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October 18, 2006

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

PROJECT NAME : Central Cohasset Wastewater System Phase IV –
Collection System and Wastewater Treatment Plant
Expansion
PROJECT MUNICIPALITY : Cohasset
PROJECT WATERSHED : South Coastal
EOEA NUMBER : 13872/10275
PROJECT PROPONENT : Town of Cohasset Board of Sewer Commissioners
DATE NOTICED IN MONITOR : September 11, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Single Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (ENF), this project consists of expanding sewer service within the Town of Cohasset and the upgrading and expansion of its existing wastewater treatment plant (WWTP). The expansion will serve three areas: the Little Harbor area, Jerusalem Road Area (including Deep Run/Rust Way) and the Atlantic Avenue area. Wastewater from the Little Harbor and Atlantic Avenue area will be treated and discharged by the Cohasset WWTP. Wastewater from the Jerusalem Road area would be treated and discharged by the Hull WWTP (subject to consistency with an Intermunicipal Agreement (IMA) between Hingham, Cohasset and Hull). The project is being constructed consistent with an amended Final Judgment between the Town of Cohasset and the Commonwealth and it is intended to eliminate septic system pollution, protect water resources

and facilitate the re-opening of area shellfish beds. In addition to town-wide Facility Plans reviewed previously by MEPA (EOEA #10275), additional studies have been conducted to evaluate alternatives for addressing water quality within the Little Harbor area. These include a March 2000 Water Quality Study, a January 2001 Feasibility Study and the 2006 Environmental Assessment and Facility Plan Supplement submitted with the EENF. These reports have led to the identification of an expansion in sewer service and the WWTP as the preferred alternative.

The project site includes the WWTP and the miles of roadways throughout Cohasset and along the coast where sewer lines will be installed. The WWTP is located on Elm Street within Jacob's Meadow, a salt marsh connected to the harbor with a self-regulating tide gate, and is adjacent to a residential area. The WWTP uses a membrane filtration activated sludge system and UV light disinfection system to treat wastewater to permitted levels. It discharges to Cohasset Cove using a force main and three port submerged diffuser. A map provided with the EENF outlines the area slated for new sewers which is primarily located in the northern area of the town and will traverse previously developed areas that include barrier beaches (Sandy Beach and Pleasant Beach), flood prone areas, coastal dunes and other wetland resources. The project area includes shellfish habitat including soft shelled clams, blue mussels and quahogs. As described in previous plans and updated in the EENF, the harbor and its resources are suffering from pollution. The water quality study indicated that, although wet weather non-point pollution is a significant issue, 51% of loading in Little Harbor is attributed to failing septic systems and 70% of loading within Inner Little Harbor can be attributed to failing septic systems. Poor soils, shallow ledge, high groundwater and tidal influences limit the effectiveness and use of traditional septic systems.

The project entails the construction of 10.6 miles of low-pressure sewers and the discharge an additional 150,000 gallons per day (gpd) from the existing WWTP. The EENF describes how the WWTP will be upgraded and expanded to support additional capacity. These improvements include an increase in available membrane surface area and upgrading of pumping, screening, chemical feed, flow monitoring and UV disinfection components. Potential impacts are associated with an increase in wastewater discharge and construction period impacts (including 1,300 linear feet of sewer lines within barrier beaches and 9,430 linear feet within Land Subject to Coastal Storm Flowage). In addition, the expansion in sewer service could result in secondary growth impacts. The EENF describes a number of measures to avoid, minimize and mitigate these impacts.

Jurisdiction

The project is subject to review and mandatory preparation of an EIR pursuant to Section 11.03 (5)(a)(3) because it requires a state permit and consists of construction of sewers totaling 10 miles or more in length. It requires a Sewer Connection Permit from the Department of Environmental Protection (MassDEP) and Federal Consistency Review by Coastal Zone Management (CZM). Also, it requires a National Pollutant Discharge Elimination System (NPDES) Permit from MassDEP and EPA and an Order of Conditions from the Cohasset Conservation Commission. The project may receive funding through the State Revolving Fund (SRF). Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may cause significant

Damage to the Environment. These include land, wastewater, water quality, wetlands, hazardous waste and construction period impacts.

In accordance with Section 11.05 (7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The Expanded ENF received an extended comment period pursuant to Section 11.06 (8) of the MEPA regulations and the proponent voluntarily extended the comment period an additional two weeks. The EENF included an Environmental Assessment and Facility Plan Supplement. The documents include a summary of the planning and alternatives analysis conducted to date (for the Town and the Little Harbor area), a detailed description of the project, an assessment of environmental impacts associated with the project and commitments to avoid, minimize and mitigate impacts. Studies have evaluated the effectiveness and cost of treatment/disposal alternatives and other sewer alternatives including onsite upgrades using Innovative/Alternative septic systems, satellite treatment facilities, and alternate collection and conveyance systems (e.g. gravity, vacuum and combined systems). The EENF provides an assessment of the WWTP's ability to meet existing and future permit requirements and the ability to maintain and/or improve environmental performance.

Comments from MassDEP indicate that it supports the analysis and conclusions included in the EENF and the project appears consistent with legal requirements. Based on a review of the Expanded ENF and consultation with state agencies, I hereby find that the Expanded ENF meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. The following Scope is intended to identify additional analysis and information necessary to complete MEPA review and ensure that impacts and issues are fully analyzed. Because previous efforts have included adequate alternatives analysis and state agencies have not identified the need for additional analysis, the Scope is limited to addressing issues and impacts associated with the proponent's preferred alternative.

SCOPE

Project Description and Permitting

This section should provide updates to the project description and discuss any project phasing. The Single EIR should include a detailed description of construction methods. The Single EIR should also provide updates on the status of each state permit or agency action required, or potentially required, for the project and the project's ability to meet applicable performance standards.

Secondary Impacts/Growth Management

The Single EIR addresses the potential for the project to contribute to growth (and therefore increase impacts to wetlands and other resources) in a forthright manner. The EENF describes existing zoning and wetland regulations and how these manage growth within the town, and particularly within barrier beach, high hazard and flood prone areas. The EENF

includes draft language that could be used to strengthen zoning and regulations. It discusses the consistency of the project with Executive Order (EO) 149 (State Funding of Projects within High Hazard Areas), EO 181 (Construction on Barrier Beaches) and EO 385 (Planning for Growth). The Single EIR indicates that the Town plans to further minimize the potential for the project to contribute to growth by limiting connections to existing homes although it notes that this may be subject to a legal challenge.

I appreciate the interest of the proponent to minimize further increases in wastewater generation and note that it is critical to ensure that the WWTP does not exceed the 450,000 gpd capacity of the plant. However, I am concerned that this approach is not consistent with state law (MGL Chapter 83, Section 3) and that the Town does not have the legal authority to limit connections to existing homes. The Single EIR should include a legal analysis of this issue and provide an estimate of future demand assuming that connections cannot be limited to existing homes. In addition, the proponent should reprint information on growth controls and relevant zoning and regulations in the Single EIR so that state agencies may review it in more detail and ensure that the project will not contribute to unintended growth.

Wetlands/Water Quality

The EENF includes a map illustrating resources throughout the Town and describes the need for special construction methods and techniques to traverse roads near barrier beaches and to ensure sewer facilities can withstand surge and storm erosion conditions. The Single EIR should provide plans that better illustrate the area of work within wetland resource areas and provide specifics regarding how the project will be designed and constructed to minimize impacts within sensitive resources. Comments from the Division of Marine Fisheries indicate that any water from trenches or runoff should be prevented from entering the marine ecosystem to minimize impacts to marine plants and animals.

Another commentor has expressed concern that discharge of fresh water inputs and nitrogen may be contributing to degradation of the inner cove of the harbor. Also, her comments indicate that data collection and analysis will be available soon that would be useful to this review. These efforts include data collection associated with the Environmental Protection Agency's (EPA) Clean New England Beach Initiative and a multi-agency effort, coordinated by the Mass Bays Program, to conduct comprehensive monitoring in the harbor including testing of salinity, temperature, dissolved oxygen, conductivity, pH, turbidity, light penetration and nutrients. In addition, EPA recently conducted a survey of eelgrass beds in the outer harbor.

The proponent should include updated data and analysis in the Single EIR to the extent possible to provide an updated understanding of existing conditions. It should discuss in more detail the flushing characteristics of Cohasset Cove and the impact, if any, of operation of the self-regulating tide gate.

Wastewater

The EENF indicates that the low pressure sewer system will be constructed with PVC with ductile iron piping used in specific areas to safeguard water resources components or to

traverse difficult subsurface conditions. Watertight manhole covers will be used in flood-prone areas. The proponent indicates that these features will ensure the project is less susceptible to the influence of extraneous flow (infiltration/inflow (I/I)). The EENF provides a general description of the Town's efforts to address I/I on a town-wide basis including pipe relining, manhole repair and service line improvements. It indicates that additional flow monitoring will be conducted prior to an expansion in construction.

The EENF also addresses incidences where the capacity of the plant has been exceeded and resulted in the discharge of untreated sewage directly into Jacobs Meadow. The EENF indicates the expansion will be designed to address this problem by including an overflow pipe from the anoxic tank to bypass the membrane system and a Standard Operating Procedure (SOP) had been developed, and reviewed by MassDEP, to ensure no overflows will occur in the future.

Commenters have expressed concern with an expansion in the WWTP given the recent overflows, question the assumptions used to estimate peak capacity of the plant, urge that I/I removal be implemented prior to expansion and have requested an opportunity to review and comment on the Standard Operating Procedures (SOP) developed to address overflows. The Single EIR should clearly address each of these issues. Any existing or planned SOPs should be included in the Single EIR for review. In addition, the Single EIR should provide more detailed information on the town-wide effort to address I/I including identification of specific projects, estimates of I/I removal associated with the projects and a schedule for implementation.

The EENF indicates that adequate capacity is available to service the Jerusalem Road area at the Hull WWTP (governed by an IMA between Hingham, Cohasset and Hull); however, it is unclear whether additional approval or authorization would be required and will be granted. The Single EIR should address this issue, include confirmation that capacity is available and will be granted (or identify the steps necessary to obtain authorization) and provide a copy of the IMA.

Construction Period Impacts

The Single EIR should evaluate construction period impacts, including impacts from excavation, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The Single EIR should include an assessment of the potential for encountering contamination sites during construction and take measures to avoid such sites when possible. DEP comments indicate that the proponent will need to file a Utility Release Abatement Plan for excavation in contaminated areas.

The proponent should consider participation DEP's Diesel Construction Retrofit Program to minimize air quality impacts of diesel construction vehicles. Such participation may be required as a condition of SRF funding.

Mitigation

The Single EIR should include a separate chapter on mitigation measures. This chapter should include a Draft Section 61 Finding for all state permits that includes a clear commitment

to mitigation, an estimate of the individual costs of the proposed mitigation, identification of the parties responsible for implementing the mitigation, and a schedule for mitigation, based on the construction phases of the project.

Comments

The Single EIR should include a Response to Comments section. Each comment letter should be reprinted in the document. The Single EIR should respond to the all of the comments received.

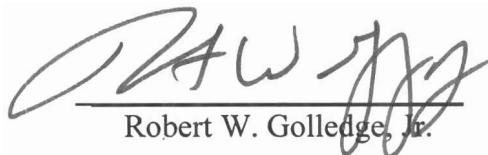
Circulation

The Single EIR 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" below, to any state agencies from which the proponent will be seeking state permits and approvals, and to Cohasset and Hull officials. A copy of the EIR should be made available for public review at the Cohasset and Hull public libraries.

Based on the review of the Expanded ENF and the comments received, I am satisfied that the Expanded ENF meets the standard for adequacy contained in Section 11.06 of the MEPA regulations.

October 18, 2006

Date



Robert W. Golledge, Jr.

Comments received:

10/12/06	Department of Environmental Protection Southeast Regional Office (MassDEP/SERO)
10/10/06	Division of Marine Fisheries
10/4/06	Cathy Witkos Joseph Coggins Wilson and Susan Pile Jennifer and David Lord David and Lynne Lahive Susi Coley Ralph Coley Nancy Crosby William Bell
10/7/06	Karen Quigley

RWG/CDB/cdb