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July 10, 2009

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

PROJECT NAME : Comprehensive Wastewater Management Plan
PROJECT MUNICIPALITY : Wareham
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 12562
PROJECT PROPONENT : Town of Wareham
DATE NOTICED IN MONITOR : June 10, 2009

Pursuant to the Massachusetts Environmental Policy Act (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) submitted on this project and determine that it **does not require** further MEPA review.

Original Project Description

The project originally consisted of the preparation of a Comprehensive Wastewater Management Plan/Single Environmental Impact Report (EIR). The project included upgrading and increasing the capacity of the existing Wareham Water Pollution Control Facility and the extension of the sewage collection system to twelve disposal needs areas. On December 14, 2001, the Secretary determined that the Single EIR was adequate.

In July of 2006, the proponent of a single family home submitted an NPC to add this development to Wareham's Comprehensive Wastewater Management Plan (CWMP). The home would be constructed on Wickets Island in Onset Bay. Wickets Island was not included in the

original CWMP area. However, the CWMP indicated that the planning area for it was the entire town. The proponent for the single family home on Wickets Island had previously submitted a separate Environmental Notification Form (EOEA #13693) for that project. On January 6, 2006, the Secretary issued a Certificate determining that the single family home project did not require the preparation of an EIR. In that Certificate, the proponent was informed that it would have to submit an NPC for the Town's CWMP before the proposed single family home could be connected to the sewer system. In its comment letter on the July 2006 NPC, the Massachusetts Department of Environmental Protection (MassDEP) noted that the Wareham Water Pollution Control Facility (WWPCF) has limited remaining available capacity when the town completes the sewer system to the current twelve priority needs areas. MassDEP further stated that there is sufficient area on Wickets Island for an on-site septic system and that such a system should be utilized. On August 25, 2006, the Secretary determined that the NPC did not require an EIR, and noted that MassDEP has sufficient permitting authority to determine whether the project should be permitted to connect to the Wareham wastewater system.

Summary of Project Change

This NPC was submitted on June 1, 2009. The project change consists of the installation of approximately 2,800 linear feet of four-inch diameter sewer force main from the proposed sewerage pumping station in the Agawam Beach area on Arlington Road to an existing gravity sewer within Fresh Meadow Road. This sewer force main would replace the previously proposed force main that would convey sewerage from Agawam Beach area to the Parkwood Beach area, by traversing approximately 7,200 linear feet of relatively undeveloped land along Indian Neck Road, Crooked River Road, and Great Neck Road.

The new sewer force main is proposed to be installed using open cut construction from the proposed pumping station near the intersection of Arlington Road and Central Avenue, onto Gladstone Avenue, and then would be installed via horizontal directional drilling from the side of Gladstone Avenue near its intersection with Franklin Street under the tidal waters of Shell Point Bay toward Flint Street. The sewer force main would be installed using open cut construction from the egress of the directional drill within Flint Street and connect to the existing eight-inch gravity sewer on Fresh Meadow Drive. About 660 linear feet of the 2,800 linear feet of new four-inch diameter force main would be installed beneath tidal waters and would be placed within an eight-inch high density polyethylene (HDPE) sleeve (double containment).

Permits and Jurisdiction

The project was originally subject to a mandatory EIR pursuant to Section 11.03(5)(a)(3) because it included the construction of ten or more miles of new sewer mains. It required a Sewer Extension Permit, an Approval to Expand the Wastewater Treatment Plant, a Chapter 91 License, and a 401 Water Quality Certificate from MassDEP. It was reviewed by the Natural Heritage

Endangered Species Program (NHESP) because portions of the project were planned to occur within Priority Habitat. The project required Federal Consistency Review with the Massachusetts Coastal Zone Management (MCZM) Office. It may also require a Construction Access Permit from the Massachusetts Highway Department. The proponent received a Section 404 Permit from the U.S. Army Corps of Engineers. The project was designed to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. It also required Orders of Conditions from the Wareham Conservation Commission, which may treat it as a "limited project" under the Wetlands Protection Act.

The NPC will require a Chapter 91 License for a new structure below Shell Point Bay. The proponent has requested that I determine this project to be "water-dependent" under the provisions of Chapter 91. The project will also require a Section 404 Programmatic General Permit from the U.S. Army Corps of Engineers, and a Sewer Connection/Extension Permit from MassDEP. If more than 100 cubic yards of dredge material is generated as a result of the directional drilling activities, a Water Quality Certificate may be required from MassDEP. Because the project is located within Priority Habitat, the proponent should provide a direct filing with the NHESP for compliance with the Massachusetts Endangered Species Act. However, based on its preliminary review, the NHESP does not anticipate that the proposed project will result in a significant impact to the state-listed species. The project may have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will also require an Order of Conditions from the Wareham Conservation Commission for impacts to wetland resource areas and, on appeal only, a Superseding Order of Conditions from MassDEP.

Because the proponent may be seeking financial assistance from the State Revolving Fund (SRF) for the proposed project, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Review of the NPC

The construction of the new force sewer main will affect (temporarily) approximately 9,000 square feet (sf) of Land Subject to Coastal Storm Flowage (LSCSF). The vast majority of the work will occur within existing roadways. There will be a small amount of fill that will be placed within LSCSF at the proposed Arlington Pump Station in order to place the electrical pedestal and emergency generator above the 100-year flood elevation. The disturbed areas will be restored to pre-construction contours and will not result in the loss of flood storage capacity. The disturbed vegetated areas of LSCSF will be seeded with a perennial grass mixture and maintained and re-seeded as necessary until eighty percent ground coverage is achieved. The roadways will be patched and repaired to match existing street grades. The access and egress points for the directional drilling will be located in previously disturbed upland areas. The

proponent will surround the access and egress points with a silt fence prior to the drilling operation.

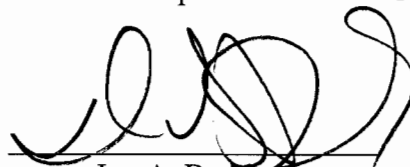
The new force main location will provide benefits to the Town of Wareham and its residents such as improved wastewater disposal options over the existing failing sewage disposal systems and improved water quality within its embayments. The project will reduce construction related impacts on the environment (i.e., floodplain, traffic, air quality, noise) compared to the previously proposed force main as the new force main is approximately 4,400 linear feet shorter. The new location eliminates concerns that sewer mains along Indian Neck Road, Crooked River Road, and Great Neck Road would potentially open up land for development between the Agawam Beach and Parkwood Beach areas; the new alignment along Flint Street has less area and less potential for development. The new sewer route also reduces the temporary impacts to 100-year floodplain by approximately 9,000 sf. The project as proposed in the NPC is also estimated to cost approximately \$180,000 less than the original project.

As described in the NPC, the proponent has designed the project change to minimize adverse impacts to the environment. Comments received from MassDEP indicate that the project change will provide public benefits in the form of improved water quality. In addition, I note that the proposed project change will result in reduced impacts to floodplain, reduced construction period impacts, and reduced costs. The project change may also reduce development pressures in this sensitive environmental area. I therefore find that the proposed crossing of the sewer main below Shell Point Bay qualifies for consideration as a water-dependent infrastructure crossing facility based upon a comprehensive analysis of the information provided in the NPC and the measures to avoid or minimize adverse impacts to the environment. In accordance with 310 CMR 9.12(2)(d) and based on the above information, the new force main alignment cannot be reasonably located away from tidal waters.

Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the state agencies, I am confident that MassDEP has sufficient permitting authority to condition this project so that no significant environmental impacts will occur. No further MEPA review is required for the Wareham Comprehensive Wastewater Management Plan.

July 10, 2009

Date



Ian A. Bowles

Comments received:

Massachusetts Department of Environmental Protection/Southeast Regional Office

(MassDEP/SERO), 6/11/09

MassDEP/SERO, 6/15/09

CDM, 6/15/09

Massachusetts Division of Marine Fisheries, 6/17/09

Massachusetts Division of Fisheries & Wildlife/Natural Heritage & Endangered Species

Program, 6/29/09

MassDEP/SERO, 6/30/09

CDM, 7/1/09

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