



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

April 3, 2009

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

PROJECT NAME : Long-Term Combined Sewer Overflow Control Plan
PROJECT MUNICIPALITY : Chicopee
PROJECT WATERSHED : Connecticut River
EEA NUMBER : 12283
PROJECT PROPONENT : City of Chicopee
DATE NOTICED IN MONITOR : February 25, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) describing Phase 2 of the City of Chicopee's Long-Term Combined Sewer Overflow Control Plan and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR). However, in accordance with a Certificate dated February 15, 2002, the project as a whole continues to require the preparation of a Final EIR (FEIR). The proponent has also requested a Phase I Waiver in order to allow a portion of the project to proceed prior to submitting its FEIR. Therefore, I am also issuing a Draft Record of Decision (DROD) proposing to grant the Phase I Waiver, subject to public comment. If the Phase I Waiver is not granted, then I will reissue this Certificate on the NPC with a denial of the requested Phase I Waiver. Although I have not issued a new scope for the FEIR on account of the NPC, the FEIR should incorporate impacts from the Phase I Waiver (if granted), as well as the impacts associated with a prior waiver (granted in 2002), into the assessment of the project's cumulative impacts.

NPC Project Change Description

Based on the proponent's recommended Work Plan, the Phase 2 projects would include

the Separation of the Broadway/Beauchamp Terrace Area (Drainage Areas 31 and 32.1) for Combined Sewer Overflow (CSO) Elimination, the Partial Separation of the Upper Granby Road/Area (Drainage Area 8) for CSO Reduction, and the Separation of the McKinstry Avenue/Lorraine Street Sewer Area (Drainage Area 7.1) for CSO Reduction. These projects would become the Phase 2 CSO projects in the Final Long-Term Control Plan (FLTCP)/FEIR. The Phase 2 projects will result in a significant reduction of CSO volumes and frequencies, eliminating about 28-percent of Chicopee's total annual CSO volume. They are considered to be the most beneficial Phase 2 projects based on the potential improvements in river water quality, the reduction of public health threats created by river discharges and backups of sewerage into streets and homes, and the condition of the existing piping networks.

The Broadway/Beauchamp Terrace Area is Drainage Areas 31 and 32.1. These areas will be affected by the proposed sewer separation. Drainage Area 31 is comprised of about 64,500 linear feet of combined sewers within a tributary drainage area of about 420 acres. The separation of the combined sewers will eliminate the CSO 31.3 diversion structure, which currently discharges an estimated 24 million gallons (mg) annually over the course of 42 overflow events to the Chicopee River. The complete separation of Drainage Area 31 will also likely reduce the volume and frequency of discharges from CSO 31.1 because sewerage from Areas 31 and 29 combine prior to flowing through a siphon under the Chicopee River. Drainage Area 32.1 has a total of about 5,800 linear feet of combined sewers and a total tributary drainage area of 57 acres. The combined flows from Area 32.1 are directed to CSO 32.1. There are several advantages to separating Drainage Areas 31 and 32.1 concurrently. Flows from a portion of Area 31 will be redirected to enter the Chicopee River interceptor at a point further upstream adjacent to CSO 32.1 where more capacity exists in the interceptor than at the siphon at CSO 31.1 and the tributary interceptor near CSO 31.3. A portion of flow from Drainage Area 31 will combine with flow from Area 32.1 and enter the interceptor near CSO 32.1. The construction of this new pipe allows for the cost-effective separation of the remaining combined sewers in Area 32.1. The sewer separation will involve construction of sewers within the right-of-way (ROW) of existing roadways. The proponent states that no permits are required for this portion of project.

The Upper Granby Road Area or Drainage Area 8 has a total of about 55,000 linear feet of combined sewers and a total tributary drainage area of 317 acres. The combined sewer flows from Drainage Area 8 are directed to CSO Diversion Structures 7.1 and 8 and to the Jones Ferry CSO Treatment Facility, which discharges to the Connecticut River. The Jones Ferry CSO Treatment Facility, which is scheduled to be completed in 2009, has been sized to treat 125 percent of the combined sewer flows from Drainage Area 7.1 during the 3-month frequency storm event. The proponent believes that the facility will have some reserve capacity to treat some of the flows from Drainage Area 8. Some separation in Drainage Area 8 is required to enable the Jones Ferry Facility to treat flows up to the 3-month frequency storm event. The Upper Granby Road Sewer Separation involves the separation of approximately 25,000 linear feet of combined sewers within a tributary drainage area of 40 acres. The separated storm drain

will be directed along an abandoned railbed which will have infiltration trenches to reduce flows before discharging to an unnamed brook in the vicinity of Dale Street. The downstream remainder of Drainage Area 8 will continue to flow toward the Jones Ferry CSO Treatment Facility.

The separation of the combined sewers associated with this project will reduce overflows from CSO 7.1 by an estimated 3 events and 11.5 mg annually. This project will reduce the frequency of overflows at CSO 7.1 toward the goal of four or fewer overflows per year. The sewer separation project will involve construction of sewers within the right-of-way of existing roadways, as well as along an abandoned railbed. A MassHighway Permit to access a state highway will be required. Chapter 40 Section 54A permission from EOT may also be needed for construction within an abandoned railroad right-of-way. The proponent will also request a right-of-entry permit from the Westover Metropolitan Development Corporation for the use of the abandoned railroad bed.

The McKinstry Avenue/Lorraine Street Area or Drainage Area 7.1 sewer separation project includes the installation of about 2,500 feet of storm drain piping that will convey the separated storm drainage from Meadow Street to the west along McKinstry Avenue to the storm sewer at the junction of Jones Ferry Road and Chicopee Street. Sewers along Meadow Street were separated in the mid-1990s for a state-funded road reconstruction project. Because there was no dedicated storm sewer line in the vicinity, the storm drain from Meadow Street was connected back into the combined sewer at McKinstry Avenue. The project will connect that storm drain to the storm drain on Jones Ferry Road. It also includes the construction of separate storm sewers in the Lorraine/Stedman Streets neighborhood. In total, the project will eliminate approximately two overflow events for a total of 22 mg per year from CSO 7.1. This portion of the project will involve the construction of sewers within the right-of-way of existing roads.

As described in the NPC, Phase 2 would be able to proceed prior to the submission of the FEIR. 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 U.S. Environmental Protection Agency. The proponent will complete the design of Phase 2 in 2009, and it will complete construction of the three Phase 2 projects by July of 2013. The proponent has estimated that the proposed Phase 2 projects will eliminate or abate approximately 58 mg per year of existing CSO discharges to the Chicopee and Connecticut Rivers, or about 28 percent of the total CSO volume. The proponent has estimated that the Phase 2 projects will cost approximately \$36.5 million.

Jurisdiction and Permitting

The overall project requires 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 project will require Treatment Works Modifications Permits and Sewer Extension Permits from MassDEP. It will require Construction Access Permits from the Massachusetts Highway Department (MassHighway). The proponent will also request a right-of-entry permit from the Westover Metropolitan Development Corporation for the use of the abandoned railbed. It will seek Commonwealth financial assistance from MassDEP. The proponent may have to comply with the EPA's National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project may require a Programmatic General Permit from the U.S. Army Corps of Engineers. Orders of Conditions may be required from the Chicopee Conservation Commission (CCC) for work within resource areas and buffer zones. The proponent may seek project approval from the CCC 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 cause Damage to the Environment, as defined in the MEPA regulations.

Previous MEPA Review

In 2000, an Environmental Notification Form (ENF) was submitted for the proponent's CSO Plan. The Secretary issued a Certificate on the ENF requiring a mandatory EIR on August 24, 2000. In 2002, the proponent submitted its Draft LTCP/DEIR. On February 15, 2002, the Secretary found that the DEIR was adequate.

The DEIR recommended a Hybrid Citywide CSO Abatement Alternative (referred to as the Hybrid Alternative hereafter) as the Preferred Alternative. The Hybrid Alternative included separation, treatment and structural modifications to the City's wastewater system. It was divided into fifteen phases, which were estimated to cost approximately \$145.4 million. The prioritization for abatement projects or phases was based on: 1) the cost-effectiveness and 2) the ability to remedy the in-system problems in designated drainage areas. Phase 1 was comprised of the upgrade of the 40 mg per day Water Pollution Control Facility (WPCF) (Phase A), the elimination of CSO 4.2, and various projects to address sources of inflow, sewer backups, and street flooding. Phase 2 included Phase B of the WPCF upgrade, the modification of the Paderewski Flood Pump Station for off-line storage, and the modification of the CSO 34.3 diversion structure to maximize flow to the interceptor. Phase 3 consisted of the separation of Drainage Areas 22, 25 and 1. Phase 4 included the separation of Drainage Area 3 and the direct connection of Drainage Area 7.2 to the interceptor. The implementation of the first four phases would cost a total of approximately \$27.3 million and would be implemented as Phase 1 for the overall project. In the Certificate on the DEIR, the Secretary recommended that the timetable for the proponent's Recommended Plan be revised to speed-up the implementation of the project.

At the end of 2002, the proponent submitted an NPC identifying CSO 7.1 as the most significant source of CSO discharges and revised Phase 1 from the DEIR. The NPC

recommended Phase 1 projects included:

- Project 1 - Chlorination of the existing wet weather bypass at the WPCF (40 mg per day upgrade);
- Project 2 - Separation of sewer shed Area 22 and 25 (CSO Elimination);
- Project 3 - Modification of CSO 34.3 (CSO Reduction);
- Project 4 - Modification of CSO 9 (CSO Reduction);
- Project 5 - Separation of sewer shed Area 4.2 (CSO Elimination);
- Project 6 - Construction of a Satellite Treatment Facility at CSO 7.1 (CSO Reduction); and
- Project 7 - Separation of sewer shed Area 1 (CSO Elimination).

The proponent would implement Phase 1 in two sub-phases. Sub-phase 1A includes Projects 1 through 5, and was planned to begin in 2002 and be completed at the end of 2005. Sub-phase 1B would include Projects 6 and 7, and was planned to begin in 2003 and be completed at the end of 2009. The Massachusetts Department of Environmental Protection (MassDEP) has estimated that the projects in Phase 1 would eliminate or abate approximately 180.4 mg per year of existing CSO discharge to the Chicopee and Connecticut Rivers. The proponent estimated that Phase 1 would cost approximately \$19.8 million.

On December 26, 2002, the Secretary approved the Phase 1 Waiver Request and determined that the NPC was adequate. The project is under design and on schedule, and satisfies the current U.S. Environmental Protection Agency (EPA) Administrative Order (AO), dated July 27, 2006. The AO requires the preparation of a LTCP for the abatement of CSO discharges. The proponent's Work Plan for the preparation of Final LTCP/FEIR was approved by MassDEP and the EPA on September 2, 2008. It requires the FLTCP/FEIR to be submitted to MassDEP, EPA, and MEPA on or before May 1, 2009.

Environmental Impacts of Phase 2

The proponent has estimated that the Phase 2 Projects have the potential to impact about 500 square feet (sf) of Bordering Vegetated Wetlands (BVW). They may also impact buffer zone areas to wetland resource areas. However, the majority of all construction will be within the right-of-way of existing streets. There will be temporary and short-term traffic disruptions, air pollution, and noise and dust impacts during construction. By reducing and/or removing CSO discharges to the Chicopee and Connecticut Rivers, the project will provide improved water quality impacts. The DROD contains conditions to ensure that the impacts from the Phase 2 projects are avoided, minimized, and mitigated to the maximum extent feasible.

Conclusion

Further MEPA review is required in the FEIR. I propose to grant the Phase I Waiver for Phase 2 in a separate Draft Record of Decision (DROD). The impacts of Phase 2 of the project will be incorporated into the assessment of overall impacts for the project in the FEIR.

April 3, 2009
Date



Ian A. Bowles

Comments received:

Tighe & Bond, 2/26/09

Pioneer Valley Planning Commission, 3/12/09

Connecticut River Watershed Council, 3/24/09

Tighe & Bond, 3/26/09

Natural Heritage Endangered Species Program, 3/26/09

Massachusetts Department of Environmental Protection/Western Regional Office, 3/27/09

12283npc2

IAB/WTG