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December 24, 2008

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

PROJECT NAME : Mill Pond Well Site
PROJECT MUNICIPALITY : Chatham
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 14343
PROJECT PROPONENT : Chatham Water Department
DATE NOTICED IN MONITOR : November 24, 2008

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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the Chatham Water Department is proposing to construct two new gravel-packed municipal drinking water supply wells (21B, 21D) with two associated pump station buildings (1,060 square feet (sf) and 100 sf) and approximately 1,000 sf of gravel access driveway with two surface parking spaces. The larger pump station building will be fenced with six-foot tall chain link fencing and will be equipped with an emergency generator for back-up emergency electrical service. The project also includes the construction of a new 12 inch water transmission main that will be located within the proposed gravel driveway to connect the new well field to the existing municipal water supply main located in the Dusty Miller Road right-of-way. Electric service to the pump stations will be provided via 1,000 linear feet (lf) of overhead line from Dusty Miller Road to pump station building 21D and from pump station 21D to pump station 21B via 200 lf of underground service.

The area of the proposed water supply wells is located in the Pleasant Bay Area of Critical Environmental Concern (Pleasant Bay ACEC) and adjacent to Mill Pond, a designated Outstanding Resource Water (ORW).

The Mill Pond wells are being developed for redundancy purposes and will be operated on a rotational basis with the Town's other water supply wells to meet the Chatham Water Department's existing peak demand periods or projected demands associated with the Town of Chatham's future expansion. According to the comments received from MassDEP, the Chatham Water Department is authorized under its Water Management Act Permit (WMA) to withdraw an average daily volume of up to 1.17 millions gallons per day (MGD) through November 30, 2011. The project will not result in an increase in the permitted volume for annual water withdrawal under the Chatham Water Department's existing WMA Permit.

Permits and Jurisdiction

The project is undergoing review pursuant to Section 11.03 (4)(b)(1) of the MEPA regulations because it involves a new withdrawal of 100,000 or more gallons per day (gpd) from a water source that requires new construction for the withdrawal. The project will require a New Source Approval (BRP WS19) and a Water Management Act Permit Amendment from MassDEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of more than one acre. The project will also require an Order of Conditions from the Chatham Conservation Commission for buffer zone impacts (and on appeal only, a Superseding Order from MassDEP).

The Proponent is not seeking state funding or financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to cause significant Damage to the Environment as defined in the MEPA regulations including wetlands, rare species and water quality.

Review of the ENF

Land Alteration/Stormwater Management

The project will result in the permanent alteration of approximately 0.36 acres of upland and the creation of approximately 960 sf of impervious surface area. Stormwater runoff generated by the project will be mitigated by the implementation of Best Management Practices (BMPs) by the Proponent including the construction of a pervious compact gravel driveway and parking area and water quality swales. The Proponent should consider infiltrating roof runoff via drywells that could be located adjacent to each of the new pump station buildings. The design of the stormwater system must meet Standard 6, *Critical Areas*, of MassDEP's Stormwater Management Policy.

The Chatham Water Department should consult with MassDEP during final project design to identify opportunities to include Low Impact Development (LID) techniques in the project's site design and stormwater management plans.

Wetlands/Water Quality

The ENF indicates that all project construction activities will be located outside and upland of any wetland resource areas. Consistency with the Wetlands Protection Act (WPA) will be addressed by the Chatham Conservation Commission through the local review process.

The Proponent has committed to implementing a water level monitoring program for Mill Pond to determine the long-term water level impacts to the pond, if any, associated with the use of the new Mill Pond wells. The monitoring program will begin one year before the Mill Pond wells are activated and will involve monthly water level readings taken from approximately seven separate locations. I encourage the Proponent to also consider distributing free water conservation kits to all Chatham Water Department customers, and to investigate adding a seasonal price increase during hot and dry weather to its water conservation program in order to discourage outdoor watering.

Rare Species


According to the comments received from the Cape Cod Commission (CCC) and the Natural Heritage and Endangered Species Program (NHESP), based on the new 2008 Natural Heritage and Endangered Species Program atlas, the project site contains mapped Priority habitat for the Plymouth Gentian (*Sabatia kennedyana*). In its comments, the NHESP has indicated that the proposed new well project, as currently designed, will not impact state-listed species or their habitats. I ask that the proponent consult with the NHESP during project design to minimize the project's potential impacts to rare species habitats to avoid permitting under the Massachusetts Endangered Species Act (MESA).

Historic/Archaeological

According to the comments received from the Massachusetts Historical Commission (MHC), the project site is located in an archaeologically sensitive area of Chatham favorable to Native American land use and occupation. The proponent should consult with the MHC during final project design to avoid, minimize, or mitigate any adverse effects to significant archaeological resources that may be affected by the proposed project.

Based on a review of the information provided by the Proponent and after consulting with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be adequately addressed in the MassDEP permitting process. However, the Proponent must consult with the NHESP and MHC regarding potential impacts on rare species habitat and archaeological resources. I conclude that no further MEPA review is required.

December 24, 2008
Date



Ian A. Bowles, Secretary

Comments received:

12/01/08	Massachusetts Historical Commission (MHC)
12/09/08	Natural Heritage and Endangered Species Program (NHESP)
12/11/08	Division of Marine Fisheries
12/12/08	Cape Cod Commission (CCC)
12/16/08	Massachusetts Department of Environmental Protection (MassDEP) – SERO

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