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August 7, 2009

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

PROJECT NAME : Oak Bluffs Wastewater Treatment Facility Effluent  
Disposal Beds  
PROJECT MUNICIPALITY : Oak Bluffs  
PROJECT WATERSHED : The Islands  
EOEA NUMBER : 14449  
PROJECT PROPONENT : Oak Bluffs Wastewater Department  
DATE NOTICED IN MONITOR : July 8, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that the above project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

Under its existing National Pollutant Discharge Elimination System (NPDES) Permit, the Oak Bluffs Wastewater Treatment Facility (Oak Bluffs WWTF) discharges up to 370,000 gallons per day (gpd) of treated wastewater effluent to the Town's Ocean Park subsurface disposal facility. The Ocean Park disposal facility is comprised of 28 subsurface infiltration beds located beneath Ocean Park, a public park located on Seaview Avenue in Oak Bluffs. According to the Town, a number of existing infiltration beds located at Ocean Park are failing and in need of repair.

As described in Environmental Notification Form, the Town's effluent disposal project involves the repair of four failed Ocean Park infiltration beds ("D" beds), and the construction of two new 160 square foot (sf) open sand infiltration beds on a 1.5-acre portion of a 5.7-acre municipally-owned project site and located on Pennsylvania Avenue adjacent to the Oak Bluffs WWTF.

Repairs to the Ocean Park discharge facility's "D" infiltration beds will involve removing the sod, top soil and the entire existing leaching field stone, placing new stone beds down with infiltrators and then rebuilding the beds. As part of the proposed project the Town is also proposing to address some site drainage issues at the Ocean Park facility involving the removal and rebuilding of an existing catch basin that has failed. A turf management specialist will be consulted to determine if there are any grading changes that can be made to alleviate storm water and irrigation water run-off impacts on the surface of the Ocean Park.

The new Pennsylvania Avenue disposal facility will be designed to accommodate the disposal of up to 256,000 gpd of treated wastewater effluent from the Oak Bluffs WWTF. The Town is proposing to divert approximately 250,000 gpd of wastewater flow from the Ocean Park disposal site to the new Pennsylvania Avenue disposal site. As currently designed, the proposed project will effectively increase the Town's wastewater disposal capacity from 370,000 gpd to approximately 600,000 gpd to provide short-term operational redundancy for wastewater disposal and to accommodate future development in the Town of Oak Bluffs. The Town will need to notify the MEPA Office of any future proposals to expand the existing treatment capacity of the Oak Bluffs WWTF to accommodate future sewer expansion activities in Oak Bluffs.

According to the information provided by the Town at the MEPA consultation session held for this project on July 22, 2009, the project will also involve the construction of recreational ball fields on the Pennsylvania Avenue project site. The Town has approved the use of Community Preservation Act (CPA) funding to construct two Little League-sized baseball fields, softball fields, basketball courts, parking and playground facilities on the remaining 4.0-acre portion of the project site.

### Permits and Jurisdiction

The project is subject to MEPA review pursuant to Sections 11.03(5)(b)(2) and (5)(b)(4)(c)(i) of the MEPA regulations because the project will receive state financial assistance and will result in the expansion of an existing WWTF by greater than 100,000 gpd, and the expansion of groundwater discharge of 10,000 or more gpd of sewage within an area, zone or district established as necessary to protect a public drinking water supply. The project will require a WWTF Modification Permit (BRP WP 68) and a new Groundwater Discharge Permit from MassDEP.

As described below, because the Natural Heritage Endangered Species Program (NHESP) has determined that the Town's recently completed land clearing activities on the project site have resulted in a "take" of a state protected species, the project will require an "after-the-fact" Conservation and Management Permit from NHESP. The project's existing National Pollutant Discharge Elimination System (NPDES) Discharge Permit with the U.S. Environmental Protection Agency (EPA) will need to be updated to include the new Pennsylvania Avenue discharge location and any proposed increase in discharged flow amount. The project should comply with the NPDES General Permit for stormwater discharges from a construction site. An Order of Conditions for the new discharge location will be required from the Oak Bluffs Conservation Commission, and on appeal only, a Superseding Order of Conditions from MassDEP.

Because the project is seeking Commonwealth funding from the State Revolving Fund (SRF), which is administered by MassDEP, 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.

#### Wetlands and Water Resources

According to the comments received from the Massachusetts Office of Coastal Zone Management (CZM), the Martha's Vineyard Commission (MVC) and the Oak Bluffs Water District, the proposed Pennsylvania Avenue wastewater discharge facility is located within the Lagoon Pond watershed and the Zone II protection area for the Farm Neck Wells (#s 2 and 2A) public water supply and the Oak Bluffs Aquifer Protection District. The Oak Bluffs WWTF currently has filtration and UV disinfection. MassDEP has indicated that because the proposed new discharge facility is located within a Zone II of the Town's Farm Neck Wells public drinking water supply, the new facility's effluent discharge will need to meet Total Organic Carbon (TOC) limits of less than 3 mg/L treatment pursuant to MassDEP's Interim Guidelines on Reclaimed Water (Revised), January 3, 2000.

CZM and MVC have expressed concern that the discharge of treated wastewater effluent at the Pennsylvania Avenue facility could result in increased nitrogen loads entering Lagoon Pond. CZM has requested that the Town provide additional information to quantify the potential future contributions to nitrogen loading from the proposed Pennsylvania Ave discharge facility and to demonstrate that this new discharge facility will not impact the water quality of Lagoon Pond and the future Total Maximum Daily Loads (TMDLs) to be established for Lagoon Pond as part of the ongoing Massachusetts Estuaries Project (MEP). The Town should also provide additional information to demonstrate that the proposed new discharge facility will not impact the water quality of the Farm Neck Wells public water supply.

CZM and the MVC recommend that the Town consider extending sewer service to properties located within the Lagoon Pond watershed and the Farm Neck Zone II protection area/Water Protection Overlay District to ensure that the proposed discharge project and its attendant additional volume of wastewater and nutrient loading does not impact the water quality for these surface and groundwater resources. I am confident that MasDEP's permit review process will require the Town to provide any additional information necessary to demonstrate the project's potential impacts to groundwater flows and nutrient loading to Lagoon Pond and the Farm Neck public water supply wells. CZM has also recommended that the Town commit to conducting groundwater monitoring around the periphery and downgradient of the Pennsylvania Avenue discharge facility to identify any impacts on area groundwater and surface water resources. I anticipate that MassDEP will require the Town to conduct groundwater monitoring as a condition of its Groundwater Discharge Permit for this project. I encourage the Town to consult with MassDEP, CZM and others in designing and implementing a water quality monitoring program and to include CZM, MVC and the Oak Bluffs Water District in the reporting of its water quality monitoring activities.

### Rare Species

The Natural Heritage and Endangered Species Program (NHESP) has indicated that the project site is located within mapped habitat for the Imperial Moth (*Eacles imperialis*), a state-listed "Threatened" species. According to NHESP, the Town's previously completed clearing of the project site resulted in an unauthorized "take" of the state-protected Imperial Moth. As a result, the Town is required to apply to NHESP for an "after-the-fact" Conservation and Management Permit (CMP) for the project.


According to the information provided by the Town to the MEPA Office, the Town continues to work closely with NHESP to design a Conservation and Management Plan for this project that will satisfy the performance standards for a MESA Conservation and Management permit and will provide the long-term protection and benefit to the Imperial Moth. The Town has identified two parcels of municipally-owned land (approximately 26.0 acres total) containing Imperial Moth habitat that the town has offered to permanently protect with a conservation restriction (CR) as part of the Town's proposed Conservation and Management Plan. I ask that the Town continue to consult with NHESP and the Oak Bluffs Conservation Commission during final project design to identify necessary project construction and post-construction conditions and commitments to avoid an adverse impact to the habitats of state-listed species located within and adjacent to the project site.

Conclusion

While I note the concerns expressed in the comments received from CZM, MVC and the Oak Bluffs Water District pertaining to the project's potential impacts to Lagoon Pond and the Farm Neck water supply wells, the project will provide overall net benefits to the environment and is supported by MassDEP. The project's potential impacts to groundwater and surface resources can be adequately addressed during the MassDEP and local permitting processes.

Based on a review of the information provided by the Town and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR.

August 7, 2009  
Date



Ian Bowles, Secretary

## Comments received:

07/13/09	Oak Bluffs Water District
07/17/09	Natural Heritage and Endangered Species Program (NHESP)
07/22/09	Massachusetts Office of Coastal Zone Management (CZM)
07/27/09	LORINC Consulting Group LLC
07/28/09	Massachusetts Department of Environmental Protection (MassDEP) – SERO
07/28/09	Martha's Vineyard Commission

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