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April 20, 2007

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

PROJECT NAME : County Road Water Main Extension Project
PROJECT MUNICIPALITY : Wareham
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 13995
PROJECT PROPONENT : Wareham Fire District Water Department
DATE NOTICED IN MONITOR : March 21, 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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of an extension of potable water supply and fire protection service to the County Road area of Wareham by means of connections to existing water mains in Fearing Hill Road, Blackmore Pond Road and an upper reach of County Road. The project consists of approximately 45,000 linear feet (lf) of water mains, hydrants and appurtenances, and will involve expansions to thirteen additional roads in the County Road vicinity. The majority of construction work will take place within existing paved or otherwise disturbed right-of-ways, but limited impact to Bordering Vegetated Wetlands (BVWs) and Land Under Water are anticipated. Several (four to five) utility crossings above, around or under existing culverts and approximately 600 lf of directional drilling under wetland resource areas associated with Cohackett Brook will be necessary to complete the proposed project. WFD has indicated that sufficient system capacity

is available to provide additional potable water supply to the approximately 197 new service connections.

The project is consistent with the political charter associated with the Wareham Fire District (WFD) to provide potable water and fire protection services within the Town of Wareham. Additionally, this project will require the location of approximately 3,700 lf of water main within a portion of County Road located within the Town of Marion. Furthermore, a portion of the water main extension will be adjacent to homes located within the Town of Rochester. The WFD has initiated discussions with the Towns of Marion and Rochester to provide service connections to those residences with frontage along County Road. Interconnections will also be provided to the Marion and Rochester water systems for emergency use. The project will serve to loop the existing water and fire protection mains within this portion of the Town of Wareham, improving system performance. Finally, installation of water mains within County Road at this time will reduce the likelihood of having to perform construction within a newly resurfaced and designed County Road; currently under design (but not funded) through a tri-town effort between Wareham, Marion and Rochester.

The project is undergoing review pursuant to Section 11.03 (4)(b)(3) because the project requires a state action and will involve the construction of one or more new water mains five or more miles in length. The project requires action on House Bill No. 1939, "A Proposed Act Relative to the Wareham Fire District", in order to install water mains outside Wareham town boundaries. The project will require approval of BRP WS 32 – Distribution Modifications for Systems that Serve More than 3,300 People from the Massachusetts Department of Environmental Protection (MassDEP). The project will require an Order of Conditions from the Wareham, Marion and Rochester Conservation Commissions, and in the case of an appeal, a Superseding Order of Conditions from MassDEP. The project will also require a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over water, wetlands and stormwater.

Water

The project consists of approximately 45,000 lf of water mains, hydrants and appurtenances, and will involve expansions to thirteen additional roads in the County Road vicinity. The WFD considered various alternatives to pipe size and directional drilling techniques prior to proposing the preferred alternative. However, due to the nature of the project, no alternative routes for the water mains were considered, as they function to loop the existing water system and serve homes not currently serviced by the WFD. MassDEP has stated in their comment letter that the WFD will need to submit a permit application BRP WS 32 (Distribution Modifications for Systems that Serve More than 3,300 People) for review and approval by MassDEP – SERO prior to the commencement of any and all work associated with this project. The WFD has also indicated that they are presently preparing renewal materials for

their existing Water Management Act Permit from MassDEP. As part of this renewal process, the WFD will be updating estimated build-out analyses for their service area and investigating ways to balance water service expansion with growth management measures.

Based upon information shared at the MEPA site consultation session, the water withdrawals for water within the WFD distribution system are located in the same watershed and sub-watershed as those private wells that will be decommissioned. Furthermore, the WFD has in place leak detection, conservation and infrastructure replacement programs. The WFD will not mandate that adjacent property owners connect to the new water mains, but property owners will be assessed a betterment fee. The WFD will also complete Memoranda of Agreement (MOA) with the Towns of Rochester and Marion outlining connection procedures and betterment fees for those properties adjacent to County Road that choose to connect to the WFD system.

Wetlands

The project will require several (four to five) utility crossings above, around or under existing culverts and approximately 600 lf of directional drilling under wetland resource areas associated with Cohackett Brook. The ENF has indicated that most of the work will be temporary in nature and located within previously disturbed or paved areas. The majority of work near wetland resource areas will be located within the 100-foot buffer zone to BVW. Due to the length of the work area and proximity to wetland resource areas, the WFD must work with the respective Conservation Commissions within each town to provide appropriate types of erosion and sedimentation controls during the construction period.

The WFD has chosen to utilize directional drilling in an effort to minimize wetland impacts. Other alternatives for water main installation in the Cohackett Brook area of Blackmore Pond Road were dismissed due to the shape of the road (a sharp S-curve), the limited depth of cover between the existing culvert and the paved road surface, and no road shoulder. The WFD should strive to stage drilling equipment on paved surfaces located within the wetland resource areas buffer zone, with appropriate erosion and sedimentation controls, as well as provisions for hazardous materials containment associated with the equipment (i.e. gasoline, oil). Excavated material from the drilling should be deposited off-site in an approved location by the contractor and dewatering (if any) should be limited to the extent practicable. No permanent alteration of wetland resource areas are proposed, therefore no wetland mitigation replication areas are required. Should upon commencement of construction plans be altered in the field that will directly impact wetland resource areas, the WFD should consult with local Conservation Commissions to ensure that replication areas are constructed, if necessary.

Rare Species

The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP) has identified a small portion of the project site located within *Priority* and *Estimated Habitat* as indicated in the 12th Edition of the *MA Natural Heritage Atlas*. NHESP stated that this project, as currently proposed, is exempt from review under the new regulations of the Massachusetts Endangered Species Act (MESA) (321 CMR 10.14 (5,6,8,&9)). Therefore, the project does not need to be reviewed in compliance with the MESA regulations. The WFD is

reminded that any additional work beyond that shown on the ENF site plan may require a filing with the NHESP.

Stormwater

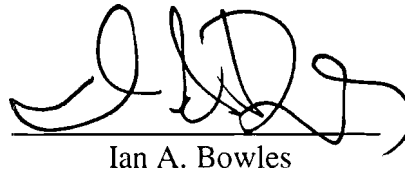
The majority of water main construction will take place within existing right-of-ways (with the exception of the directional drill section) and is not anticipated to alter existing stormwater flows. The roads that will be impacted by construction contain mostly "country" style drainage, with no curbing and vegetated shoulders. However, newer subdivision roadways contain catch basins and curbing. Some of the area roadways are gravel, while others are paved; each roadway will maintain its existing surface in its post-construction state. The WFD will be required to prepare a Stormwater Pollution Prevention Plan in accordance with a NPDES Construction General Permit which should outline measures to avoid, minimize, and mitigate erosion or sedimentation associated with construction activities. I anticipate that the WFD will work with the respective Conservation Commissions in each town to establish appropriate erosion and sedimentation control installation and monitoring protocols given the extent of the construction area.

Historical

The WFD submitted a Project Notification Form (PNF) to the Massachusetts Historical Commission (MHC) describing the location and anticipated impacts associated with the project. The MHC provided correspondence stating that, "after review of MHC files and the materials you submitted, it has been determined that this project is unlikely to affect significant historic or archaeological resources." Therefore, no mitigation is necessary with regard to impact to historical or archaeological resources in association with this project.

Based on the information in the ENF and after consultation with relevant public agencies, I find that the potential impacts of the project and appropriate mitigation can be addressed during the permitting process. No further MEPA review is required at this time.

April 20, 2007
Date



Ian A. Bowles

Comments received:

03/30/2007 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
04/10/2007 Massachusetts Department of Environmental Protection – SERO
04/11/2007 Division of Marine Fisheries

IAB/HSJ/hsj