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November 26, 2007

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

PROJECT NAME: Comprehensive Nitrogen and Wastewater Management Plan  
PROJECT MUNICIPALITY: Mashpee  
PROJECT WATERSHED: Cape Cod  
EEA NUMBER: 12615  
PROJECT PROPONENT: Town of Mashpee  
DATE NOTICED IN MONITOR: October 27, 2007

Pursuant to the Massachusetts Environmental Policy Act (M. G. L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and Needs Assessment Report submitted for this project and hereby determine that the Scope for the Environmental Impact Report (EIR) issued for the project on November 9, 2001 still stands.

Project Description

As originally outlined in the Environmental Notification Form (ENF) submitted in October of 2001, the project involves the development of a comprehensive nitrogen and wastewater management plan for the Town of Mashpee. The Plan is intended to address the Town's needs for reducing nitrogen impacts to its coastal embayments and to evaluate all options for restoring those embayments.

As stated in the Secretary's Certificate on the ENF dated November 9, 2001, the project is expected to proceed in phases with the submission of reports dealing with four major work

elements: (1) a Needs Assessment Report, defining those areas that need nitrogen and wastewater management and establishing project flows from those areas; (2) an Alternatives Screening Analysis Report, evaluating the various means of meeting the wastewater requirements of the needs areas; (3) the Nitrogen and Wastewater Management Plan and Draft Environmental Impact Report (DEIR), which will identify a proposed management plan and assess the potential environmental impacts of that plan; and, (4) the Nitrogen and Wastewater Management Plan and Final EIR (FEIR), which will provide any additional environmental analysis required and will respond to comments submitted on the DEIR. The Certificate on the ENF directed the Proponent to prepare and submit for review the first two reports prior to the submission of the DEIR.

The project is subject to MEPA review and to the Mandatory EIR provisions of the MEPA regulations at 301 CMR 11.03(5)(a)(3) because it is presumed that the project will ultimately result in the construction of more than 10 miles of new sewers. The Proponent is seeking financial assistance from the Commonwealth under the State Revolving Fund (SRF); therefore, MEPA has broad scope jurisdiction over the project. The project is being reviewed under a Joint Environmental Review Process established between the Executive Office of Energy and Environmental Affairs (EEA) and the Cape Cod Commission.

#### Review of the NPC/Needs Assessment Report


The NPC currently under review includes the final Needs Assessment Report, which is the first of the review documents for the project. The Proponent submitted the NPC with the report in accordance with the MEPA regulations for a lapse of time, at 301 CMR 11.10(2). Following the submission of the ENF, the project was put on hold as the Proponent awaited the results of the Massachusetts Estuaries Project (MEP). The MEP's reports relevant to the Project Planning Area (PPA) were released in 2004 and 2005, and will be used by the Proponent in the development of the nitrogen management needs and management plan.

The Needs Assessment Report provides information on existing wastewater facilities; physical features, land use and regulatory issues affecting wastewater facilities; and existing conditions related to environmental resources, nitrogen loadings and on-site septic systems. The report also identifies the impacts of population growth in the PPA on wastewater collection, treatment and disposal facilities. The Proponent has identified a number of priority areas for nitrogen removal and nitrogen management and has established three levels of rankings for these sites.

I commend the Town of Mashpee for its efforts and for the comprehensive nature of the Needs Assessment Report. Comments submitted to MEPA on the NPC indicate that the report is an excellent foundation from which to develop the Watershed Nitrogen Management Plan. The Proponent should incorporate responses to technical comments submitted on the NPC from the Cape Cod Commission, the Department of Environmental Protection, the Office of Coastal Zone Management and the Massachusetts Historical Commission into the Alternatives Screening Analysis Report.

November 26, 2007

Date



Ian A. Bowles

Comments Received:

10/29/2007 Massachusetts Historical Commission  
11/9/2007 Office of Coastal Zone Management  
11/16/2007 Department of Environmental Protection, Southeast Regional Office  
11/16/2007 Cape Cod Commission

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