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January 23, 2008

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

PROJECT NAME : Construction of a New Sewage Collection, Treatment, and Disposal Facility to Replace Existing Onsite Sewage Disposal Systems at Wequassett Resort and Golf Club
PROJECT MUNICIPALITY : Harwich
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 14155
PROJECT PROPONENT : **Wequassett Inn LLP**
DATE NOTICED IN MONITOR : December 24, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the proposed project involves the construction of a new sewage collection, treatment, and disposal facility to replace existing onsite sewage disposal systems at Wequassett Resort and Golf Club in Harwich. The project site is partially within the Pleasant Bay Area of Critical Environmental Concern (ACEC).

The Wequassett Resort and Golf Club has entered into an Administrative Consent Order, ACO-SE-07-1G004, with MassDEP, dated November 7, 2007, for the installation and operation of a new tertiary wastewater treatment plant to be administered under a Groundwater Discharge Permit. The new wastewater collection, treatment and disposal system will service all of the existing buildings at the resort and the anticipated future expansion. The new treatment plant will replace the existing individual onsite septic systems and provide a much higher level of treatment than the existing systems. The existing individual sewage disposal systems will be

abandoned in accordance with Title 5 regulations. The new wastewater treatment system will be located in the northeastern most portion of the property, adjacent to Route 28, and as far from the Pleasant Bay system as possible on this site.

The project is subject to MEPA review pursuant to Section 11.03(11)(b) because the project is located within a designated ACEC. The project will require a Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection (MassDEP) and must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will also need an Order of Conditions from the Harwich Conservation Commission for impacts to wetland resource area buffer zones.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required state permits and that have the potential to cause significant Damage to the Environment as defined in the MEPA statute. In this case, MEPA jurisdiction exists over land alteration, groundwater, wetlands, and stormwater issues.

The proposed treatment plant will replace the existing on-site subsurface sewage disposal systems. I note that even though the project will result in an increase in flow, the higher degree of treatment achieved under the groundwater discharge permit will result in a decrease in nitrogen discharge. The Wequasset Resort and Golf Club has a Total Maximum Daily Load (TMDL) for nutrient impairment. Therefore, MassDEP has stated that this project is a positive step toward helping reduce the nitrogen load to the system. I remind the proponent that a Determination of Applicability will be required for the limited amount of utility work in the Buffer Zone to the Top of Coastal Bank.

The Department of Conservation and Recreation's (DCR) ACEC Program has stated in its comment letter that overall the project is environmentally beneficial and an improvement over existing conditions. This project proposes to eliminate 17 individual Title 5 systems and cesspools including 5 cesspools located within the ACEC and within close proximity to the bay. However, the ACEC Program's, the Pleasant Bay Resource Management Alliance and the Cape Cod Commission's comments raise concerns related to the protection of the Pleasant Bay water resource as an outstanding water resource area (ORW) and as a critical resource for wildlife habitat, endangered species, and public recreation. Water quality monitoring and reports, undertaken by the Pleasant Bay Resource Management Alliance and the Massachusetts Estuary Program (MEP), show that the waters of Pleasant Bay are affected by fertilizer runoff and wastewater relating to the large concentration of residences surrounding the bay. The MEP project has also assigned Nitrogen TMDLs to the watershed and each subembayment as detailed in the ACEC Program's comment letter. Specific concerns remain about the impacts of any future new development on the project site and ensuring the stated effluent goal (10ppm of Nitrogen) is realized.

To ensure the improvement and protection of the water quality of Pleasant Bay, the ACEC Program has specified provisions within its comment letter that should be included within the conditions of the MassDEP groundwater discharge permit. The proponent should be held to monitoring requirements including: regular testing of effluent concentrations; regular monitoring of groundwater to understand if the new centralized discharge of wastewater is impacting local groundwater hydrology or the wetland systems located offsite to the north of the project site; and specific corrective measures to be executed if Nitrogen levels exceed permitted levels. Monitoring reports should be prepared regularly and forwarded to the Town of Harwich and the MassDEP. The proponent should also investigate and employ water management and conservation measures resort-wide to limit the total amount of effluent to be treated in the proposed new system.

As noted in a comment letter from the Massachusetts Historical Commission (MHC) dated January 8th, 2008 and again reiterated in a 2nd letter dated January 22, 2008, MHC recommends that the proponent investigate the possibility of archaeological sites within the project site. Archaeologically sensitive areas should be treated as recommended by the MHC.

In its comment letter, the Natural Heritage and Endangered Species Program (NHESP) (MassWildlife) has identified that the project site, or a portion of the site, is located within Priority Habitat and Estimated Habitat as indicated in the Massachusetts Natural Heritage Atlas (12th Edition). NHESP has determined that the project would not result in a prohibited "take" of state-listed species.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be properly addressed in the MassDEP and local permitting processes.

January 23, 2008

Date



Ian A. Bowles

Comments received:

01/08/08	Massachusetts Historical Commission, 1 st Comment Letter
01/09/08	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP)
01/11/08	Department of Conservation and Recreation's ACEC Program
01/11/08	Pleasant Bay Resource Management Alliance
01/15/08	Department of Environmental Protection, SERO
01/17/08	Cape Cod Commission
01/22/08	Massachusetts Historical Commission, 2 nd Comment Letter

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