

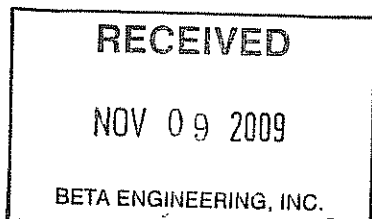


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October 30, 2009

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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
 ON THE
 DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Comprehensive Wastewater Management Plan
 PROJECT MUNICIPALITY : Taunton
 PROJECT WATERSHED : Taunton
 EOE A NUMBER : 13897
 PROJECT PROPONENT : City of Taunton, Public Works Department
 DATE NOTICED IN MONITOR : August 12, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

As described in the DEIR, the City of Taunton proposes to expand its sewer system to encompass an additional 14 priority Needs Areas identified within its Comprehensive Wastewater Management Plan (CWMP). The proposed Needs Areas throughout the city are currently served by on-site wastewater disposal systems. To service these additional needs areas, the project will require the expansion of the wastewater collection system (mostly within existing paved roadways), an upgrade of the wastewater treatment facility (WWTF) for nutrient control and future flow capacity, and implementation of a plan to eliminate the Combined Sewer Overflow (CSO) located adjacent to West Water Street. Total estimated wastewater flows include flows from these Needs Areas, future infill development within the existing sewer areas, and projected additional inter-municipal flows from Raynham, Dighton, Norton and Easton. The ENF estimates 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 existing WWTF would be

expanded from a current treatment capacity of 8.4 million gallons per day (mgd) (average daily flow) to 10.2 mgd by the year 2025. To accommodate the expanded treatment capacity at the WWTF, certain structural upgrades are proposed. The recommended wastewater management plan is proposed by the City of Taunton in accordance with the requirements of an Administrative Consent Order (ACOP-SE-R006-1N-SEP) issued by the Massachusetts Department of Environmental Protection (MassDEP) and an Administrative Order (AO) issued by the United States Environmental Protection Agency (U.S. EPA).

According to the DEIR, the treated effluent from the existing WWTF is discharged to the Taunton River. 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 presently treats flows from portions of the towns of Raynham (0.77 mgd), Dighton (0.14 mgd), and Norton (0.017 mgd). The Town of Raynham is concurrently undergoing MEPA review (EOEA #13507) for its own CWMP in which additional wastewater flows generated by the Town of Raynham may be conveyed to the City of Taunton for treatment. The City of Taunton is also presently implementing an extensive Inflow and Infiltration (I/I) removal program to alleviate treatment capacity issues. Approximately 2.23 mgd of I/I have been removed from the City's wastewater collection system as a result of sewer/stormwater separation projects and sewer rehabilitation/repair projects that have been constructed since 2006.

Project History and Project Changes Since Review of the ENF

The City of Taunton filed an ENF for its CWMP in October 2006. The Secretary issued a Certificate on the ENF on December 8, 2006 outlining a scope for the DEIR which has been addressed in the current MEPA filing. Since the filing of the ENF, the City of Taunton has continued to work with stakeholders and State agencies to prepare their CWMP and address future sewerage needs for the City of Taunton. In compliance with the Certificate on the ENF, two projects have filed Notices of Project Change (NPC) with the MEPA office requesting a Phase I Waiver during the interim review period between the ENF and DEIR. These projects were each granted a Phase I Waiver by the Secretary to allow their construction in advance of completion of MEPA review for the City of Taunton's CWMP. Each of these projects are summarized below:

1st Notice of Project Change/ Phase I Waiver Request

As described in the Notice of Project Change (NPC), the waiver request entailed the connection of sewer service to: the Elizabeth Pole School, an existing City of Taunton facility building, and ten existing single-family residences on Harris Street. According to the Proponent, this portion of the project would generate 14,000 gallons of wastewater per day, and is located within a "priority needs" area (Area U) identified within the Taunton CWMP. Peak flows were estimated at approximately 33,000 gallons per day (gpd). The project consisted of a sewage pumping station, 4,450 feet (0.84 miles) of 6-inch force main and approximately 2,750 feet (0.52 miles) of 8-inch gravity sewer. Portions of the sewer main and pump station installation were located within buffer zone to wetland resource areas and the 200-foot Riverfront Area associated

with the Taunton River. Placement of sewer mains occurred within the existing paved public right of way, with standard erosion and sedimentation controls installed to prevent impact to adjacent wetland resource areas.

A Certificate on the NPC granting a Phase I Waiver was issued on February 22, 2007 for connection of sewer service to the Elizabeth Pole School. A Final Record of Decision (FROD) was issued on March 22, 2007 memorializing the conditions upon which this Phase I Waiver was granted.

2nd Notice of Project Change/Phase I Waiver Request

A Certificate on the NPC proposing to grant a second Phase I Wavier was issued on September 18, 2009. A FROD was issued on October 9, 2009 granting the Phase I Wavier to allow these projects to advance prior to completion of the FEIR for the CWMP.

The second project change included 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 was comprised of:

1. A sewer extension along Winthrop Street (Needs Area K) between Joseph Warner Boulevard and Range Avenue in order to eliminate failed septic systems in the area;
2. A sewer extension on Williams Street (Needs Area U) 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 (Needs Area Z).

This portion of the project is anticipated to generate a total of approximately 80,000 gallons per day (gpd) of flow. The sewer extension/connections contemplated in the second NPC were originally filed jointly with the DEIR document. The NPC and DEIR documents were subsequently separated to allow MEPA approval of the NPC in advance of the DEIR due to an unforeseen extension of the DEIR comment period.

Review of the DEIR

The DEIR was noticed in the August 12, 2009 Environmental Monitor and subject to a 30 day comment period. The Proponent, at the request of MassDEP, extended the comment period by two additional weeks to October 9, 2009 to allow for the circulation of materials associated with the recently completed Upper Taunton River Regional Wastewater Evaluation Project. The comment period was extended for an additional two weeks to October 23, 2009 upon determination that the Town of Raynham submitted their CWMP and Phase 6 Sewer Expansion Project FEIR for review under MEPA. As all of Raynham's wastewater flows are treated by the City of Taunton's treatment facility, it was determined that an extension of the comment period would allow for a more thorough and comprehensive review of these interrelated projects.

Project Permitting and Jurisdiction

The project is undergoing review pursuant to Section 11.03 (5)(a)(3) and (5)(b)(2) of the MEPA regulations, because the project requires State permits and involves construction of sewer mains ten or more miles in length and the expansion of an existing wastewater treatment facility by the greater of 100,000 gpd or 10% of existing capacity (2.3 million gallons per day or 27%), respectively. The project is also subject to MEPA review under Section 11.03(11)(b), as the project will occur within a designated Area of Critical Environmental Concern (ACEC).

It is anticipated that the project will require: a Sewer Connection/Extension Permit from MassDEP; a Chapter 91 License from MassDEP for the construction of the proposed outfall pipe, and possibly a MassDEP Utility-Related Abatement Measure (URAM) plan. The project will also require a Massachusetts Highway Department (MassHighway) Access Permit. The project must obtain an Order of Conditions from the Taunton Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions issued by MassDEP as well as concurrent review under the Massachusetts Endangered Species Act (MESA) by the Massachusetts Department of Fisheries and Wildlife during the Massachusetts Wetlands Protection Act Notice of Intent process. The construction of the proposed outfall from the CSO facility will require a permit from the U.S. Army Corps of Engineers. Finally, the project will require a National Pollutant Discharge Elimination System (NPDES) Surface Water Discharge Permit Modification, a NPDES Construction General Permit, and NPDES General Permit for Construction Dewatering, and a NPDES Remediation General Permit from the U.S. EPA.

The project will be financed in full or in part by State Revolving Funds issued by the Commonwealth. 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.

Sewer Extensions During the CWMP Process

The Proponent is reminded that, due to the length of preparation and review of a CWMP, any project that is advanced in Taunton prior to terminal MEPA action on this filing, and requires a MassDEP sewer extension or connection permit that had not already been approved by MassDEP at the time of the issuance of the Certificate on the ENF, will have to file a Notice of Project Change (NPC) to obtain Phase 1 waiver approval from MEPA prior to the completion of MEPA review.

Review of the DEIR

Summary of the Preferred Alternative (Recommended Plan)

The recommended plan for the City of Taunton includes the following major components: sewer system expansion, WWTF expansion, nutrient removal and CSO mitigation. Sewer system expansion would involve the construction of approximately 50 miles of sewer mains and 16 pumping stations to serve 14 identified Needs Areas and the balance of flows allotted to Raynham, Dighton, Norton and Easton. Sewers would primarily be located within existing roads or rights-of-way. Needs Areas K, L and U are expected to have sewers constructed prior to year 2015, while the collection will be expanded to serve the remaining Needs Areas after the year 2015. Needs Areas K, L and U have a combined projected average daily flow of 0.46 mgd. The projected average daily flow to the Taunton WWTF is approximately 10.2 mgd. Expansion of the WWTF is not anticipated until after the year 2015 due to remaining treatment capacity and ongoing I/I removal efforts. Major components associated with the capacity increase at the WWTF include: construction of a new Main Lift pumping station, construction of a fourth Primary Settling Tank, construction of two new aeration tanks, installation of a fourth SCFM blower, construction of a third chlorine contact tank, replacement of the sludge collector, drive and weirs in Gravity Thickener No. 1, and installation of an additional centrifuge. To accommodate expected changes in the total nitrogen limits in the next generation of the NPDES permit for the WWTF, denitrification using attached growth downflow filters following the existing suspended growth nitrification process has been proposed for inclusion in the WWTF upgrades.

Finally, to mitigate the CSO at West Water Street, the recommended plan includes the construction of a new regulator on the 39-inch interceptor in West Water Street with the overflow piped to the existing Main Lift Station. Since a new Main Lift Station is proposed to handle sanitary/stormflows up to 25.5 mgd, stormflows in excess of 25.5 mgd will be directed to the existing station and pumped via the existing force mains to a 2.25 mgd storage facility to be constructed at the WWTF. The stored wastewater will be pumped into the treatment process once flows subside. According to the DEIR, the 2.25 mgd storage volume will accommodate over 80 percent of the historic overflow events. The existing Main Lift Station will require upgrades, including replacement of the four existing pumps and replacement of the existing generator, in order to be used for CSO management purposes.

Summary of DEIR

The DEIR was prepared in accordance with Section 11.07 of the MEPA regulations and included a copy of the Certificate on the ENF as well as copies of all comments received on the ENF. The DEIR included a CD copy of the City of Taunton CWMP presently under review by MassDEP. As requested in the scope, the DEIR provided a detailed discussion of the history of sewer and WWTF construction in Taunton, prior sewer-related MEPA submittals within the City, and a history of existing and proposed permitting requirements to implement the proposed CWMP.

The DEIR included information on the CWMP Needs Analysis, alternatives considered, how criteria were established to prioritize Needs Areas, and potential environmental impacts associated with expanding sewer service. The alternatives evaluated included continued use of existing on-lot treatment systems: individual Title 5 systems (conventional septic systems characteristic of most homes without access to municipal sewers); community/cluster Title 5 systems; small satellite wastewater treatment systems; and centralized treatment at the Taunton WWTF. This information was included in the DEIR on the enclosed CD for the Final Draft CWMP. The recommended alternative proposed in the DEIR for each priority Needs Area was the extension of the centralized wastewater collection system.

The DEIR included a discussion of population and build-out projections to determine anticipated future flows within the municipal system. The DEIR provided an evaluation of existing on-site septic systems, reviewing information related to lot size, wetlands, surface water, drinking water protection areas, soils, groundwater, septic system repair and pump-out frequency and the availability of municipal sewer and water to identify and prioritize wastewater disposal needs. The DEIR described each Needs Areas' existing conditions, provided ranking criteria, and presented Study Areas A, B, E, H, I, K, L, Q, R, U, V, X, Z, and AA for inclusion in the CWMP.

The DEIR described the existing commitments by the City of Taunton to provide wastewater treatment capacity to several adjacent communities. These commitments are memorialized in the form of Inter-municipal Agreements (IMA) with the Towns of Raynham (1.3 mgd), Dighton (0.60 mgd), and Norton (0.052 mgd). In addition, an allowance to accept 0.4 mgd of wastewater from the Town of Easton was provided in the CWMP although no IMA is presently in place. There is approximately 1.025 mgd of capacity within the existing IMA's that is currently not being used. All of this capacity is expected to be utilized by the year 2025. Including Easton, 1.425 mgd of average daily wastewater flow is expected by the end of this planning period and was considered in the design and planning of Taunton's CWMP.

The DEIR outlined the recommended plan, provided conceptual information on the location of proposed pumping stations, and described proposed construction methods and potential construction period impacts from erosion and sedimentation, traffic, earth moving, vegetation, and adjacent land uses. The DEIR discussed the potential environmental impacts (primarily wetlands, historic/archaeological, and rare species habitat) within each Needs Areas. The DEIR contained information on the legal, institutional, management, and financial mechanisms (including a cost analysis) for the implementation of the recommended plan.

The DEIR contained a detailed analysis of Taunton's existing wastewater flows and made projections of these flows and volumes to two project design years (2015 and 2025). The analysis concluded the WWTF plant upgrades would not be necessary until after 2015. The Taunton WWTF discharges to the Taunton River under NPDES Permit No. MA0100897 with the associated discharge limitations noted in the permit. 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. A bypass is available for operations to manually divert flows above 17.4 mgd around secondary treatment. Four liquid treatment processes are employed at the WWTF: preliminary treatment, primary treatment, advanced secondary treatment, and disinfection prior to discharge to the Taunton River. Solids handling operations consist of gravity

thickening and centrifuge dewatering prior to disposal at Taunton landfill. The proposed wastewater flows were also estimated in the DEIR and incorporated into the Recommended Alternative. Flows were estimated at approximately 8.5 mgd through the year 2015 and 10.2 mgd by 2025.

As noted previously, a capacity upgrade at the WWTF is required to handle the projected 2025 flows. The DEIR indicates that the timing of these upgrades is contingent on the effectiveness of the Taunton I/I reduction program, the effectiveness of the sewer bank, the capacity needs of contributing communities, and the extent to which the Needs Areas are sewered. The DEIR summarized the proposed improvements, potential impacts of plant expansion, upgrades in treatment capabilities, and proposed mitigation efforts. The DEIR noted that flow increases to the WWTF will likely reduce proportionally the allowable discharge concentration of pollutants regulated under the present NPDES permit. Therefore, the DEIR indicates that regulated pollutant loadings from the WWTF are not expected to increase and would not exacerbate the existing non-attainment status of the Taunton River with the U.S. EPA's 303(d) list for nutrients, pathogens, and other pollutant loads. Furthermore, the U.S. EPA and MassDEP have also indicated total nitrogen discharges from the WWTF will likely be regulated under the next-generation NPDES permit. The DEIR notes that the City of Taunton expects that the total nitrogen limit (8.0 mg/l) will be imposed before any capacity increase is required at the WWTF. The DEIR described both the proposed WWTF improvements necessary to comply with the anticipated nitrogen limit and modifications to increase treatment capacity. The DEIR contained a comprehensive alternatives analysis for the WWTF upgrades with consideration for re-use of existing facilities, minimization of structural modifications, and cost-effectiveness. The preferred solutions considered in this WWTF upgrades alternatives analysis were incorporated into the overall CWMP recommended alternative.

The DEIR also described the CSO-related issues associated with the existing wastewater system and proposed abatement measures. The City of Taunton is presently allowed to discharge pollutants from a CSO located ahead of the Main Lift Station on West Water Street. According to the DEIR, theoretically the CSO becomes active when wet weather flows to the lift station exceed the pumping capacity of 22.4 mgd. The U.S. EPA issued a final "Findings of Violation and Order for Compliance" (the Administrative Order (AO)) in September 2008 to the City of Taunton that identifies certain actions the City must undertake to eliminate unauthorized discharges from its wastewater collection system and ultimately eliminate the CSO. The DEIR noted that the sizing, design and construction of the CSO abatement facilities should be delayed until all recommendations from the ongoing Sewer System Evaluation Survey work and the AO are implemented and their impacts assessed. The DEIR summarized these actions outlined in the AO and described preliminary planning, pumping, storage and treatment facilities for the CSO.

The DEIR presented two alternatives to mitigate the majority of the CSO's in Taunton. These alternatives will be re-evaluated at the conclusion of the I/I reduction program (2011). Alternative 1 includes a local pumping and storage option on West Water Street which provides off-line storage to collect the combined sewage discharged on the "overflow" side of a regulator and pumps it back to the Main Lift Pumping Station or directly to the WWTF when flows subside. Alternative 2 includes a local pumping and remote storage option which requires pumping of the overflow to a storage facility located at the WWTF site. Alternative 2 would require the

modification of the existing Main Life Pumping Station and Chapter 91 approval from MassDEP for the outfall pipe. The DEIR discussed possible locations for the storage facility, and possible environmental and logistical challenges associated with pumping stations, force mains, outfall pipes, etc. Alternative 2 has been presented for inclusion in the CWMP recommended alternative as it would have less impact on contaminated soil and the proposed development lot is already under ownership by the City of Taunton.

The DEIR provided information on how the City of Taunton currently (and will continue to) reduces wastewater volumes, promotes water conservation measures, and implements a robust I/I removal program. The I/I removal program has been successful in removing large amounts of I/I from the system through sewer pipe and manhole rehabilitation/replacement, catch basin removal and other types of projects. Additionally, the DEIR contained a preliminary water demand management and water conservation plan. The needs analysis presented in the CWMP considered the impacts of the I/I removal program and other conservation measures when evaluating expansion of the sewer system and WWTF. The DEIR described how the City of Taunton will control future sewer extensions and connections and a discussion of the newly created Sewer Bank and I/I removal fee established by the Municipal Council of the City of Taunton. The DEIR discussed the impacts of the CWMP on the water balance developed for the Taunton River Watershed. The DEIR concluded that due to the low wastewater flow rates in the Needs Areas, no significant impact to groundwater tables and water levels in streams and wetlands is anticipated.

The DEIR presented information on the potential use of reclaimed wastewater from the WWTF as a means to minimize the impact of new water withdrawals on stressed water resources such as rivers, aquifers and ponds. The DEIR described two potential reclaimed water projects: a cooling water supply to the proposed Taunton Municipal Light Plant (TMLP) and irrigation at the John F. Parker Golf Course. The potential use of reclaimed water from the WWTF was included in the DEIR for discussion purposes only as no commitments for the supply by the City of Taunton or use of the reclaimed water by the end users. The DEIR did note the challenges associated with meeting the reclaimed water standards, including capital costs to modify the WWTF to treat flows accordingly.

Needs Areas A and C are located in Canoe River Aquifer and Hockomock Swamp Areas of Critical Environmental Concern (ACEC). Under the CWMP, it is estimated that 0.42 mgd of new flows will come from the Canoe River ACEC and 0.2 mgd will come from the Hockomock Swamp ACEC. Based on information presented in the DEIR, neither of these Needs Areas are presently sewered. The water balance evaluation indicates that the subwatersheds containing Needs Areas A and C currently have a three percent deficit and a two percent surplus, respectively. The DEIR identifies potential growth management strategies that may be implemented in Needs Areas A and C including the Sewer Bank ordinance, I/I removal fee, zoning ordinances, and the City's intention to extend sewers to existing development.

The DEIR described possible growth management measures associated with the CWMP. The DEIR stated that the intent of the proposed sewer expansion program is to serve existing development that has been identified with problems or potential problems with wastewater management practices. Most of the Needs Areas in the CWMP are largely already developed and

therefore, the DEIR concludes access to sewer is considered an insignificant contributor or growth catalyst, measured exclusively in terms of home expansion, and under the existing zoning and development pattern for the community. The DEIR also notes that Taunton's existing regulations, including subdivision rules and regulations, site plan review, Board of Health requirements, low impact development/stormwater management by-laws, and open space and recreation plans contain most of the growth management strategies currently employed by the City of Taunton. Additionally, as indicated previously, the City of Taunton has developed a Sewer Bank and implemented I/I removal fees which should also assist in managing growth.

The DEIR contained a wetlands impact assessment that described the various types of wetland resource areas within the Needs Areas and determined the significance of the resource areas to the interests of the Massachusetts Wetlands Protection Act. The boundaries of these wetland resource areas were presented at a conceptual level; all wetland boundaries have not been delineated in the field to date. Each resource area was evaluated to determine whether any impacts to the wetland would occur as a result of implementation of the CWMP; mitigation measures were recommended if applicable. The project does not propose permanent wetland impacts or alteration to wetland resource areas. The majority of work is limited to existing paved roadways or rights-of-way, will be temporary in nature, and located in buffer zones to wetland resource areas or upland areas.

SCOPE

The FEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Certificate. The FEIR should outline any changes in the project between the DEIR and FEIR.

Wastewater

The MassDEP comment letter on the DEIR notes that MassDEP met with the City of Taunton and its consultant during the review period to review the DEIR's findings and recommendations. MassDEP has also worked closely with the City during the development of the CWMP. MassDEP indicated that the response to MassDEP's comments on the ENF were complete and acceptable as presented in the DEIR. MassDEP did provide additional comments to assist in the preparation of the FEIR. The FEIR should specifically respond to MassDEP comments and provide supporting data, graphics, etc., as necessary to address these comments.

As indicated in the DEIR and noted previously in this Certificate, implementation of the Administrative Order to eliminate the CSO is ongoing. The extent of work associated with these efforts may vary contingent upon the success of ongoing I/I removal efforts, the permit limits set forth in the anticipated future NPDES permit, and alternatives for CSO removal. As noted by MassDEP, the terms of the AO require in about two years time that a report be submitted that documents the results of the overall I/I program and addresses the elimination of the CSO. MassDEP expects that this report will be the definitive report on moving forward with regard to 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. Furthermore, should additional information become available regarding potential future nutrient limits for the anticipated future NPDES permit (i.e., nitrogen, phosphorus, etc.) the FEIR should address changes to the CWMP to meet these anticipated discharge limits.

Supplemental materials provided during the DEIR review period included the report issued in association with the Upper Taunton River Regional Wastewater Project. The regional study effort has identified several conceptual options for wastewater reuse and disposal. As noted by MassDEP, the City of Taunton is presently at a disadvantage in completing a long-term plan due to the outstanding issues related to the new NPDES permit, effectiveness of the I/I removal plan, an enhanced understanding of the full collection system, and the elimination plan for the CSO. MassDEP indicates that once these issues are resolved, the City of Taunton will be in a position to review all its planning efforts and arrive at a definitive wastewater plan for the long term future. The FEIR should address how the CWMP will strive to avoid conflicts with recommendations presented in the Upper Taunton River Regional Wastewater Project report so as to avoid precluding wastewater management solutions moving forward. I note MassDEP's comment that unless the findings and conclusions presented in the DEIR are consistent with these regional wastewater planning efforts, a Notice of Project Change (NPC) may be required for the CWMP.

The FEIR should provide additional documentation and analysis to support the conclusions of the water balance presented in the DEIR. Specifically, as requested by the Taunton River Watershed Association, the FEIR should explain the basis for the estimate of groundwater diversion, the conclusion that no significant impacts will result from implementation of the CWMP, and that project impacts will be outweighed by the benefits. The water balance analysis should incorporate withdrawal and recharge data reflected in the 2008 Taunton River Watershed Management Plan. If necessary, mitigation measures should be proposed to offset potential groundwater or wetland resource area impacts related to the implementation of the CWMP's preferred treatment alternative.

Finally, the FEIR should clarify how the future industrial and commercial development areas identified in the DEIR have been accounted for in wastewater projections.

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 DEIR indicates that Proponent will seek approvals from the Taunton Conservation Commission in accordance with Massachusetts Wetlands Protection Act for work within regulated wetland resource areas or buffer zones. Notices of Intent will be submitted as work progresses

into each identified Needs Area. The FEIR should identify and provide additional detail at a conceptual level regarding potential work in Needs Areas that require wetland crossings, work in flood zones or temporary disturbance to BVW. Furthermore the FEIR should provide conceptual level detail regarding potential wetland resource areas impacts associated with the CSO storage and pumping facilities, notably the placement of the outfall pipe and possible impacts to flood storage.

ACEC's

The Three Mile River ACEC was designated in August 2008. Similar to the request in the DEIR to characterize the Needs Areas within the Hockomock Swamp and Canoe River ACEC's, the FEIR 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 discuss mitigation measures proposed to limit direct environmental impacts and potential secondary growth impacts in all ACECs.

Rare Species

The proposed installation of sewer mains, sewer services, and pump station are within existing roadways or within close proximity of the edges of roadways and are not expected to impact rare species. The Proponent will coordinate with NHESP during individual design phases to review the proposed work and identify any potential impacts to rare species. The FEIR should discuss the applicability of the exemption provisions of the Massachusetts Endangered Species Act (MESA) as they may apply to the project.

Historical/Archaeological Resources

The DEIR identified historical and archaeological sites within the Needs Areas and any impact to these sites will be avoided during the design phases of the projects. The City of Taunton has 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 provided in the MHC comment letter.

Construction Period

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, land alteration, or other environmental impacts.

Mitigation/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.

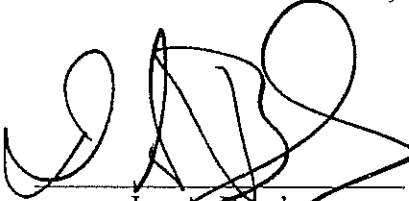
Comments/Circulation

The FEIR should contain a copy of this Certificate and a copy of each comment letter received. 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.

The Proponent should circulate the FEIR to those parties who commented on the ENF, 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.

October 30, 2009

Date



Ian A. Bowles

Comments received:

08/17/2009	Board of Underwater Archaeological Resources
09/01/2009	Massachusetts Historical Commission
09/10/2009	Natural Heritage and Endangered Species Program
09/18/2009	Division of Ecological Restoration
10/23/2009	Taunton River Watershed Alliance, Inc. and Mass Audubon
10/27/2009	Massachusetts Department of Environmental Protection - SERO



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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.

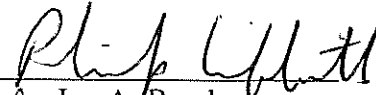
Conclusion

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

IAB/HSJ/hsj