



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

March 22, 2007

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

PROJECT NAME : Long Pond Wastewater Management Project
PROJECT MUNICIPALITY : Lakeville
PROJECT WATERSHED : Taunton
EOEA NUMBER : 13971
PROJECT PROPONENT : Town of Lakeville
DATE NOTICED IN MONITOR : February 20, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the Town of Lakeville proposes to construct sewer collection systems in six waterfront communities located adjacent to Long Pond. This sewer collection system will collect wastewater effluent from the neighborhoods of Huckleberry Shores, Clark Shores, Churchill Shores, Lakeview Heights, Hilltop Acres, and Langlois Pines (the Long Pond Study Area) and convey it via gravity and pressure sewers to pumping stations for treatment at the New Bedford Water Pollution Control Facility (WPCF). Long Pond is part of the Assawompsett Pond complex public drinking water supply system for the Cities of New Bedford and Taunton, in addition to the Town of Lakeville. The Town of Lakeville, in coordination with consultants and educational institutions, has evaluated the need for sewer and water supply improvements in these neighborhoods and investigated numerous alternatives to alleviate unsatisfactory existing conditions. Typical lot size within the Long Pond Study Area is between 5,000 and 8,500 square feet (sf), all served by either private on-site wells or seasonal public water supplies. Individual lots also contain on-site septic systems or cesspools,

the majority of which are non-compliant with existing septic system and water supply well setback requirements.

According to the ENF, the project will treat 122,000 gallons per day (gpd) of wastewater from approximately 583 residences. Approximately 16.43 miles of new sewer mains will be installed to accommodate the project. The project will be designed to accommodate 150,000 gpd to allow for limited growth within the study region. Under the Preferred Alternative, wastewater will be conveyed through the communities of Lakeville, Freetown and New Bedford, for ultimate treatment and discharge at the WPCF. The WPCF has an average daily design flow of 30 million gallons per day (MGD), and currently receives approximately 21 MGD. This facility discharges to Buzzards Bay. The City of New Bedford has expressed a willingness to work with the Town of Lakeville to accept and treat new wastewater flows proposed in conjunction with this project. As part of the ENF, the Town also investigated the conveyance of wastewater to the City of Taunton Wastewater Treatment Plant. The City of Taunton is currently almost above its permitted design flow of 9 MGD, and even with anticipated plant and infrastructure improvements and expansion under its Comprehensive Wastewater Management Plan (CWMP) (EOEA No. 13897), it does not appear feasible for Lakeville wastewater flows to be conveyed to the Taunton treatment system. Additionally, the Town has indicated that the treatment of wastewater in an off-site location will gradually improve the water quality of individual on-site private drinking water supply wells and seasonal public drinking water supplies.

The project is undergoing review pursuant to Section 11.03 (5)(a)(2) and (5)(a)(3) of the MEPA regulations, because the project requires State permits and may include an interbasin transfer of wastewater in an amount determined significant by the Water Resources Commission (WRC) and will involve construction of sewer mains ten or more miles in length, respectively. The project is also subject to MEPA review under Section 11.03(2)(b)(2) as it has yet to be determined if the project may result in the "take" of an endangered, threatened or species of special concern within a designated Priority Site of Rare Species Habitat.

It is anticipated that the project will require an Order of Conditions from the Lakeville Conservation Commission, and in the case of an appeal, a Superseding Order of Conditions issued by Massachusetts Department of Environmental Protection (MassDEP); possible Orders of Condition from the Freetown Conservation Commission and the City of New Bedford Conservation Commission; a Sewer Connection/Extension Permit from MassDEP; a Section 401 Water Quality Certificate (WQC) from MassDEP; an Interbasin Transfer Act Determination of Insignificance or Permit from the Massachusetts Water Resources Commission (WRC); a Massachusetts Highway Department (MassHighway) Construction Permit; and possible review under the Massachusetts Endangered Species Act (MESA) by the Massachusetts Department of Fisheries and Wildlife. The project will also require various permits under the National Pollutant Discharge Elimination System (NPDES) permit program from the United States Environmental Protection Agency (U.S. EPA).

The project will be financed in full or in part by State Revolving Funds issued by the Commonwealth. This project has been approved for funding on the 2007 Final State Revolving Fund (SRF) Clean Water Intended Use Plan. 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.

SCOPE

The proponent should prepare the Draft Environmental Impact Report (DEIR) in accordance with Section 11.07 of the MEPA regulations as modified by this Certificate.

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and characterize the existing environment in compliance with 301 CMR 11.07(e) and (g). The DEIR should identify and describe any project phasing. The DEIR should provide more detailed locations for the pump stations to facilitate wastewater flows.

The DEIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards.

Alternatives

The ENF provided an alternatives analysis with planning level cost estimates for numerous scenarios, including the provision of both off-site wastewater and water supply. Based upon the information provided in the ENF and the sentiment conveyed at the MEPA site consultation session, it appears that at this time, construction of an off-site water supply in addition to decentralized wastewater treatment would be cost-prohibitive for the Town of Lakeville. Therefore, I will allow the proponent to limit alternatives analyses within the DEIR to those solely focused on off-site wastewater treatment.

The DEIR should analyze the following alternatives:

- No-Build Alternative;
- **Preferred Alternative** with connection to the New Bedford Wastewater Treatment Plant; and
- A Decentralized Wastewater Treatment Alternative, with a discharge location within the Long Pond Study Area.

The DEIR must identify the impacts for each of the alternatives on land alteration (including impervious area), traffic patterns, drainage, wastewater, length of water or wastewater infrastructure, rare species, and wetlands in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. Assumptions made regarding impacts to previously disturbed land should be clearly stated within the document. For the Decentralized Wastewater Treatment Alternative, the DEIR must outline siting criteria, feasibility, and how this alternative relates to interbasin transfer issues. Planning cost estimates for comparative purposes should also be provided within the DEIR for each alternative.

Needs Analysis

The Needs Analysis should be based on data and information that effectively evaluates existing problems and projects future conditions. This analysis should describe specific areas of needs and the severity and nature of the problems. The DEIR should provide a project history, including summaries of past needs studies and study area evaluations. Data supporting presented project alternatives, need, and/or existing conditions should be included in the DEIR and may be attached as referenced appendices. If sewerage of the Long Pond Study Area will be phased, the DEIR should include the criteria for ranking priority areas.

Wastewater

The DEIR should contain a detailed analysis of existing wastewater flows within the Long Pond Study Area, including the relationship of wastewater discharge locations to drinking water supplies. This analysis should also include the total combined sewage flow volumes from the proposed sewer service areas and should make projections of these flows and volumes to the project design year. Consideration should be given in this analysis to future growth that may be induced within the Long Pond Study Area and parcels along the infrastructure route connecting the study area to the WPCF. The DEIR should contain an analysis of the City of New Bedford's wastewater transmission and conveyance capacities at the WPCF under both existing conditions and the proposed project's design year flows. The DEIR should summarize any physical improvements necessary to the WPCF to accommodate new flows from the Long Pond Study Area. The DEIR should include a discussion of the status of the City of New Bedford's NPDES Permit, proposed modifications to the NPDES Permit to accommodate the project, and potential future nutrient loading limits for nitrogen and phosphorous (if any).

Under the proponent's preferred alternative, the project will result in the transfer of wastewater from the Taunton River Basin to the Massachusetts Coastal Basin. The proponent has met with representatives of the Water Resources Commission (WRC) to discuss options under the Interbasin Transfer Act (ITA) to address this transfer. The proponent has yet to file formally under the ITA for a Determination of Insignificance; however it is anticipated that given the small volume of water to be transferred (150,000 gpd), that the project may meet the criteria for Insignificance. If the preferred alternative is advanced, the proponent should include all the information necessary to evaluate a Request for Determination of Insignificance (RDI) in the DEIR. If the Town proceeds separately with the RDI prior to submission of the DEIR, the DEIR should include the findings of the RDI and provide a history of application and review by the WRC, as well as any supplemental materials consistent with further permitting processes under the ITA, if necessary.

Wetlands

The DEIR should delineate on a plan of reasonable scale all environmental resources and resource areas located within the Long Pond Study Area and connection route to the WPCF including: wetlands; drinking water supplies; fisheries; water bodies; NHESP priority or estimated habitats, parklands, recreational resources, historic resources, and agricultural lands. All resource

area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should also be included on this plan. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The DEIR should provide an accurate measurement of the wetland resource areas that will be affected by the project.

The wetland section of the DEIR should contain an alternatives analysis to ensure that all wetland impacts are avoided, or minimized and mitigated for each potential development scenario. The DEIR 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 Regulations (310 CMR 10.00).

The DEIR should address the significance of the wetland resources within the Long Pond Study Area, along the infrastructure route, and at the location of proposed treatment facilities. This discussion should include the significance of each wetland resource area, including public and private water supply, riverfront area, flood control, storm damage prevention, fisheries, shellfish, and wildlife habitat.

The DEIR should identify to the maximum extent practicable wetland resource areas that may be directly (permanently or temporarily) altered as a result of construction of wastewater infrastructure. The DEIR should identify the location of any wetland crossings, the amount of wetland alteration, and the type(s) or wetland resource areas impacted. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR that, at a minimum, includes: replication location(s) delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetland plant species in areas to be altered, proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. MassDEP generally recommends a replication rate of greater than 1:1.

Water Quality

The DEIR should include data from prior nutrient studies to confirm the relationship of the existing Long Pond Study Area wastewater conditions to the overall health and water quality of Long Pond. These data should support those presented in the ENF and the characterization of failing septic systems and drinking water wells in the study area. Additionally, the DEIR should summarize the anticipated benefits of the sewer project with relation to water quality of wetlands and Long Pond, with focus on nitrogen loading and public health indicators.

The DEIR should also discuss and summarize the water quality treatment capabilities of the WPCF and the potential changes to nitrogen loading within its associated discharge location (i.e. Buzzards Bay) as a result of the anticipated increase in wastewater treatment flows from the Long Pond Study Area. The DEIR should assess the potential impacts on nitrogen loading and water quality under a decentralized treatment plant alternative.



Stormwater

Portions of the City of New Bedford's infrastructure consists of combined stormwater and wastewater conveyances, which result in combined sewer overflow (CSO) discharges during periods of wet weather to the Acushnet River Estuary. The DEIR should address existing CSO discharge points, remediation efforts, and how capacity expansion to service portions of Lakeville will impact these CSOs. The DEIR should summarize New Bedford's program to reduce or eliminate inflow and infiltration (I/I) to its existing wastewater infrastructure system and what measures will apply to new infrastructure proposed as part of this expansion project.

The DEIR should provide a brief narrative describing potential stormwater impacts associated with the installation of sewer mains, paving of presently unpaved streets, pump house construction, and erosion and sedimentation controls to be implemented to limit impacts of stormwater runoff from these project areas.

Rare Species

The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) has indicated that portions of the project site are located within *Priority Habitat* and *Estimated Habitat* within the 12th Edition of the *MA Natural Heritage Atlas*. As stated in the ENF, the area is mapped for the Bridle Shiner (*Notropis bifrenatus*) and the Eastern Box Turtle (*Terrapene carolina*). These species are listed as species of "Special Concern" and are protected pursuant to the provisions of the Massachusetts Endangered Species Act (MESA) (MGL c.131A) and its implementing regulations (321 CMR 10.00).

The DEIR should provide graphical representation of *Priority* and *Estimated Habitat* in relation to the identified needs neighborhoods, potential wastewater disposal areas and the location of sewer mains between their source in Lakeville and their discharge in New Bedford. The DEIR should summarize the potential impacts (or benefits) of the proposed project to the habitat of these rare species, and demonstrate that the project can be conducted in accordance with applicable rare species or habitat performance standards within the Wetlands Protection Act and/or MESA. I encourage the proponent to investigate design alternatives that limit construction or excavation within *Priority* and *Estimated Habitat* as a result of sewer main installation and operation.

NHESP has indicated that portions of the project may be exempt from review under the new regulations of MESA. The proponent should coordinate with NHESP upon advancement of various design alternatives to determine potential exemptions under MESA, or future filings required in accordance with MESA or the Wetlands Protection Act. The DEIR should include an update and summary of these coordination efforts.

Growth Management

Executive Order #385 (E.O. 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 DEIR should identify the land use categories located within the Long Pond Study Area, as well as those along the anticipated connection route to the WPCF for each DEIR project alternative and compare the potential secondary growth impacts that may be induced by public sewers with local and regional growth management policies. This secondary growth analysis should consider impacts to wetlands and rare species habitat.

The DEIR should also include information about the intermunicipal agreement (IMA) between the Town of Lakeville and the City of New Bedford regarding wastewater treatment allocation under the preferred alternative. The DEIR should specifically address how the terms and conditions of this IMA may be used as a growth management tool, and the manner by which such an IMA may be amended to facilitate additional flows or connections. The DEIR must also contain a discussion as to how the Town of Lakeville will control future sewer extensions and connections, as well as the impact of the conversion of seasonal residences to year-round use on efforts to manage growth. Furthermore, the DEIR must assess the likelihood and potential impact of adjacent Freetown properties connecting to the new sewer main. The DEIR should discuss how sewerage of the proposed Long Pond Study Area, as well as any additional properties along the sewer main route within Lakeville or Freetown, are consistent or inconsistent with existing local or regional planning documents.

The DEIR should include a summary (and draft language if possible) of proposed zoning controls and the type of management infrastructure proposed to oversee construction, connection, operation and maintenance of the various components of the proposed wastewater treatment system. I encourage the proponent to consult with MassDEP and the Growth Management Policy staff at the Executive Office of Environmental Affairs in developing a growth management strategy and the use of local zoning, etc., to effectively oversee and manage wastewater treatment facilities.

Construction Period

The DEIR should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation or wetlands, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. A conceptual construction methodology should be provided in the DEIR to assist in determining impacts to roadway infrastructure or adjacent rights of way. The proponent should discuss how work will be coordinated and conducted within State-controlled highways, as well as with adjacent communities (i.e. Freetown and New Bedford). This should include a discussion of coordination with anticipated roadway improvements along the wastewater infrastructure route, if applicable. The DEIR should specifically address how the project will be implemented in accordance with the suggestions outlined in the comment letter from the Executive Office of Transportation. The DEIR should outline a Stormwater Pollution Prevention Plan prepared in accordance with NPDES permit guidelines, with specific detail regarding protection of water quality near wetlands and waterbodies.

Mitigation/Section 61

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. 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, based on the construction phases of the project, should also be included.

Comments/Circulation

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

The proponent should circulate the DEIR 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 DEIR should be made available for review at the Lakeville, Freetown and New Bedford Public Libraries.

March 22, 2007

DATE



Ian A. Bowles

Comments received:

- 03/09/2007 Massachusetts Department of Environmental Protection – SERO
- 03/09/2007 Massachusetts Water Resources Commission
- 03/13/2007 The Coalition for Buzzards Bay
- 03/16/2007 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
- 03/19/2007 City of New Bedford
- 03/19/2007 Executive Office of Transportation

IAB/HSJ/hsj