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February 24, 2006

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STEPHEN R. PRITCHARD
SECRETARY

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

PROJECT NAME : Marion Wastewater System Improvements
PROJECT MUNICIPALITY : Marion
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 12886
PROJECT PROPONENT : Town of Marion/Don & Ora Mae Torres
DATE NOTICED IN MONITOR : January 25, 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 determine that it **does not require** further MEPA review.

The project originally consisted of the upgrading of the existing Wastewater Treatment Facility (WWTF). The proposed improvements would increase the capacity to 588,000 gallons per day (gpd). It also includes the construction of 7.0 miles of new sewer mains in existing roadways in the Berry Road, Dexter Beach and South Converse Road areas. These wastewater improvements were developed as part of a Comprehensive Wastewater Management Plan and are in compliance with the Administrative Consent Order between The Town of Marion and the Department of Environmental Protection (DEP). On November 8, 2002, the Secretary determined that the project did not require the preparation of an Environmental Impact Report (EIR)

This NPC was submitted for MEPA review on January 16, 2006. The proponent seeks to clarify the status of a seasonal cottage on 23 Dexter Road. The northeast boundary of the Dexter Beach sewer expansion area ran along Dexter Road. All of the structures along Dexter Road are within this boundary line, with the exception of the structure at 23 Dexter Road, which is situated closer to the coast and just north of the line. The property owners of 23 Dexter Road are seeking MEPA concurrence that the

prior project approval included 23 Dexter Road in the original sewer service area. According to the Department of Environmental Protection's (DEP) comment letter of February 14, 2006, DEP specifically excluded 23 Dexter Road from the sewer extension permit approval because the structure is a seasonal camp on an island in the Weweantic River, accessed solely by a boardwalk over salt marsh and the river. There was no "oversight" of this parcel from the original sewer area, as indicated in the NPC. The 23 Dexter Road sewer hookup was specifically removed from the approved plans for State Revolving Fund (SRF) funding and a Final Permit was issued for the project on July 26, 2004.

DEP regards the sewer connection to this island camp as inappropriate and does not support this NPC request for inclusion in the sewer extension project. According to DEP, the 23 Dexter Road structure and the entire lot is within a FEMA mapped Velocity Zone, (VE elevation 20). DEP holds the opinion and policy that the installation of a wastewater infrastructure in velocity zone locations should be prohibited to avoid unnecessary growth and redevelopment. There is no demonstrated public health threat posed by a camp with only limited seasonal use, and the structure is not part of the SRF approved plans. This parcel does not conform to the policies in Executive Order #385, Planning for Growth, which specifies that "agencies responsible for sighting, designing, funding, constructing or permitting of infrastructure projects ... shall seek to minimize unnecessary loss or depletion of environmental quality and resources that might result from such activity".

The proponent of 23 Dexter Road is requesting authorization from DEP for the project as Chapter 91 Watersways License for a nonwater dependent use. It proposes approximately 500 linear feet of 1.25 -inch low pressure sewer from the proposed wastewater collection system. A trench with an approximate width of 5 feet will be excavated and directional drill construction technology will be used to install the conduits and utility connections beneath the Weweantic River through an area of 40 linear feet about 6-feet below the river bed. The project involves the directional drilling of utility conduits about 5 feet under the salt marsh to a point on the upland area where the cottage is located. The utility conduits will also include water, electric, and telephone. The property's existing cesspool will be abandoned and filled in. The existing utility poles will also be removed.

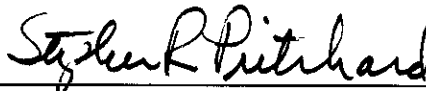
According to the proponent, the project is estimated to

impact the following wetland resource areas: 1,250 sf of Land Subject to Coastal Storm Flowage and 64 sf of non-water dependent Flowed Tidelands. No direct or long-term adverse impacts to wetland resource areas are anticipated, and the project will eliminate an existing on-site wastewater system that does not comply with the Title 5 requirements. However, the MA Division of Marine Fisheries stated that the NPC does not contain a comprehensive plan to address drilling mud containment, spills and emergency measures in case of frac-out. The project site area contains shellfish beds and salt marsh.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with DEP, I remand this project to DEP to either deny or issue the proponent a Sewer Connection/Extension Permit, a Water Quality Certificate, and a Chapter 91 Waterways License. I agree with DEP's determination that 23 Dexter Road should not be included as part of the approved Marion Wastewater System Improvements - EOE #12886. No further MEPA review is required for the Marion Wastewater System Improvements.

February 24, 2006

Date



Stephen R. Pritchard

cc: Sharon Stone, DEP/SERO
Ben Lynch, DEP/Boston

Comments received:

DEP/SERO, 2/14/06

MA Division of Marine Fisheries, 2/15/06

12886npc
SRP/WTG/wg