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May 25, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
 ON THE
 3rd NOTICE OF PROJECT CHANGE

PROJECT NAME : Town of Scituate Wastewater Management Upgrade
 PROJECT MUNICIPALITY : Scituate
 PROJECT WATERSHED : North River
 EOEА NUMBER : 5512
 PROJECT PROPONENT : Town of Scituate
 DATE NOTICED IN MONITOR : April 25, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Notice of Project Change (NPC) submitted on this project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The NPC submitted for this project did not contain an adequate description of the Town's wastewater management program including the existing capacity of the Town of Scituate's Wastewater Treatment Facility (WWTF), the Town's ongoing Infiltration and Inflow (I/I) reduction program, and the Town's completion of a reconnaissance archaeological survey for the entire Scituate Wastewater Collection System Expansion Project area.

I am requiring the preparation of a Supplemental Final Environmental Impact Report (SFEIR) to ensure that the requirements of 301 CMR 11.07 are met, that the aspects and issues of the project have been clearly described, the full range of project impacts have been fully analyzed, that the proponent has committed to a set of mitigation that will allow the state agencies to satisfy their Section 61 obligations, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency action. The SFEIR should resolve the following issues outlined below. It should include a copy of all comment letters from the NPC-1, NPC-2 and NPC-3 submittals with the proponent's response to the comment letters, to the extent that they are within this scope, and a copy of this Certificate.

Background

The project involves the reconstruction, improvement and enlargement of the Scituate Water Pollution Control Plant, expansion of the area to be seweraged, and the disposal of treated effluent either to a tidal ditch or to an ocean outfall. The existing facility was reviewed under EOEA #2600 in 1977, and has been discharging to a tidal ditch for 14 years without authorization following failure of the originally permitted sand infiltration beds. The proponent's preferred alternative increased the capacity of the treatment plant from 1.0 to 1.6 million gallons per day (mgd) and provided advanced treatment for nitrogen removal. The preferred alternative also included future sewerage of specific sections of Town subject to the expanded 1.6 mgd flow capacity of the proposed facility. A Certificate on the Final EIR was issued on March 12, 1990, finding that the project adequately and properly complied with the Massachusetts Environmental Policy Act.

1st Notice of Project Change

In May 2002, the proponent filed a Notice of Project Change (NPC-1) that described the changed project as involving the construction of approximately 1.9 miles of additional sewer mains, and the installation of one additional pump station to extend sewer service to two additional areas (Sewer Districts 32 and 33). As described in the NPC, the proposed project change involved the installation of additional sewer main along Town Way Extension in the Peggotty Beach area (Sewer District 32) and along Olson Road and Moorland Road in the Third Cliff area (Sewer District 33) of Scituate. Town Way Extension is located within a coastal high hazard area as defined by the Federal Emergency Management Agency (FEMA). In their comments, the Massachusetts Department of Environmental Management (MassDEM), the Massachusetts Department of Environmental Protection (MassDEP) and Coastal Zone management (CZM) all expressed concerns with the proponent's proposal to install a common sewer main along Town Way Extension in the Peggotty Beach area of Scituate. As described by CZM, Peggotty Beach is a barrier beach located in a coastal high hazard area within the velocity zone of the 100-year storm event. According to comments received from DEM, this area has a long history of flood damage, flood insurance claims, and flood mitigation projects. A Certificate on the NPC was issued on July 12, 2002 finding that the proposed project change required the preparation of an Environmental Impact Report (EIR).

2nd Notice of Project Change

The proponent submitted a second NPC (NPC-2) to the MEPA Office in February 2003 and proposed to remove the Town Way Extension/Peggotty Beach area (Sewer District 32) from the sewer expansion project, and to provide sewer service only to Sewer District 33 which is located along the Third Cliff area of Scituate.

This project change involved a slight reduction in the construction of additional sewer mains (from 1.9 miles to approximately 1.7 miles), and the installation of one additional pump station. The NPC-2 submittal did not contain information on the estimated amount of wastewater flow anticipated from extending sewer service to Sewer District 33. However, according to the proponent, the Scituate Wastewater Treatment Facility (Scituate WWTF) had sufficient capacity to service the additional wastewater flow anticipated from Sewer District 33. A Certificate on the NPC was issued on March 10, 2003 finding that the proposed project change did not require the preparation of an Environmental Impact Report (EIR), but needed to address a number of remaining issues during project permitting pertaining to I/I Reduction, Alternatives Analysis, Growth Management, and Historic Resources.

Third Notice of Project Change (NPC-3)

As described in this third NPC (NPC-3), the proponent is now proposing to expand the proposed area of sewer expansion to include the Rosa's Lane neighborhood that was inadvertently overlooked during the Town's sewer expansion studies and not included in the previously identified 9 Sewer Priority Districts. According to the information provided in the NPC, in 1964 the Scituate Board of Health indicated that the Rosa's Lane area contained poor soil and high water table conditions leading to problems with the on-site subsurface sewage disposal. The Rosa Lane area is located northeast of Scituate Center and adjacent to Sewer Priority District #6, and is comprised of approximately 27 currently unsewered single family homes located on Rosa's Lane, Newfield Road and Carinslea Lane, and six previously sewered single family houses located along Captain Pierce Road. According to the Town, the proposed sewerage of the Rosa's Lane area will result in a slight increase (approximately 7,000 gpd) of additional wastewater flow to be conveyed to the Town of Scituate's Water Pollution Control Plant (WPCP) for treatment and subsequent discharge to the Herring River.

Wastewater Treatment Capacity

The Scituate WPCP has a permitted (Year 2020) wastewater flow capacity of 1.6 million gallons per day (mgd). According to the information previously provided by the proponent in the NPC-2 submittal (February 2003), the total design year flows for the Scituate WPCP (existing sewered areas and proposed new sewer districts expansion) was estimated at 1,525,600 gpd, 95% of the Scituate WPCP's design capacity. The NPC-3 submittal does not provide an update of the Scituate WPCP's currently remaining wastewater flow capacity. The SFEIR should include a detailed discussion of the status of the Town's proposed sewer expansion program. MassDEP has requested that the SFEIR provide an update of the Town's proposed sewerage of the previously identified twelve Sewer Priority Districts (1, 1A, 2, 3, 6, 10, 23, 24, 28, 30, 31, and 33), and the proposed sewerage of the Rosa's Lane neighborhood.

The SFEIR should identify the estimated total wastewater flows anticipated from each of the Sewer Priority Districts including the wastewater flows from potential infill projects within previous sewer areas, and potential development projects in the earliest planning stages and/or currently under construction. This section of the SFEIR should identify the current total average wastewater flows entering the Scituate WPCP, and the facility's remaining wastewater treatment capacity.

Inflow and Infiltration

In their previous comments on the NPC-2 submittal, MassDEP indicated that the proponent will need to undertake certain Inflow and Infiltration (I/I) removal activities as part of MassDEP's permit conditions for this project. The proponent had previously proposed to eliminate approximately 50% (637,000 gallons per day (gpd)) of existing inflow and infiltration (I/I), to free up additional capacity to serve the additional wastewater flows anticipated from the Town's sewer expansion project. In their comments on the NPC-2 submittal, Massachusetts Coastal Zone Management (CZM) expressed concern that the Town's proposed I/I removal estimates was unrealistic. CZM has repeated their concerns for the Town's proposed I/I removal estimates in their comments on this NPC-3, and has suggested that the Town incorporate only actual I/I reductions achieved to date to identify the WPCP's existing capacity. MassDEP has requested that the SFEIR include a detailed discussion of the Town's I/I program activities to date, including estimates of the total I/I removal achieved through completed I/I projects to date, and a schedule for future I/I program activities and I/I removal milestones.

Historic Resources

According to comments previously received from the Massachusetts Historical Commission (MHC) MHC requested that the proponent complete a reconnaissance archaeological survey for the entire Scituate Wastewater Collection System Expansion Project area. The SFEIR should include a schedule for completing any additional reconnaissance archaeological survey work that may be required for the proposed sewer expansion project. The Town should consult with MHC during the development of the SFEIR.


Mitigation

Based on the information developed in response to the issues discussed above, the proponent may need to revise its proposed mitigation commitments and the timing of their implementation. The proponent and state agencies should forward copies of the final Section 61 Findings to the MEPA Office for completion of the file.

Circulation

The SFEIR 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” for the NPC-2 and NPC-3 submittals. A copy of the SDEIR should be made available for public review at the Scituate Public Library.

May 25, 2007
Date



Ian A. Bowles, Secretary

Comments received:

05/16/07 Massachusetts Coastal Zone Management (CZM)
05/19/07 Massachusetts Department of Environmental Protection – SERO

3rdNPC #5512
IAB/NCZ/ncz