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January 22, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Taunton River Water Supply Project
PROJECT MUNICIPALITY : Dighton
PROJECT WATERSHED : Taunton River
EOEA NUMBER : 10185
PROJECT PROPONENT : Inima USA Corporation
DATE NOTICED IN MONITOR : December 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (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) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

The project consists of development of a regional desalinization water treatment facility in Dighton that will treat an average of 5 million gallons per day of brackish water from the Taunton River, and transport water to the City of Brockton and other users. The project includes construction of a pipeline that will extend from the desalination plant in Dighton to the City of Brockton, MA. The regional facility completed the EIR process in July 2000.

A Certificate on the Final EIR (FEIR) for the Taunton River Desalination Plant (TRDP) was issued on July 31, 2000. The finding of adequacy in the FEIR Certificate was conditional upon the proponent's commitment to the Hockomock *Alternative A* water supply pipeline route. In December 2002 the first NPC was submitted by the proponent. The NPC proposed modifications to the intake structure and treatment processes, changes in site tank layout and changes in pipeline alignment. In the Certificate on the NPC dated January 23, 2003, the Secretary of Environmental Affairs determined that no further MEPA review was required for the proposed changes.

A second NPC was filed by the City of Brockton in November 2003 in accordance with the requirement of the FEIR Certificate that any community wishing to connect to the project's water supply system should submit a NPC. The Certificate on the NPC dated December 8, 2003 determined that no further MEPA review was required for the City of Brockton's request to connect. A third NPC was submitted by the proponent on March 31, 2005 consisting of changes to the pipeline alignment and changes in the height of the intake structure for the TRDP. The proposed pipeline alignment was a combination of the Hockomock *Alternative A* described in the FEIR and the route proposed in the December 2002 NPC. The pipeline route changes included a crossing at the Taunton River and a 1,650 section of pipeline in the vicinity of Interstate 495 (I-495) in Raynham. In the third NPC the proposed changes to the intake structure involved a reduction in height from elevation 14 feet National Geodetic Vertical Datum (NGVD) to elevation 7 NGVD.

The current project change involves modification of the intake system by employing a pier-mounted Filtrex® filtration system in place of the intake channel, Johnson screens, wedgewire screens, and the Gunderboom® aquatic filter barrier. The Filtrex® Filtration System is beyond the footprint of the hard structures authorized in the original Department of Environmental Protection's (MassDEP) Waterways License (No. #11411). The proponent must, therefore, file an application for an amendment to Waterways License No. #11411. I advise the proponent that the application plans must show the existing licensed structures with the newly proposed filtration system imposed over the existing licensed structures and delineated public access along the waters.

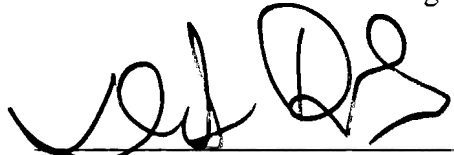
I have determined, due to the significance of the proposed project change, that the proponent must submit an amendment (a BRP WM02 application) to the Water Management Act (WMA) Permit #9P4-4-25-076.01 issued to the Taunton River Water Supply Project on May 31, 2005. In the amendment to the WMA permit the proponent must demonstrate to the satisfaction of the environmental review agencies that the proposed Filtrex® Filtration System will provide equal or better protection of fisheries as the already approved Gunderboom®/Johnson Screens®/wedgewire screens system. In addition, I have determined that the proponent must submit to MassDEP an amendment to the 401 Water Quality Certificate for the discharge of fill to wetlands and dredging.

The comments received have raised a number of technical issues and questions that remain unresolved. However, because the project will require amendments to both the Water Management Act Permit and the 401 Water Quality Certificate I anticipate that the proponent will provide additional technical detail requested in the comments received.

In a letter dated January 18, 2007, the proponent acknowledges the importance of performing in-river studies to validate the performance of the proposed Filtrex® Filtration System. The proponent is currently preparing a protocol for state agency review. The proponent has also committed "that no substitution of the Filtrex® Filtration System for the approved Gunderboom® technology with wedgewire screen and Johnson Screens® will be implemented without required permit modifications."

I strongly encourage the proponent to work with state agencies such as the Water Resource Commission, the Office of Coastal Zone Management, the Division of Marine Fisheries, and MassDEP to develop the additional technical data requested.

I am satisfied that any outstanding issues can be resolved during the review of amendments to the state permit process. The project changes as proposed in the NPC require no further MEPA review. I ask the state permitting agencies consider carefully the comments received on the NPC. In addition, I remind the state permitting agencies to incorporate any additional mitigation that emerges from the NPC review into the Section 61 Findings issued for the project.



Ian A. Bowles

January 22, 2007

Date

Comments received:

- 01/11/07 Water Supply Citizens Advisory Committee
- 01/12/07 Department of Environmental Protection, Southeast Regional Office
- 01/12/07 Gunderboom
- 01/12/07 Commonwealth of Massachusetts Division of Marine Fisheries
- 01/12/07 Commonwealth of Massachusetts Water Resources Commission
- 01/12/07 Massachusetts Office of Coastal Zone Management
- 01/16/07 Department of Environmental Protection, SERO's Division of Wetlands & Waterways
- 01/16/07 Old Colony Planning Council
- 01/16/07 Save the Bay
- 01/18/07 Epsilon Associates
- 01/19/07 Dighton Conservation Commission

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