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November 9, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE AND PHASE I FINAL RECORD OF DECISION

PROJECT NAME : Long-Term CSO Control Plan/EIR
PROJECT MUNICIPALITY : Springfield
PROJECT WATERSHED : Connecticut River
EOEA NUMBER : 11525
PROJECT PROPONENT : Springfield Water and Sewer Commission
DATE NOTICED IN MONITOR : October 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and request for a Phase I waiver submitted on this project. I grant a Phase I Waiver (as defined below), allowing this phase of the project to proceed to the state permitting agencies prior to completion of the Final Environmental Impact Report (FEIR) for the entire project.

Project Background

As described in the NPC, the project change consists of the re-evaluation of the Phase I projects of the proponent's Draft Long-Term CSO Control Plan (LTCP)/DEIR in order to identify the most significant Combined Sewer Overflow (CSO) discharges and the abatement alternatives to address this overflow. On July 31, 2000, the proponent's request for a Phase I waiver was approved by the MEPA Office. The Phase I waiver included the separation of the Mill River from the combined sewer system. The Watershops Pond stormwater management plan portion of Phase I involved the installation of best management practices. In 2003, the proponent completed this work.

In 2004, the proponent expanded the Phase I waiver to include the Chicopee River CSO control project, which consisted of the storage of CSO flows to achieve a 6-month level of control (no more than two activations annually). This preferred plan would be implemented through a combination of underground storage tanks, box culverts, or conveyance infrastructure

within roadways and public rights-of-way and/or privately owned lots adjacent to the Chicopee River. Although this proposed work was not evaluated in the DEIR dated March 31, 2000, it achieved compliance with the U.S. Environmental Protection Agency (EPA) and the Department of Environmental Protection (MassDEP) CSO control policies for the area tributary to the Chicopee River, and it achieves a higher level of CSO control than in the DEIR. On December 10, 2004, the Secretary approved the NPC and granted the Phase I Waiver request. The project is under design and on schedule, and satisfies the current EPA Administrative Order (A/O).

Phase I of the recommended plan in the 2000 Draft LTCP/EIR consisted of the construction of a screening and disinfection facility at Clinton Street in Springfield. This treatment facility would be sized to treat CSO flows from the largest storm in the typical year from outfall 010. After reassessing the CSO control alternatives and updating and recalibrating the collection system model along the Connecticut River, the proponent developed the following modified recommended plan after discussions with EPA and MassDEP.

Project Description

The modified Phase I recommended plan for the Connecticut River, which is the subject of this NPC, consists of the separation of the combined sewers tributary to outfalls 007 (Rowland Street) and 049 (Springfield Street). CSO discharges from outfall 049 would be eliminated, and CSO discharges from outfall 007 would be controlled up to and including the 2-year, 24-hour storm. The elimination of CSO from outfall 007 may be achievable if a high level of inflow removal can be achieved (on the order of 90 percent removal of connected impervious flow). The 007/049 sewer separation alternative would also result in reductions in CSO volumes in downstream outfalls, including 008 and 010. This modified recommended plan would provide a greater level of CSO control to the Connecticut River compared to the earlier proposed screening and disinfection facility at Clinton Street. The sewer separation would result in a more cost effective project for the proponent compared to the previously recommended plan. The significant reduction of CSO at outfall 007, which represents about 91 percent of the annual volume from the combined 007 and 049 outfalls, may be attained in advance of the scheduled Clinton Street facility start-up date in 2011. Therefore, the modified recommended plan will result in more immediate water quality benefits to the Connecticut River. The proponent believes that no significant adverse impacts would occur. It will utilize best management practices to construct the modified recommended plan. Mitigation measures would be detailed during the final design and permitting of the project. No construction is proposed in wetland resource areas.

This portion of the overall project would proceed prior to the submission of the FEIR, and the proponent has the funding allocated for it in its approved long-term capital budget. Delaying the project until the FEIR has been completed will result in continued water quality degradation from CSO Drainage Area discharges, and potential penalties from the EPA. The proponent would complete design by June 15, 2008 and complete construction by May 15, 2011. The

proponent has estimated that the proposed NPC would eliminate or abate approximately 69 million gallons (mg) per year of existing CSO discharge to the Connecticut River and approximately 93 percent of the annual load of fecal coliform from these two outflows in a typical year. The proponent has estimated that this project will cost approximately \$26.1 million.

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(5)(a) of the MEPA regulations because the magnitude of the project will likely exceed the thresholds for this section. The Certificate with the Scope for the EIR was issued on April 10, 1998. The DEIR Certificate was determined to be adequate on June 23, 2000.

Jurisdiction

The project will require a Treatment Works Modifications and other MassDEP permits. The proponent will seek Commonwealth financial assistance from MassDEP. It may have to comply with the U.S. Environmental Protection Agency's National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project may need a Programmatic General Permit from the U.S. Army Corps of Engineers. An Order of Conditions may be required from the Springfield Conservation Commission (SCC) for work within resource areas and buffer zones. The proponent may seek project approval from the SCC as a limited project. Because the proponent may be seeking funding from the Commonwealth, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Waiver Request

On July 28, 2006, the proponent requested that I grant a waiver to allow this Phase I portion of the project to proceed in advance of completion of the FEIR. The waiver request was submitted with the NPC. As proposed, the project would include the design and construction of the project outlined in the NPC.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the

proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based upon the information submitted by the proponent, the supplemental information provided by the proponent on September 15, 2006, and after consultation with the relevant state agencies, I find that:

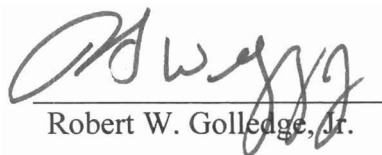
1. The Phase I project will reduce CSOs and improve water quality in the Connecticut River. The proponent will implement Best Management Practices (BMP's) within the respective drainage areas. The BMP's will include deep sump catch basins with hoods, and a regular inspection and maintenance program and a street sweeping program. Negative impacts to rare or endangered species are not anticipated. The short-term impacts from construction activities for the Phase I project will be temporary. Short-term construction noise and dust are expected in the areas where the project is proposed. The proponent will utilize proper engine maintenance and engine mufflers to reduce noise and pollution. It will cover soil stockpiles and wet disturbed soil areas to reduce dust. Traffic disruptions are anticipated during construction. The proponent will develop a traffic mitigation plan during the final design and permitting of the project.
2. In response to the Secretary's Certificate of June 23, 2000, on the DEIR, the proponent has submitted the NPC to revise its proposed Phase I work to include the most significant and cost-effective CSO abatement projects and to address the concerns regarding eliminating more CSOs sooner, and increasing the proponent's financial commitment to the project. The proponent has changed the original recommended alternative in the DEIR for the CSO removal from this portion of the Connecticut River to the NPC's Preferred Alternative. The design of the 049 outfall area separation would be completed by June 15, 2008, and the design of the 007 outfall area separation would commence before construction of the 049 area. The construction would be completed by the proponent prior to May 15, 2011. The project change would eliminate approximately 69 mg per year of CSOs or about 93 percent of the existing fecal coliform to the Connecticut River from these two outfalls in a typical year.
3. Ample and unconstrained infrastructure exists. The proponent will be working within the public way of existing streets and can obtain easements or purchase any private property needed for the construction.

4. The project is severable. Once Phase I is complete, none of the Phase I project would rely on the construction of future phases or eliminate any possible abatement alternative for drainage areas included in future phases.
5. The terms of the AO between the proponent and EPA require compliance with applicable MassDEP and other regulatory requirements. MassDEP will condition its approvals to compliance with the MEPA Certificate. The proponent will comply with the above findings, and it will provide the FEIR within 12 months after MassDEP and EPA give direction to the City of Springfield on the phasing and sequencing of the LTCP/FEIR.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I grant the Phase I waiver requested for this Long-Term CSO Control Plan, subject to the above findings.

November 9, 2006

Date



Robert W. Gollage, Jr.

cc: Craig Givens, MassDEP/WERO

Comments received:

Connecticut River Watershed Council, 11/8/06

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RWG/WTG