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May 10, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE 2nd NOTICE OF PROJECT CHANGE

PROJECT NAME	: Comprehensive Wastewater Management Plan
PROJECT MUNICIPALITY	: North Attleborough
PROJECT WATERSHED	: Ten Mile
EOEA NUMBER	: 11869
PROJECT PROPONENT	: North Attleborough Board of Public Works
DATE NOTICED IN MONITOR	: March 22, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project continues to **require** the preparation of a Draft Environmental Impact Report (DEIR). The proponent has requested a second Phase I Waiver to allow an additional phase of the project to proceed, pending the preparation of a Comprehensive Wastewater Management Plan (CWMP)/Environmental Impact Report (EIR) for the project. This second Phase I Waiver Request was presented within the 2nd Notice of Project Change submittal (NPC-2). In a Draft Record of Decision (DROD), also issued today, I have proposed to **grant** a Phase I Waiver with conditions allowing the proposed sewer extension project to proceed while the DEIR is being prepared.

Project History:

In 1984, the Town of North Attleborough prepared a wastewater facilities master plan for the installation of town-wide sanitary sewers and a wastewater treatment facility (WWTF). The Town submitted an Environmental Notification Form (ENF) to the MEPA Office in February 1999 to develop a Comprehensive Wastewater Management Plan (CWMP) to establish a long-term sewerage program for the unsewered areas Town of North Attleborough. The Town's CWMP involved the upgrading and expanding the municipal wastewater collection system to accommodate areas in need of sewer service identified as Needs Areas A and B. The Town's sewer upgrading and expansion project includes the installation of approximately 26.5 miles of sewer and a number of sewer pump stations.

The ENF also included a request for a Phase I Waiver to construct a portion North Attleborough's town-wide sewer expansion project prior to completion of the overall environmental review for the comprehensive wastewater management planning process. As described in the ENF, the Phase I project involved the construction of approximately 25,000 linear feet (lf) of sewers to serve four areas of North Attleborough with established sewer needs described in the ENF as the Lake Como area, the Lindsey Acres area, the Broadway Extension area, and the Quinn and Whipple Extension area. A Certificate on the ENF was issued in April 1999, and required the proponent to prepare a Draft CWMP/EIR and a Final CWMP/EIR to provide information pertaining to Needs Analysis, Alternative Analysis, Planning for Growth, Wetlands, and Historic and Archaeological Resources. The Secretary's Record of Decision (ROD) approving the Phase I Waiver Request was issued in June 1999.

1st Notice of Project Change/ Phase I Waiver Request

Pursuant to Section 11.10 (2) of the MEPA Regulations, the proponent filed a NPC in July 2006 because more than three years had elapsed from the time of publication of the ENF for this project. Since the issuance of the Secretary's Certificate on the ENF (April 1999), and the September 2005 ROD, the proponent has undertaken a number of sewer construction activities in furtherance of its CWMP including, but not limited to the construction of sewers in the Lake Como and Lindsey Acres areas of North Attleborough, and upgrades to its WWTF.

The 1st NPC contained a request for a second Phase I Waiver to extend municipal sewers to existing residential homes located along Oakridge Avenue, adjacent to Greenwood Lake, in the northeast section of North Attleborough, prior to completion of the overall environmental review for the comprehensive wastewater management planning process. According to the proponent, the proposed Oakridge Avenue Sewer Expansion area was originally identified as a High Priority ("Group A") sewer needs area in the Town of North Attleborough. The Oakridge Avenue sewer expansion project will include the installation of approximately 9,190 lf of new low pressure sewer main, and one new pumping station. The Oakridge Avenue project was designed to serve the wastewater flows (approximately 19,000 gpd) from approximately 92 existing single-family residences, many with failing on-site septic systems, located along Oakridge Avenue in North Attleborough, and to accommodate the potential future wastewater flows from a small number of existing homes with problematic or failing on-site septic systems located next to Greenwood Lake in the Town of Mansfield. The wastewater flows from the Oakridge Avenue Sewer Expansion Project, together with North Attleborough's existing wastewater flows from previously constructed municipal sewers (3.5 MGD), will be conveyed to North Attleborough's Wastewater Treatment Facility (WWTF) for treatment and discharge. According to the information contained in the 1st NPC, the Town's existing sewer collection and treatment system has the capacity to accommodate the additional wastewater flows anticipated from the Oakridge Avenue sewer expansion project.

The addition of the Oakridge Avenue sewer expansion project's wastewater flows will not exceed the North Attleborough WWTF permitted treatment capacity of (4.61 MGD) under the current National Pollution and Discharge Elimination System (NPDES) Permit for the Town of North Attleborough's WWTF. A Secretary's Certificate and Record of Decision were issued for the 1st NPC and Phase I Waiver Request in August 2005. The ROD granted the Phase I Waiver with a number of conditions allowing the proposed Oakridge Avenue sewer expansion project to proceed while the DEIR is being prepared.

2nd Notice of Project Change/Phase I Waiver Request:

The proponent has filed this 2nd NPC/Phase I Waiver Request to expand its existing municipal wastewater collection system to serve five infill project areas (Cliff's Area, Jill Marie Area, Woodcrest Drive, River's Edge Project, and a proposed residential apartment complex located off Park Street) prior to completion of the overall environmental review for the comprehensive wastewater management planning process. As described in this 2nd NPC/Phase I Waiver submittal, the proposed Small Sewer Infill Project has been designed to serve the wastewater flows (approximately 41,000 gpd) from 3 single-family houses, an 11-unit proposed condominium complex, and a 168-unit apartment complex, located in areas with failing on-site septic systems, and within existing sewer areas of North Attleborough. According to the information contained in the 2nd NPC, the Town's existing sewer collection and treatment system has the capacity to accommodate the additional wastewater flows anticipated from the proposed infill sewer expansion project, and will not exceed the North Attleborough WWTF's permitted treatment capacity of (4.61 MGD) under the current National Pollution and Discharge Elimination System (NPDES) Permit for the Town of North Attleborough's WWTF.

MEPA Jurisdiction and Required Permits:

The project is undergoing review pursuant to Section 11.03 (5)(a)(3) and (5)(b)(3)(a) of the MEPA regulations, because the project involves construction of sewer mains ten or more miles in length (approximately 26.5 miles total) and the expansion in the flow to a wastewater treatment facility by 10% (28% total) of existing capacity, respectively. The project will require an Order of Conditions from the North Attleborough Conservation Commission; a Construction Permit from the Massachusetts Highway Department (MHD), and a 401 Water Quality Certification and Sewer Extension Permit from the Department of Environmental Protection (DEP). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment.

SCOPE

The proponent should prepare the DEIR in accordance with Section 11.07 of the MEPA regulations as modified by this Certificate. The DEIR should include a copy of this Certificate and the Certificate granting a Phase I Waiver Request. The DEIR should also contain copies of the comments received. The proponent should circulate the DEIR to those who commented on the previously submitted ENF, and this NPC, and to any party required by regulation.

Project History:

As indicated in the 2nd NPC, the proposed Small Sewer Infill project represents the most recent component of the Town of North Attleborough's on-going town-wide sewer construction program. In order to better understand the relationship of North Attleborough's individual sewer construction projects to its comprehensive wastewater management planning and construction program, I am requiring the proponent to prepare in a separate chapter of the DEIR a detailed discussion of the history of sewer construction in the Town of North Attleborough. This section of the DEIR should include a detailed description of the construction activities and environmental impacts associated with any/all previously constructed sewer-related projects and activities, and for the full-build Town-wide sewer construction program contemplated by North Attleborough. I encourage the proponent to consult with the MEPA Office as it develops this section of the DEIR.

Needs Analysis:

According to the proponent, the Town has collected and analyzed considerable data on the need for sewers throughout the Town of North Attleborough including the proposed sewer expansion areas identified in the 2nd NPC project area. The DEIR should include the proponent's town-wide needs analysis, and should identify North Attleborough's existing wastewater problems, the causes and the geographic areas over which they occur. The Needs Analysis should be based on as much empirical data as is available, or can reasonably be developed. Such data may include existing wastewater flows, septage volumes, pumping records and the like. The analysis should support the geographic designation of the previously sewered areas, and any proposed sewer expansion project areas identified in the 1st and 2nd NPCs. It is important to note that these determinations should, in the first instance, be made independent of what measures might be available to reduce water use and subsequent demand. The analysis should specifically document the need for each disposal measure by geographic area and land use type, including a reasonable projection of growth through the design year. An appropriate set of screening criteria should be developed and applied.

The criteria should address the areas of cost (both to individuals and the community), technical feasibility, environmental and public health protection (including maintenance of water balance in drainage sub-basins), institutional and management issues, and other relevant concerns. It is important that this screening be carefully conducted and that the alternatives be evaluated in a balanced and comparable manner.

In addition, the DEIR should present an analysis that begins to take into account measures that have the potential for reducing wastewater volumes, including water conservation and infiltration and inflow (I/I) removal, and adjust the needs analysis accordingly. The report should address the feasibility and effectiveness of such measures. It should at a minimum include a preliminary water demand management and conservation plan. The MEPA office has reviewed such plans in the recent past that could serve as examples, and I recommend consultation with MEPA staff on this matter. The DEIR should include detailed responses to the comments received for this project, especially the comments received from DEP pertaining to the proponent's needs assessment, the potential future sewer demand for the Town of North Attleborough, and the use of zoning overlay districts and specific sewer connection policies as a means for controlling the potential secondary growth impacts that may be induced by public sewers.

Wetlands and Drainage:

The DEIR should delineate on a plan of reasonable scale all environmental resources and resource areas located within those areas of North Attleborough previously sewered, and proposed for future sewerage including; wetlands, drinking water supplies, fisheries, water bodies, sensitive habitats, parklands, recreational resources, historic resources, and agricultural lands. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should also be included on this plan. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00.

The DEIR should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetlands resulting from the project, and quantify the amount of direct wetland impact. The analysis should also include a drainage plan, and should discuss the consistency of the drainage and stormwater management system with the DEP Stormwater Management Act Guidelines and the Wetlands Protection Act performance standards. The drainage plan should be indicated on a plan and with appropriate text the location and function of all drainage structures already in place. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should provide detailed plans, at a suitable scale, illustrating the proposed project's impacts to wetland resource areas. The DEIR should examine alternatives that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the DEIR should demonstrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The proponent will need to provide wetlands replication at a ratio of at least 1:1 for any unavoidable impacts to wetlands. For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the DEIR which, at a minimum, includes: replication location(s), elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Historical/Archeological Resources:

The Massachusetts Historical Commission (MHC) had previously provided comments on the ENF and the 1st NPC indicating that the proposed North Attleborough CWMP project area contains archeologically sensitive areas that are likely to contain numerous sites associated with the Native American settlements in the region. The DEIR must include additional information, including current original photos of the proposed locations for the new pump stations, and cross-country areas (including any areas identified for directional drilling), and detailed plans depicting existing and proposed conditions within the project area to determine what effect the Town's proposed sewer expansion project may have on historic and archaeological resources. I strongly encourage the proponent to work closely with MHC in the completion of its archeological investigations for the proposed expansion project.

Growth Management:

Executive Order #385 requires that state and local agencies engage in protective and coordinated planning oriented towards resource protection and sustainable economic development. For reasons of both environmental protection and fiscal prudence, investments in public infrastructure should be carefully targeted toward those areas for which clear existing needs have been established and for areas where denser development is appropriate, thereby relieving development pressures on open space, agricultural lands, and other valuable natural resources.

The DEIR should identify the land use categories located within any/all proposed sewer expansion areas, including the sewer expansion areas identified in the 1st and 2nd NPCs, and compare the potential secondary growth impacts, particularly to existing agricultural land and Open Space land, that may be induced by public sewers with local and regional growth management policies. I encourage the proponent to consult with DEP and the Growth Management Policy staff at the Executive Office of Environmental Affairs in developing a growth management strategy.

Projected Wastewater Flows and Sewer System Capacities:

The DEIR should contain a detailed analysis of North Attleborough's existing wastewater flows, including the total combined wastewater flow volumes from previously constructed sewers in North Attleborough, the proposed 1st and 2nd NPC sewer service areas, and any potential future wastewater flows to be conveyed from existing homes located in the Towns of Mansfield and Plainville, and any additional proposed future sewer service areas, and should make projections of these flows and volumes to the project design year. The DEIR should contain an analysis of the Town of North Attleborough's wastewater transmission and treatment capacities for North Attleborough's existing wastewater flows, and for the proposed project's 2020 design year flows.

Construction Period:

The DEIR should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses.

Comments:

The DEIR should respond to the comments received. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Mitigation/Section 61:

The DEIR should include a summary of all mitigation measures to which the proponent has committed. The DEIR should also include proposed Section 61 Findings for use by the state permitting agencies.

Distribution:

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to the municipal officials for the Town of North Attleborough, Mansfield, and Plainville. A copy of the DEIR should be made available for public review at the public library for the Towns of North Attleborough, Mansfield, and Plainville.

May 10, 2006
DATE


Stephen R. Pritchard, Secretary

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04/18/06 MA Department of Environmental Protection – SERO

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