>3</sup> Available at <https://www.werf.org/a/ka/Search/ResearchProfile.aspx?ReportId=ENER6C13>

<sup>4</sup> Available at <https://nepis.epa.gov/Exe/ZyPDF.cgi/P1008SBM.PDF?Dockkey=P1008SBM.PDF>

<sup>5</sup> Available at <https://www.nyserdera.ny.gov/-/media/Files/Programs/Clean-Energy-Communities/NYSERDA-Water-Wastewater-Energy-Management-Best-Practices-Handbook.pdf>



The FEIR should review opportunities for renewable energy generation, including biogas and solar photovoltaic (PV) systems. The Greater Lawrence Sanitary District has set a net zero energy goal that includes the use of biogas produced at the facility as fuel for a combined heat and power (CHP) plant. The FEIR should review the feasibility of using similar technology to generate energy, including an estimate of the potential GHG offsets achievable. The FEIR should evaluate the feasibility of a ground-mounted solar PV at the City's former sludge landfill to provide power for the WWTF. The Proponent should contact the MEPA office or DOER for recently updated information on solar installation costs and a solar financial modeling spreadsheet to develop this analysis. The analysis should:

- Include a cost analysis (based on a solar PV system sized for the maximum available area) to determine the overall financial feasibility of installation of solar, including potential payback periods;
- Propose an installation that can be supported by the maximum available area (excluding required property line setbacks and other constraints );
- State the assumed panel efficiency;
- Estimate electrical or thermal output of the potential system; and
- Estimate annual GHG reductions due to the use of renewable energy versus electricity or natural gas.

The analysis should include a narrative and data to support the Proponent's adoption (or dismissal) of biogas and solar PV as a feasible measure to avoid, minimize or mitigate project-related GHG emissions and Damage to the Environment.

### *Adaptation and Resiliency*

The FEIR should provide an analysis and discussion of the vulnerabilities of the wastewater collection and treatment system to the potential effects of climate change. Using available data and considering the level of acceptable risk to the expected project lifetime, the Proponent should select a predicted sea level rise and storm intensity scenario and evaluate in the FEIR how the project may be directly or indirectly impacted. In developing the Recommended Plan, the City should seek to avoid siting system components within flood zones or otherwise incorporate climate change adaptation measures in the system design, to the extent feasible. This may include retrofitting the existing facility to be more resilient to climate change. The FEIR should address the ability of the wastewater collection and treatment systems to recover and operate during periods of extended drought (low flow conditions), more frequent and intense rainfall events, flooding, and power outages. The FEIR should identify design features that could increase the resiliency of the proposed infrastructure under future climate change conditions. To assist in the evaluation of climate change resiliency and adaptation measures, the Proponent should review the New England Interstate Water Pollution Control Commission's "*Preparing for Extreme Weather at Wastewater Utilities: Strategies and Tips*" (September 2016).<sup>6</sup>

### Growth Management

---

<sup>6</sup> Available at: <http://neiwpc.org/wp-content/uploads/2017/10/9-20-2016-NEIWPC-Extreme-Weather-Guide-for-web.pdf>

Executive Order #385 requires that state and local agencies engage in protective and coordinated planning oriented towards resource protection and sustainable economic development. For reasons of both environmental protection and fiscal prudence, investments in public infrastructure should be carefully targeted toward those areas for which clear existing needs have been established and for areas where denser development is appropriate, thereby relieving development pressures on open space, agricultural lands, and other valuable natural resources. The FEIR should provide an updated assessment that identifies parcels located within the proposed sewer service areas that are undeveloped or that have development constraints due to the lack of sewers, and compare the potential secondary growth impacts that may be induced by public sewers with local and regional growth management policies. It should examine what regulatory or physical constraints would remain on home expansions after sewers are constructed, and whether such expansions might have unanticipated impacts on estimated wastewater flows and water use.

#### Historic/Archaeological Resources

The City has previously indicated that it will file a Project Notification Form (PNF) with the Massachusetts Historical Commission (MHC) during the design phase of each proposed project. An adequate level of detail should be provided in the PNF to allow the MHC to determine the effects the project will have on identified historic and/or archaeological resources. The FEIR should provide an update how project design plans have been advanced in accordance with the guidance previously provided in MHC's comment letter on the DEIR.

#### Construction Period Impacts

The FEIR should conceptually describe how construction staging will be accommodated within the Needs Areas and outline protocols or mitigation measures to be implemented to minimize, avoid or mitigate impact to wetland resource areas, rare species, traffic, land alteration and noise and dust impacts.

The Town must comply with MassDEP's Solid Waste and Air Quality Control regulations, pursuant to M.G.L. Chapter 40, Section 54, during construction. Erosion and sedimentation controls should be implemented and maintained in accordance with the Stormwater Pollution Prevention Plan prepared in accordance with the NPDES Construction General Permit requirements. Response actions on the project site should continue to be conducted pursuant to the MCP (310 CMR 40.0000). The City must require contractors to participate in the MassDEP Diesel Retrofit Program in conjunction with receiving SRF funding. Construction equipment must also use Ultra Low Sulfur Diesel (ULSD) fuels.

#### Mitigation and Draft Section 61 Findings

The FEIR should include a separate chapter on mitigation measures. This chapter on mitigation should include distinct Draft Section 61 Findings for each state agency action. The Draft Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for

implementing the mitigation. A schedule for the implementation of mitigation should also be included.

The FEIR should include a draft Section 61 finding that clearly addresses the measures that the City of Taunton will implement to limit sewer developments within the identified Needs Areas within the CWMP and immediately adjacent to properties abutting an interceptor should the interceptor alignment exit a Needs Area to connect to the overall wastewater collection system. Furthermore, the draft Section 61 finding should ensure that the Sewer Bank program presented in the DEIR will not be eliminated until such a time as the City of Taunton receives "Return to Compliance" letter from both the U.S. EPA for the outstanding AO and from the MassDEP's Administrative Consent Order.

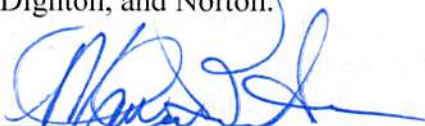
Response to Comments

The FEIR should contain a copy of this Certificate and a copy of each comment letter received on both the DEIR and the 3<sup>rd</sup> NPC. The FEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The FEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

Circulation

The Proponent should circulate the FEIR to those parties who commented on the DEIR and to those parties that commend on the 3<sup>rd</sup> NPC, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the FEIR should be made available for public review at the public libraries for City of Taunton and the Towns of Raynham, Dighton, and Norton.

February 9, 2018  
Date

  
Matthew A. Beaton

Comments received:

- 12/28/2017 Board of Underwater Archaeological Resources (BUAR)
- 01/05/2018 Division of Marine Fisheries (DMF)
- 01/16/2018 Natural Heritage and Endangered Species Program (NHESP)
- 01/30/2018 Massachusetts Department of Environmental Protection (MassDEP)

MAB/PRC/prc





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

January 30, 2018

Mathew A. Beaton,  
Secretary of Environment and Energy  
Executive Office of Environmental Affairs  
ATTN: MEPA Office  
100 Cambridge Street, Suite 900  
Boston, MA 02114

RE: NPC Review. EOEEA # 13897.  
TAUNTON. EIR and CWMP -Main Lift  
Pumping Station Improvements at Ingell  
Street

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC) for the Environmental Impact Report and Comprehensive Wastewater Management Plan/Main Lift Pumping Station Improvements Project to be located at Pleasant Street (Route 104) at Ingell Street, Taunton, Massachusetts (EOEEA # 13897). The Project Proponent provides the following information for the Project:

Since the draft EIR-CWMP was submitted, several changes have occurred with respect to the City's wastewater system. Namely:

- I/I Reduction Projects:** The City has completed twelve (12) phases of sewer system evaluation service (SSES) construction projects aimed at removing infiltration and inflow (I/I) from the City sewer system (and another project is currently underway). To date the multi-phase program has removed an estimated 5 MGD of infiltration/inflow from the system (based on a 1-year storm).
- Sewer Extensions:** Two sewer extension projects have been completed within needs areas identified in the CWMP. The "Winthrop St, Williams St, and Davenport Terrace Sewer Extension and Matthews Drive Septic System Replacement" project addressed sewer needs in Needs Areas U, Z, and a portion of K. The "Winthrop St West Sewer Extension" project addressed Needs Areas K and a small portion of Area L.
- Future Flow Projections:** The casino planned in Taunton was not included in the projection of future flows to the Taunton WWTF. Although an allowance for future industrial/commercial flow was included in the projection, the First Light Casino being considered will require flow allocation that will require a re-assessment of flows.

The evaluation of need for sewer extensions into developed areas of the City, which was presented in the CWMP, was conducted in 2004-2005. Since that time, conditions (age, failure rates, etc.) regarding the use of on-site wastewater have changed. This results in changes to the prioritization of the Needs Areas and a corresponding re-assessment of the future flow to the WWTF.



4. **New NPDES Permit:** In April 2017, the Taunton WWTF was issued a final NPDES surface water discharge permit (Permit #MA0100897). At the time that the CWMP and Draft EIR were completed, the new permit had not been issued so any new discharge limitations were unknown. Accordingly, assumptions were necessarily made regarding the level of treatment required at the WWTF. In particular, the limit for Total Nitrogen is lower in the final permit than the assumptions that were made when the reports were written. At the direction of MassDEP the limit for total nitrogen in the effluent was assumed to be 8 mg/l at current design flow. With the new permit actually targeting a total nitrogen limit of 3 mg/l, re-examination of the treatment technologies that will need to be incorporated into the WWTF is necessary.
5. **Energy Audits:** In accordance with the "Revised MEPA Greenhouse Gas Emissions Policy and Protocol" the City recently completed two energy audits at the WWTF – one for the process equipment, and one for the building systems. The results of these two audits will be taken into account with findings and conclusions to reduce greenhouse gas emissions included in the CWMP and EIR. In addition to the energy audits, an evaluation of the potential to site a photovoltaic array on Taunton's former sludge landfill will be undertaken.
6. **Mobile Home Consent Orders:** In 2016, MassDEP issued Administrative Consent Orders to the Oak Hill Mobile Home Park and the Colonial Estates Manufactured Home Park, both located on Lothrop Street, in Needs Area C. Both of these consent orders require the respective parks to connect to City sewers, which will necessitate the City extending sewers to these areas on an accelerated timetable.
7. **WWTF Flow:** The earlier versions of the CWMP included the goal of possibly increasing the capacity of the wastewater treatment plant for expanded sewer service capacity. At that time it was assumed that there was the possibility that a new NPDES permit could include an increased allowable flow limit. The new NPDES permit does not include an increased flow limit, and it does not appear that one will be granted in the near future. Therefore, the city is no longer advancing the concept of an expansion in the capacity of the wwtw with a surface water discharge. The final CWMP will include a desktop analysis of potential sites for groundwater discharge, but will not assume any increase in surface water discharge is possible. It should be noted that the City already considers groundwater disposal options for remote service areas. In fact, the City constructed a community septic system at Matthews Landing to service 26 homes rather than extending a sewer force main to this area. The community septic system is owned and maintained by the DPW sewer operations unit. The customers are billed the same as all other sewer customers. This is to our knowledge the only one or at most one of a few facilities of this kind owned and operated by a municipal sewer department.

***Bureau of Water Resources Comments:***

**Wetlands and Waterways Program Comments.** The Wetlands Program is currently reviewing an application for a 401 Water Quality Certification for the Main Lift pumping station and associated force main system. The Taunton Conservation Commission approved the Project and issued an Order of Conditions, MassDEP file no. SE 73-2721.

Portions of the force main installation will result in a temporary alteration of approximately 13,246 square feet of bordering vegetated wetland. The wetlands will be restored in-place and seeded with a New England wetland mix upon completion of the installation.

**Wastewater Management Comments:** The acceleration of extension of the Lothrop street sewers to connect to Oak Hill and Colonial Estates Mobile Home Parks is consistent with the requirements of the Department's ACO executed with both Mobile Home Parks.



***Bureau of Waste Site Cleanup Comments:***

NPC #13897 – Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The original Project as proposed in 2009 involves installation of approximately fifty miles of sewer lines, and construction of sixteen pumping stations across Taunton. Please be advised that there are many listed BWSC disposal sites located within the proposed Project area. Many of the sites have closed under the MCP, but many other 21E disposal sites located within the Project area are open, and require continued response actions under the MCP. A listing and discussion of each MCP site will not be presented here.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: [http://maps.massgis.state.ma.us/map\\_ol/oliver.php](http://maps.massgis.state.ma.us/map_ol/oliver.php) Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. The compliance status and report submittals for specific MCP disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>

*The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.*

***Bureau of Air and Waste Comments***

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

Construction-Related Measures. MassDEP requests that the Proponent use construction equipment with engines manufactured to Tier 4 federal emission standards, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with the best available after-engine emission control technology, such as oxidation catalysts or diesel particulate filters, to reduce exhaust emissions. The Proponent should provide a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece in the subsequent environmental filing.

Massachusetts Idling Regulation. MassDEP requests that the Proponent state specifically in the subsequent environmental filing how it plans to prohibit the excessive idling during the construction period. Typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this

regulation, once the Project is occupied, MassDEP requests that the Proponent establish permanent signage limiting idling to five minutes or less at the completed Project.

***Other Comments/Guidance***

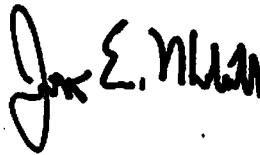
As a result of its review, MassDEP supports the Proponent's request for a Phase I waiver.

***Proposed s.61 Findings***

The "Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change" may indicate that this project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,  
Regional Engineer,  
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director  
David Johnston, Deputy Regional Director, BWR  
Maria Pinaud, Deputy Regional Director, BAW  
Gerard Martin, Deputy Regional Director, BWSC  
Jennifer Viveiros, Deputy Regional Director, ADMIN  
Mark Dakers, Chief, Solid Waste, BAW  
Thomas Cushing, Chief, Air Quality, BAW  
Jim Mahala, Chief, Wetlands and Waterways, BWR  
Bernadette DeBlander, Wetlands and Waterways, BWR  
Patti Kellogg, Compliance and Enforcement, BWR  
Allen Hemberger, Site Management, BWSC



MASSWILDLIFE

## DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

Jack Buckley, Director

January 16, 2018

Matthew A. Beaton, Secretary  
Executive Office of Energy and Environmental Affairs  
Attention: MEPA Office  
Paige Czepiga, EEA No. 13897  
100 Cambridge St.  
Boston, Massachusetts 02114

*Project Name:* Comprehensive Wastewater Management Plan, Taunton  
*Proponent:* City of Taunton, Public Works Department  
*Location:* Locations throughout City  
*Project Description:* Update to the Comprehensive Wastewater Management Plan  
*Document Reviewed:* Notice of Project Change dated 12/20/2017  
*EEA File Number:* 13897  
*NHESP Tracking No.:* 06-19667

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed both the *Notice of Project Change* (NPC) dated 12/7/17 and the re-submission dated 12/20/2017 for the City of Taunton's *Comprehensive Wastewater Management Plan* and would like to offer the following comments regarding state-listed species and their habitats.

Portions of the proposed work are located within *Priority* and *Estimated Habitat* according to the *Massachusetts Natural Heritage Atlas* (14<sup>th</sup> Edition). State-listed species and their habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00).

All projects or activities proposed within *Priority Habitat*, which are not otherwise exempt pursuant to 321 CMR 10.14, require review through a direct filing with the Division for compliance with the MESA (321 CMR 10.18). At present, the information contained within the NPC are not of sufficient detail to allow for site-specific review of the proposed work. We do, however, concur that any work within existing paved roads is likely exempt pursuant to the MESA (321 CMR 10.14). However, other aspects of the *Comprehensive Wastewater Management Plan* including, but not limited to, cross-country segments and work more than 10 feet from a paved road, will likely require a MESA Checklist filing pursuant to 321 CMR 10.18. Therefore, we are unable to determine if any portion of the project will have state-listed species impacts sufficient to require a MESA Conservation & Management Permit pursuant to 321 CMR 10.23. For the same reasons, we do not have sufficient information to comment on the draft Section 61 Finding at this time. As project elements move forward to preliminary design, we recommend that the Proponents are in direct contact with the Division to address state-listed species concerns, as avoidance and minimization of impacts to rare species and their habitats is likely to

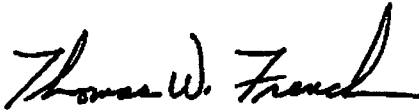
MASSWILDLIFE

expedite endangered species regulatory review. We also note that field surveys for state-listed species may be part of our review of impacts and such field surveys may be limited to specific times of year relative to the life cycle of the target species.

The Division will also not render a final decision until the MEPA review process and associated public and agency comment period is complete, and until all required MESA filing materials are submitted to the Division. No alteration to the soil, surface, or vegetation and no work associated with the proposed work shall occur until the Division has made a final determination.

If you have any questions about this letter, please contact Misty-Anne Marold, Senior Endangered Species Review Biologist, at (508) 389-6356 or [misty-anne.marold@state.ma.us](mailto:misty-anne.marold@state.ma.us). We appreciate the opportunity to comment on this project.

Sincerely,



Thomas W. French, Ph.D.  
Assistant Director

cc: City of Taunton Water and Sewer Commission  
City of Taunton Conservation & Planning Commission  
DEP Northeastern Regional Office  
Michael Andrus, BETA Group, Inc.

## **Czepiga, Page (EEA)**

---

**From:** Logan, John (FWE)  
**Sent:** Friday, January 05, 2018 11:48 AM  
**To:** Czepiga, Page (EEA)  
**Cc:** Potti, Pooja (FWE)  
**Subject:** Taunton CWMP, NPC, EEA#13897

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Page Czepiga, EEA No. 13897  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Dear Secretary Beaton:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Project Change (NPC) by the City of Taunton for the Comprehensive Wastewater Management Plan (CWMP) and Environmental Impact Report (EIR). The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

Based on the information provided, MA DMF has no recommendation for sequencing, timing, or methods that would avoid or minimize impact at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at (508) 990-2860 ext. 141.

---

John Logan, Ph.D.  
MA Division of Marine Fisheries  
1213 Purchase Street  
New Bedford, MA 02740  
(508) 990-2860 x141  
<http://www.mass.gov/eea/agencies/dfg/dmf/>  
[https://www.researchgate.net/profile/John\\_Logan](https://www.researchgate.net/profile/John_Logan)





The COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
Tel. (617) 626-1141 Fax (617) 626-1240 Web Site: [www.mass.gov/eea/agencies/czm/buar/](http://www.mass.gov/eea/agencies/czm/buar/)

December 28, 2017

RECEIVED

DEC 28 2017

MEPA

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs  
Attention: Page Czepiga, MEPA Unit  
100 Cambridge St., Suite 900  
Boston, MA 02114

RE: EIR and CWMP/Main Lift Pumping Station Improvements, Taunton (EEA #13897)

Dear Secretary Beaton,

The staff of the Massachusetts Board of Underwater Archaeological Resources has reviewed the above referenced project's Notice of Project Change (ENF #13897) and supporting materials submitted by BETA Group, Inc., on behalf of City of Taunton. We offer the following comments.

The Board has conducted a review of the Notice of Project Change. No record of any underwater archaeological resources was found. Based on the results of this review and the nature of the proposed activity, the Board expects that this project is unlikely to impact submerged cultural resources.

However, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the Board expects that the project's sponsor will take steps to limit adverse effects and notify the Board, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*

The Board appreciates the opportunity to provide these comments as part of the review process. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above, by email at [victor.mastone@state.ma.us](mailto:victor.mastone@state.ma.us), or by telephone at (617) 626-1141.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victor T. Mastone".

Victor T. Mastone  
Director

/vtm