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August 14, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Town of Scituate Wastewater Management
Upgrade
PROJECT MUNICIPALITY : Scituate
PROJECT WATERSHED : North River
EOEA NUMBER : 5512
PROJECT TOWN : Town of Scituate
DATE NOTICED IN MONITOR : July 8, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Supplemental Final Environmental Impact report (SFEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Background

The project involved the reconstruction and expansion of the Scituate Water Pollution Control Plant (Scituate WPCP) and the proposed expansion of the Town's sewer service areas. The Scituate WPCP was reviewed under EEA #2600 in 1977. The Town submitted an Environmental Notification Form (ENF) to the MEPA Office in 1985 to increase the capacity of the Scituate WPCP from 1.0 to 1.6 million gallons per day (mgd) and provide Advanced Wastewater Treatment (AWT) for nitrogen removal.

The Town also proposed the six-phased sewer expansion to include 19 sections of Scituate including nine sections of Town identified as Sewer Priority Districts #s 1A, 3, 6, 10, 23, 25, 28, 30, and 31. A Secretary's Certificate on the Final EIR was issued on April 28, 1995, that found that the FEIR submittal did not adequately comply with the MEPA regulations and required the preparation of a Supplemental FEIR. The SFEIR was submitted to the MEPA Office on March 25, 1996. On May 1, 1996 a Secretary's Certificate on the SFEIR found that the SFEIR adequately and properly complied with the Massachusetts Environmental Policy Act. The proposed improvements to the Scituate WPCP were completed in 2001.

1st Notice of Project Change

In May 2002, the Town filed a Notice of Project Change (1st NPC) that proposed to construct approximately 1.9 miles of additional sewer mains, and the installation of one additional pump station to extend sewer service to two additional areas of Scituate (Sewer Districts 32 and 33). As described in the 1st 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 concern with the Town's proposal to install a common sewer main along Town Way Extension in the Peggotty Beach area of Scituate. According to CZM, Peggotty Beach is a barrier beach located in a coastal high hazard area within the velocity zone of the 100-year storm event. DEM indicated in its comments that the Peggotty Beach area has a long history of flood damage, flood insurance claims, and flood mitigation projects. A Certificate on the 1st 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

In February 2003, the Town submitted a second NPC (2nd NPC) to the MEPA Office 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 small 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 2nd NPC 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 Town, the Scituate WPCP had sufficient capacity to service the additional wastewater flow anticipated from Sewer District 33.

A Secretary's Certificate on the 2nd 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 Infiltration and Inflow (I/I) removal, Alternatives Analysis, Growth Management, and Historic Resources.

Third Notice of Project Change (3rd NPC)

The Town submitted a third NPC (3rd NPC) to the MEPA Office in April 2007 proposing to expand the Town's proposed sewer service area to include the Rosa's Lane neighborhood (Sewer District #9) as part of the Town's Phase III sewer expansion construction program. According to the Town, the Rosa's Lane neighborhood was inadvertently overlooked during the Town's sewer expansion studies and not included in the previously identified eleven Sewer Priority Districts. The Rosa Lane area is located northeast of Scituate Center, 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 sewerd single family houses located along Captain Pierce Road. As described in the 3rd 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. According to the Town, the proposed sewerding of the Rosa's Lane area would result in a slight increase (approximately 7,000 gpd) of additional wastewater flow to be conveyed to the Scituate WPCP for treatment and subsequent discharge to the Herring River. A Secretary's Certificate on the 3rd NPC was issued on May 25, 2007 finding that the 3rd NPC submittal did not contain an adequate description of the Town's comprehensive wastewater management program including the existing treatment capacity of the Scituate WPCP, the Town's ongoing I/I removal program, and the Town's completion of a reconnaissance archaeological survey for the entire Scituate Wastewater Collection System Expansion Project area. The Secretary's Certificate on the 3rd NPC (May 25, 2007) required the Town to prepare a SFEIR to resolve these issues and to include a response to all the comments received on the 1st NPC, 2nd NPC and 3rd NPC submittals.

Permits and Jurisdiction

The project originally underwent MEPA review in 1985 pursuant to Sections 11.26(7)(c)(5) of the MEPA regulations (effective January 9, 1987), because the project involved the proposed discharge of treated wastewater effluent from the Scituate WPCP to an anti-degradation stream and Class A surface water. The project required a Variance from MassDEP's Water Pollution Control Regulations (314 CMR 4.00). The project required review by the Massachusetts Historical Commission (MHC) because portions of the project occur within or adjacent to recorded archaeological sites and archaeologically sensitive areas. It also required and received an Order of Conditions from the Scituate Conservation Commission.

State financial assistance was provided for the planning and construction of proposed sewer project. Therefore, MEPA jurisdiction is broad and extended to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

REVIEW OF THE SUPPLEMENTAL FINAL ENVIRONMENTAL IMPACT REPORT

Wastewater Treatment Capacity

Scituate WPCP

The Scituate WPCP has a permitted 2020 design year wastewater treatment capacity of 1.6 million gallons per day (mgd). The sewer expansion work proposed in Phase I (Greenbush/Reservoir Area – Districts 23 and 28) and Phase II (The Cliffs – Districts 30, 31 and 33) was completed in October 2005 and March 2008 respectively, and resulted in the generation of approximately 170,000 gpd of new wastewater flows to the Scituate WPCP. The facility is currently treating an average of approximately 1.32 mgd of wastewater flows. The Town estimated the total design year flows for the Scituate WPCP (existing sewer districts and proposed nineteen new sewer districts) to be approximately 1,525,600 gpd, 95% of the Scituate WPCP's design capacity.

Sewer Expansion and Wastewater Collection

Under the Town's currently proposed Phase III sewer expansion plan, new sewers will be extended to serve the Rosa's Lane neighborhood (District #9) and District #1A - Musquashcut Pond areas of Scituate. The proposed Musquashcut Pond - District 1A sewer expansion area was designated as a Sewer Priority area to provide sewers to existing homes located in densely developed areas in close proximity to environmentally sensitive resources such as Musquashut Pond and the Chain Ponds area in Scituate. The sewerage of the Musquashut Pond area will result in an increase of approximately 66,000 gpd of additional wastewater flows.

According to the Town, the proposed sewerage of the Rosa's Lane area ('District #9') will provide needed sewers to 27 currently unsewered single family homes located on Rosa's Lane, Newfield Road and Carinslea Lane, and six previously sewer single family houses located along Captain Pierce Road. As described above, the Rosa's Lane area contains poor soil and high water table conditions leading to problems with the on-site subsurface sewage disposal. The sewerage of the Rosa's Lane area will result in a small increase (approximately 7,000 gpd) of additional wastewater flows to be conveyed to the Scituate WPCP for treatment and subsequent discharge to the Herring River.

The Town has not advanced the design and construction of the remaining Phases of proposed sewer expansion, Phase IV (Front Street – Districts 24, 25), Phase V (North Scituate – Districts 3, 6, 10), and Phase VI (Minot (District 1), beyond the preliminary design phase previously reviewed by the MEPA Office. The future sewerage of the Front Street, North Scituate and Minot areas is expected to generate a total increase of approximately 339,550 gpd of additional wastewater flows to the Scituate WPCP.

Inflow and Infiltration

In its comments on the Town's previous submittals to the MEPA Office for this project, MassDEP required the Town to undertake certain I/I removal activities as a condition of the 1987 Administrative Consent order (ACO) issued by MassDEP to the Town regarding the upgrade of the Scituate WPCP. The Town previously proposed to eliminate approximately 50% (318,500 gpd) of an estimated 637,000 gpd of existing I/I to free up additional treatment capacity to serve the additional wastewater flows anticipated from the Town's sewer expansion project. CZM had previously expressed concern that the Town's proposed 50% I/I removal goal was unrealistic. CZM has repeated their concerns for the Town's proposed I/I removal estimates in their comments on the 3rd NPC and has suggested that the Town incorporate only actual I/I reductions achieved to date to identify the Scituate WPCP's existing capacity. The SFEIR contains a description of the Town's proposed long-term I/I Program. Since 1997, the Town has completed four of twelve phases of its proposed I/I Rehabilitation Program involving the rehabilitation of approximately 34,700 linear feet (lf) of sewer main and the removal of approximately 383,000 gpd of I/I.

Historic Resources

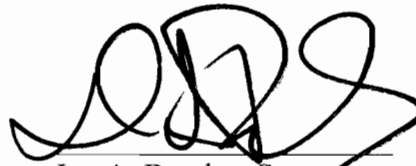
In its comments on previous submittal for this project, the Massachusetts Historical Commission (MHC) requested that the Town complete a reconnaissance archaeological survey for the entire Scituate Wastewater Collection System Expansion Project area. As described in the SFEIR, the Town completed and reported to MHC archeological surveys for the Town's Sewer Expansion Phase I (Sewer Priority Districts 23 & 28) and Phase II (Priority Districts 30, 31 and 33). The Town has committed to provide MHC with a schedule for completing additional reconnaissance archaeological survey work associated with the currently proposed Phase III sewer expansion work for Sewer Priority District #1A and Sewer District #9 - Rosa's Lane as the design for these subsequent construction Phases advances. The Town should continue to consult with MHC during final project design.

Conclusion

After a thorough consideration of the comments received from MassDEP and others, I am satisfied that any outstanding issues relating to sewer layout and construction phasing and I/I removal will be fully considered and addressed during state and local permitting. As noted elsewhere in this Certificate, the Town should continue to work closely with MassDEP, MHC and the Scituate Conservation Commission during final project design for Phase III and the future construction phases for the Town of Scituate's proposed sewer expansion project.

August 14, 2009

Date



Ian A. Bowles, Secretary

Comments received:

08/03/09	James M. Cantwell, State Representative
07/20/09	James P. Flannery
07/14/09	Tim and Shelia Chaisson
07/14/09	William Vin Doyle
07/14/09	Susan Adams-Horwich & Ralph Horwich
07/14/09	James C. and Mary Jean Coughlin
07/14/09	Thomas W. Waters and Mary Ann Waters
07/14/09	Arthur P. Rasmussen
07/14/09	Helen Clapp
07/15/09	John K. O'Brien
07/15/09	Kevin R. Butler and MaryLou Butler
07/15/09	Gerald & Susan Haley
07/15/09	Gordon and Joanne Crosier
07/15/09	John and Connie Zaroni
07/14/09	Thomas and Helen Wlodyka
07/17/09	John C. Whitney
07/17/09	Tim and Debbie Sullivan
07/17/09	Anne M. McDonley
08/08/09	Massachusetts Department of Environmental Protection (MassDEP) – SERO

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