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April 11, 2008

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

PROJECT NAME : Naval Air Station Development Project
PROJECT MUNICIPALITY : Abington, Rockland and Weymouth
PROJECT WATERSHED : Weymouth and Weir, North and South Rivers,
and Taunton
EEA NUMBER : 11085R
PROJECT PROPONENT : South Shore Tri-Town Development Corporation
(SSTTDC) and LNR South Shore LLC
DATE NOTICED IN MONITOR : March 12, 2008

Pursuant to the Massachusetts Environmental Policy Act (M.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). However, I note that there are outstanding issues to be resolved and my determination is conditional on the proponent's resolution of these issues and submittal of deliverables to the Massachusetts Department of Environmental Protection (MassDEP) as further detailed below.

The proposed project (referred to as *SouthField* in the Notice of Project Change (NPC)) consists of up to 2,855 residential units, 2 million square feet (sf) of commercial/industrial space, an 18-hole golf course, active and passive recreational amenities, and institutional space (including sites for a school and civic/community facilities). The project also involves associated infrastructure development including an on-site wastewater treatment facility, and water supply infrastructure, road construction and other transportation improvements, and a multi-modal transportation center based on expansion of the existing commuter rail station in South Weymouth. The project is proposed for implementation in three phases¹ over a 14-year period.

The proposed project change involves an expansion in the interim water and wastewater service to be provided by the Town of Weymouth. As proposed in the Final EIR (and as noted in the Certificate on the NPC dated February 10, 2006), the Town of Weymouth had previously

¹ Phase I of the project includes a "Phase 1A" portion, which was granted a Phase I Waiver pursuant to the Certificate on the Notice of Project Change, dated February 10, 2006.



committed to provide up to 150,000 gallons per day (gpd) of water and to accept up to 120,000 gpd of wastewater for Phase 1A of the project until completion of the on-site wastewater treatment facility and the water supply connection to the Massachusetts Water Resources Authority (MWRA) system. Phase 1A consists of 500 residential units and 150,000 sf of commercial development. Due to delays in the timeline for completion of the permanent infrastructure, the proponent has proposed that Phase 1B (500 residential units and 500,000 sf of commercial development) would also be served by the Weymouth municipal system on an interim basis.

The proposed project change involves an increase of 95,000 gpd (for a total of 245,000 gpd) in the amount of water to be supplied by the Town of Weymouth on an interim basis. The NPC also proposes an increase of 67,000 gpd (for a total flow of 187,000 gpd) in the amount of wastewater to be conveyed to the MWRA sewer system via the Weymouth municipal system. The NPC indicates that the capacity required for Phase 1B will be relinquished upon completion of the permanent water supply and wastewater infrastructure, scheduled for late 2010.

The Town of Weymouth, as indicated in its comment letter, has agreed to accommodate the additional capacity requested. As noted in the comment letter from the MassDEP, the Town of Weymouth's data indicates that it has the capacity to make the necessary commitment. The town's existing water demand is 4.3 million gallons per day (mgd) on average (not 4.0 mgd as indicated in the NPC) and the allowable withdrawal is 5.0 mgd. Therefore, the available capacity is 0.7 mgd.

The FEIR indicated that the South Shore Tri-Town Development Corporation ((SSTTDC), a co-proponent with LNR South Shore LLC) will own and operate the public water system for the project and may own and operate other infrastructure or create a management district for that purpose. Based on comment letters received and consultations with MassDEP, it appears that there are several outstanding issues relating to ownership and responsibilities for operation and maintenance of the water supply infrastructure, including the Phase I system. Phase 1A and 1B constitute a system modification under the Weymouth water supply system and will require a WS 32 Distribution System Modification Permit. Unless new agreements are established between the proponent and the Town of Weymouth, the SSTTDC will become a Public Water System (PWS) once it a) provides water to 15 service connections or b) serves an average of at least 25 individuals daily at least 60 days of the year. If one of these criteria (a or b) is met, the proponent will be required to register as a PWS and demonstrate to MassDEP that it has adequate technical, financial and managerial capacity to operate in compliance with applicable state and federal regulations, guidelines and policy.

As a condition of this Certificate, the proponent must resolve outstanding issues relating to Phase I water supply infrastructure to the satisfaction of MassDEP and submit the required deliverables to MassDEP as further detailed below. At the very latest, the proponent must resolve outstanding issues and submit the deliverables listed below to MassDEP prior to a) providing water to 15 service connections or b) serving an average of at least 25 individuals daily at least 60 days of the year. The deliverables to be submitted are:

1. Water Service Agreement with the Town of Weymouth, including responsibilities for water quality sampling;

2. a description of billing procedures and responsibilities;
3. Operation and Maintenance Procedures;
4. WS 32 permit application to cover Phase 1A and phase 1B (these phases do not include storage tanks, pump stations, or treatment); and
5. a copy of the current agreement with the Navy as it pertains to water supply.

The proponent should coordinate closely with MassDEP to ensure complete and timely permit applications for future phases of the project. Future phases will require a MassDEP determination regarding *Southfield* as a consecutive public water supply, and a new WS32 permit prior to Phase 2 and 3 of the project (these phases will include elevated storage tanks and/or pump stations). I also refer the proponent to comments from the Water Resource Commission (WRC) concerning additional information required for its review under the Interbasin Transfer Act (ITA) of the proposed connection to the to the MWRA Water works system (the preferred alternative for a permanent water supply for the project as proposed in the FEIR).

In the FEIR, the proponent committed to maintain an emergency connection to the Weymouth sewer system after Phase IA flows are tied in to the on-site WWTF. The FEIR Certificate required that the proponent maintain an emergency interconnection for up to the maximum 120,000 gpd of average daily flow as recommended by MassDEP. In its comments on the NPC, MassDEP requested that the proponent maintain an emergency connection with the Town of Weymouth for a total of 187,000 gpd (to include both Phase 1A and Phase 1B flows). I note the MWRA comments regarding discharge from areas outside the service area and potential problems associated with wet-weather flows. The proponent has confirmed that Phase 1A and B flows will be from development within the Town of Weymouth, and not from Abington or Rockland. I direct the proponent to coordinate with MassDEP, MWRA and the Town of Weymouth to ensure that MWRA's concerns are addressed prior to finalizing arrangements for an emergency wastewater connection. As indicated in its comment letter, it is not MWRA's policy to accept emergency wastewater discharges from non-MWRA communities and any extension of the sewer service area must be done in accordance with MWRA policy and the MWRA Enabling Act.

I note the comment letters received regarding Whitman Pond (part of the town of Weymouth's managed water supply system) including resident concerns regarding water levels during drought conditions. Based on consultations with MassDEP and data provided by Weymouth, it appears that the town is operating within its existing Water Management Act registration.

I note MassDEP comments pertaining to water quality, the proposed irrigation well, and French's Stream. The proponent indicates that a 401 Water Quality Certificate (WQC) application for the overall project will be submitted to MassDEP in Spring/Summer of 2008, and that activities proposed for Phase 1 A and 1B do not require a 401 WQC. The proponent should provide additional information during permitting on potential impacts to French's Stream relative to pumping of the irrigation well, plans for day-lighting of French's Stream, and the proposed setbacks between residential areas and the wastewater discharge area, as requested in the comment letter from MassDEP. I encourage the proponent to consider comments from MassDEP, U.S. EPA and others (including comments received on the FEIR) regarding additional

opportunities to increase the amount of daylighted stream, thereby providing additional habitat benefits and reducing flooding concerns.

Based on a review of the information provided by the proponent and consultation with relevant public agencies, I find that the potential impacts of the project change do not warrant preparation of a Supplemental Environmental Impact Report. However, I reserve the right to require further MEPA review if the outstanding water supply issues are not addressed by the proponent in a timely manner.

I remind the proponent of its obligations to file a Project Update document and draft Section 61 Findings for the project. As further detailed in the Certificate on the FEIR (dated July 18, 2007), the proponent shall file a Project Update document with the MEPA Office for the project record and for public informational purposes. The availability of the document will be noticed in the *Environmental Monitor*. As further detailed in the Certificate on the FEIR the proponent should file draft Section 61 Findings for public review and comment prior to state agency action by the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP), Massachusetts Bay Transportation Authority (MBTA) and Executive Office of Transportation (EOT)/MassHighway. The draft Section 61 Findings will be noticed in the *Environmental Monitor* for a 21-day public comment period with comments to be directed to the respective agencies. The respective agencies shall be responsible for approving the Section 61 Findings. State agencies should forward copies of final Section 61 Findings to the MEPA Office.

April 11, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

3/19/08	Arthur E. Mathews, District 4 Town Councilor
3/20/08	Town of Hingham
3/26/08	Anne Hilbert
3/27/08	Commonwealth of Massachusetts Water Resources Commission
3/27/08	Dominic Galluzzo
3/31/08	Massachusetts Water Resources Authority
3/31/08	Tricia Pries
4/01/08	Town of Weymouth
4/01/08	Water Supply Citizens Advisory Committee
4/01/08	Mary Parsons
4/01/08	Beth Sortin
4/01/08	Department of Environmental Protection, Commissioner's Office
4/01/08	Department of Environmental Protection, Southeast Regional Office

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