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July 21, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

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|-------------------------|----------------------------------------------------|
| PROJECT NAME | : Swansea Comprehensive Wastewater Management Plan |
| PROJECT MUNICIPALITY | : Swansea |
| PROJECT WATERSHED | : Mt. Hope/Narragansett Bay and Taunton River |
| EOEA NUMBER | : 13818 |
| PROJECT PROPONENT | : Town of Swansea, Board of Selectmen |
| DATE NOTICED IN MONITOR | : June 7, 2006 |

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Sections 11.05 and 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Overview

The Town of Swansea has presented the preliminary plans for a Comprehensive Wastewater Planning process. The Comprehensive Wastewater Management Plan (CWMP) presented in the Environmental Notification Form (ENF) contains Phase I of the process:

- 1) Needs Analysis and Alternatives and Site Identification, and
- 2) Recommended Plan.

The objectives of Phase I are to assess the condition of the current wastewater infrastructure in the Town of Swansea, determine location of need for alternatives to the current systems, identify alternative approaches, and to screen potential in-town and regional locations for suitability of existing and new infrastructure to meet the needs. The result of the Phase I analysis is a short list of alternatives that will be further evaluated in Phase II of the project.

State Permits and Jurisdiction

Although preliminary at this stage, it appears very likely that the recommendations for sewerage in the town will exceed in total the 10 miles of sewer threshold that triggers a mandatory EIR. Therefore, the project is undergoing review pursuant to Section 11.03 (5) (a) 3. of the MEPA regulations (301 CMR 11.00), because it will involve the construction of one or

more new sewer mains ten or miles in length.

It is not yet known what permits will be required as part of the construction for wastewater improvements. The required permits will be determined once the wastewater alternatives have been evaluated and selected in subsequent phases of this project. However, the project will likely require a Sewer Extension Permit, a Groundwater Discharge Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (DEP) and an Order of Conditions from the Swansea Conservation Commission. This project will also be subject to Coastal Zone Management's (CZM) Federal Consistency Review.

The project has received state funding from the State Revolving Fund (SRF) loan funding for Phase I and Phase II of the proposed project. The proponent anticipates applying for SRF loans for subsequent planning and construction portions of the project. Therefore, MEPA jurisdiction extends to all aspects of the project that have the potential to impact the environment adversely.

SCOPE

General

The proponent should prepare the EIR in accordance with the guidelines contained in section 11.07 of the MEPA regulations, as modified by this scope. The EIR should include a copy of this Certificate and of each comment received. The proponent should circulate the EIR to those who commented on the ENF, and to any state agencies from which the proponent will potentially seek permits or approvals. In addition, the proponent should provide a reasonable number of copies free of charge on a first come, first served basis.

Comments

The review of the ENF has generated thoughtful and detailed comments from numerous agencies and groups. The Draft EIR should contain commensurate responses, where necessary presenting additional narrative or analysis to respond to specific concerns. I recommend that the proponent use both an indexed response to comments format and direct narrative response, with a separate volume of the Draft EIR for comment letters and responses.

Project Description

The Draft EIR should include a clearly written and illustrated executive summary explaining what is being proposed and why, significant environmental benefits and impacts, and measures that will be taken to avoid, minimize and mitigate adverse impacts. It should describe the planning process that has occurred to date, and the proposed schedule for the remaining phases of planning, design, environmental permitting and review, and construction. Detailed information should be provided for each area where construction is proposed, including maps that show where sewer lines, cross-country easements, pumping stations, and other facilities will

be located. The EIR should provide the best information currently available for the proposed phases, and explain what additional information is proposed to be collected and analyzed.

Needs Assessment

A needs assessment was conducted in order to help determine the types of wastewater disposal that would be most appropriate for areas that are currently unsewered. Both DEP and I generally concur with the findings of the Needs Analysis. However, some of the moderate needs areas need to be further analyzed for remaining on onsite systems if adequate off-site treatment and disposal capacity cannot be developed.

The Draft EIR should clarify further, where necessary, what the basis for the sewerage recommendations are in each of the areas proposed. Additional maps and a narrative for each area should be included in the EIR. Any changes in the proposed plan that was described in the ENF should be highlighted and explained.

In addition, the Draft EIR should present detailed 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 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 Draft EIR 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 Swansea, 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.

Alternatives Analysis

The Draft EIR should contain the Phase II document which will evaluate and screen all potential alternatives that can address the needs and problems identified in Phase I on the ENF. 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. The alternatives to be considered should include the full range of options available under Title 5 (conventional and innovative/alternative systems, both for individual properties and for shared and communal facilities to serve multiple properties) and consideration should be given to maintaining discharges in the sub-basins in which they are now occurring, where possible. I also note that the alternative eventually selected by the Town for wastewater collection, treatment, and disposal infrastructure will need to be consistent with all of CZM's Program Policies as outlined in their comment letter.

An appropriate set of screening criteria should be developed and applied. These 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 the 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. The Draft EIR should also include an analysis of alternatives and a recommendation for ownership and management of the wastewater treatment and disposal system. Such an analysis must include consideration of legal, technical, and financial factors, and demonstrate the feasibility of the proposed system.

The Draft EIR should include more detailed hydrogeological data and modeling for the sites selected for further analysis for a ground water discharge. The proponent should consult with DEP and submit detailed hydrogeological work for review and approval by DEP prior to any field work and modeling being carried out.

The proponent should also consult with DEP regarding the one alternative being considered for in-town ground water disposal, which is a site near a major public water supply wellfield. The Draft EIR must conduct a detailed analysis to determine whether, or to what extent, wastewater disposal can be carried out at the site in accordance with the DEP's Reuse Guidelines. Another alternative possibility mentioned has been to consider abandoning the wellfield and using the site for wastewater disposal which should be discussed with DEP to comply with DEP's water supply guidelines.

The Draft EIR should also identify environmental resources and resource areas such as wetlands, drinking water supplies, fisheries, water bodies, sensitive habitats parklands, recreational resources, historic and archaeological interests and the like (including the conservation lands) on a plan of reasonable scale. This information is needed so that the potential impacts of proposed facilities on these resources can be evaluated, and the alternatives can be compared in that regard, prior to formal decisions regarding the type, design and location of any proposed wastewater treatment facilities. This identification of resources should include any facilities that are required to convey sewage beyond the Town boundaries, if required.

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 Draft EIR should identify parcels located within the proposed sewer service areas that are undeveloped or that have development constraints due to the lack of sewers, and compare the potential secondary growth impacts that may be induced by public sewers with local and regional growth management policies. The Draft EIR should examine what regulatory or physical constraints would remain on home expansions after sewers are provided, and if such expansions might have unanticipated impacts on estimated wastewater flows and water use.

I encourage the proponent to consult with DEP and the Sustainable Development Policy staff at the Executive Office of Environmental Affairs in developing a growth management strategy.

Projected Wastewater Flows and Sewer System Capacities

The Draft EIR should contain a detailed analysis of Swansea's existing wastewater flows. The Draft EIR should contain an analysis of the Town of Swansea's wastewater transmission and conveyance capacities for Swansea's existing wastewater flows, and for the proposed project's projected design year flows. The analysis should identify the transmission and conveyance capacities from proposed alternatives Wastewater Treatment Facilities. The Draft EIR should identify any/all formal inter-municipal agreements or memoranda of understanding and infrastructure capacity upgrades, proposed and/or currently underway, to support the transmission and treatment capacity analyses in the Draft EIR.

Because of the widespread nature of the potential sewer areas in Swansea, the Draft EIR must include a full analysis of the methods needed to control future sewer connections and extensions to the system in order to minimize Growth Management issues.

The Draft EIR should also include a discussion of the status of Swansea's National Pollutant Discharge Elimination System Permit (NPDES Permit) and what impacts the proposed sewer expansion plan and wastewater flows will have on Swansea's NPDES Permit. Any commitments to the Inflow/Infiltration (I/I) removal program and water conservation plan must be included in the proposed Section 61 findings for DEP.

Facilities Plan

The Draft EIR should present a draft recommended wastewater management plan that describes the proposed solutions to the Town's identified problems and how they will be managed. It should present the specific recommendations for upgrading of existing on-site systems (if appropriate); operation and maintenance (including any shared/communal systems); wastewater collection, treatment and disposal (if needed in any particular areas); and residuals treatment and disposal (if appropriate). It should also present the cost for any proposed solutions and how they will be financed, the appropriate technical design criteria for any recommended systems and facilities, the environmental impacts of the plan and any necessary mitigation, and the needed management system to assure that the proposed solutions can be implemented and

supported on a long-term basis.

Water Balance

A goal of the wastewater planning process is to minimize interbasin transfers. Contrary to the statement in the ENF that the Interbasin Transfer Act would not necessarily be triggered, the transfer of flows from Swansea to treatment plants (Somerset or Fall River) that discharge to the ocean would constitute an interbasin transfer. The Department of Conservation and Recreation (DCR) and the Water Resources Commission will make a determination regarding this issue. The Draft EIR should present the full analysis required for making a determination under the Interbasin Transfer Act. The proponent should consult with DEP, DCR and the Water Resources Commission to determine what additional analysis or mitigation will be required for the interbasin transfer, and report on those discussions in the Draft EIR.

Wetlands

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 Draft EIR should provide detailed plans, at a suitable scale, illustrating the proposed project's impacts to wetland resource areas. The Draft EIR 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 Draft EIR 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 Draft EIR 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.

The EIR should analyze both direct and indirect impacts on wetlands and water bodies resulting from the project, and quantify the amount of direct wetland impact. The analysis should also discuss the consistency of any proposed drainage and stormwater management systems with the DEP Stormwater Management Guidelines and the Wetlands Protection Act performance standards. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The proponent should consult DEP and the Riverways Program. The Draft EIR should address the issues raised in both of their comment letters related to these issues.

Historical/Archeological Resources

According to comments received by the Massachusetts Historical Commission (MHC), the project area contains numerous historic properties and a number of recorded ancient and historical period archaeological sites located near the proposed project locations. MHC has requested specific additional information, and detailed plans depicting existing and proposed conditions within the project areas to determine what effect the proposed project may have on historic and archaeological resources. I strongly encourage the proponent to work closely with MHC and provide MHC with the requested information detailed in their comment letter. The Draft EIR should describe the results of these discussions.

Rare Species

The Division of Fisheries & Wildlife's Natural Heritage & Endangered Species Program (NHESP), has indicated that one of the potential sites for the wastewater treatment and groundwater disposal facilities, the proposed Lewin Brook site, is partially located within a Priority Habitat (PH 1467) and an Estimated Habitat (WH 3078). The Wood Turtle (*Glyptemys insculpta*), a species of "Special Concern", is documented within or in close proximity to the subject property. The Draft EIR should examine other alternatives to the use of Lewin Brook site in order to avoid impacts to the Wood Turtle. If NHESP should subsequently find that the project will require a Conservation Permit pursuant to the MESA, I will require the proponent to explain the impacts and evaluate avoidance/mitigation strategies. I strongly encourage the proponent to consult with NHESP and to submit for NHESP's review project plans for any proposed work within rare species habitat located within the project area.

Construction Impacts

Construction period impacts and mitigation measures should be described in the EIR, including impacts from noise and dust, impacts on trees and other vegetation, and traffic impacts. Measures that will be taken to minimize and mitigate construction period impacts (in particular impacts on sensitive receptors or exceptional resources) should be detailed.

Mitigation Measures/Section 61 Findings

The Draft EIR should include a summary of all mitigation measures to which the proponent has committed that includes a schedule, estimated costs, and persons/agencies responsible for implementing the mitigation. The Draft EIR should also include proposed Section 61 Findings for use by state permitting agencies.

July 21, 2006

Date


Stephen R. Pritchard

Comments received:

06/28/06 Division of Fisheries & Wildlife, NHESP
06/28/06 Massachusetts Historical Commission
06/28/06 MA Riverways Program
07/06/06 MA Coastal Zone Management
07/11/06 Water Resouce Commission
07/11/06 Department of Environmental Protection SERO

SRP/ACC/acc