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November 7, 2005

DRAFT RECORD OF DECISION

PROJECT NAME : Long-Term CSO Control Plan - Berkshire
Street Treatment Facility
PROJECT MUNICIPALITY : Holyoke
PROJECT WATERSHED : Connecticut River
EOEA NUMBER : 12012
PROJECT PROPONENT : City of Holyoke
DATE NOTICED IN MONITOR : October 8, 2005

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and request for a Phase I waiver submitted on this project. I propose to grant a Phase 1 Waiver, allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Final Environmental Impact Reports (EIR) for the entire project.

Project Change Description

As described in this NPC, the project change consists of the reevaluation of the Phase I Program to include the construction of a new 18,200 square foot (sf) pump station and CSO treatment facility near the Berkshire Street Interceptor (pipeline) adjacent to the existing Wastewater Treatment

Facility (WWTF). The pump station and CSO treatment facility would include chlorine contact tanks, screening channels, and an administrative area. A small parking area with four spaces would be provided at the site. The proponent will construct two manholes (one to divert flow into the CSO treatment facility and one to return treated water to the interceptor for discharge) and a wet well along the existing interceptor. About 600 linear feet of the existing 10-foot diameter Berkshire Street Interceptor would be modified with a reinforced gunite lining. New sodium hypochloride storage tanks are proposed at the existing WWTF southwest of the existing clarifiers. The sodium hypochlorite will be used within the CSO facility to provide disinfection. The project includes the construction of a new vortex control valve in a new structure (130 sf) located near the existing CSO #9 regulator. No modifications are proposed to the existing outfall to the Connecticut River.

The Berkshire Street CSO treatment facility would provide the capability to screen and disinfect up to 103 million gallons per day (mgd) of CSOs. The flow rate to the existing Berkshire Street (CSO #9) outfall on the Connecticut River during a 3-month, 24-hour storm has been estimated at 128 mgd. The design for this project includes diverting 25 mgd of the flow to the WWTF through a modified flow regulator through the existing South Street Interceptor and provides a new CSO treatment facility to treat the remaining 103 mgd. The WWTF has a total capacity of 37 mgd and currently receives 12 mgd of flow from the North and South Street Interceptors.

The Berkshire CSO treatment facility and the above improvements would allow treatment of a 3-month storm event and is designed to reduce untreated CSO discharges to four per year. The above facility improvements would provide storage for small but intense storms. All water captured in the CSO storage tanks or in the outfall pipe at the end of a storm would be drained back to the WWTF for secondary treatment. The proponent has entered into a 99-year lease agreement with the project site owner to construct and operate the CSO facility. It proposes to ultimately purchase this parcel. This project has eliminated the need for the Day Brook detention basins and the WWTF upgrades, two projects that were originally included in Phase I of the overall control plan. The Berkshire CSO discharge represents the largest single discharge volume of untreated CSO into the Connecticut River and contributes greater than 55 percent of the untreated discharge volume from the City of Holyoke. This

project was proposed as Phase V of the Draft LTCP/DEIR and was scheduled to begin in the year 2025.

This portion of the overall project would proceed prior to the submission of the FEIR, and the proponent has requested SRF funding for \$17.9 million (2006 FY). Delaying the project until the FEIR has been completed will result in continued water quality degradation from the Berkshire Street interceptor discharges, and potential penalties from the U.S. Environmental Protection Agency (USEPA). The Berkshire Street CSO treatment facility is part of a revised Administrative Consent Order (ACO) that establishes a schedule for the completion of these improvements by July 1, 2008.

The proponent will implement this new element of Phase I in 2006, and the project will be completed by July 1, 2008. The estimated cost of the project is approximately \$17.9 million.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based on information submitted by the proponent and after consultation with the relevant state agencies, I find that:

- 1) The Phase I project will reduce CSOs and improve water quality in the Connecticut River. Negative impacts to rare or endangered species are not anticipated. The short-term impacts from construction activities for the Phase I project will be temporary. Short-term construction noise and dust are expected in the areas where the project is proposed. Traffic disruptions are anticipated during construction. These impacts will be insignificant.
- 2) In response to the Secretary's Certificate of August 24, 2000, on the DEIR, the proponent has submitted the NPC to revise its proposed Phase I work to include the most significant and cost-effective CSO abatement projects and to address the concerns regarding the lengthy implementation schedule, eliminating more CSOs sooner, and increasing the proponent's financial commitment to the project. The proponent has spent approximately \$1.3 million for engineering, consulting, and legal fees to advance the LTCP. It has added the Berkshire Street CSO treatment facility (Phase V) from the DEIR into its proposed Phase I. The project change will eliminate approximately 291 mg per year of CSOs from the Berkshire Street Outfall or about 90-95 percent of the existing CSO discharge from this outfall to the Connecticut River.
- 3) Ample and unconstrained infrastructure exists. The proponent owns or will lease all the property where project would be built.
- 4) The project is severable. Once Phase I is complete, none of the Phase I project would rely on the construction of future phases or eliminate any possible abatement alternative for drainage areas included in future phases.
- 5) The terms of the ACO between the proponent and DEP/USEPA require compliance with applicable DEP and other regulatory requirements. DEP will condition its approvals to compliance with the MEPA Certificate. The proponent will comply with the above findings, and it will provide the FEIR within 12 months after DEP and USEPA give direction to the City of Holyoke on the phasing and sequencing of the LTCP/FEIR.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section

11.11. Therefore, I propose to grant the Phase I waiver requested for this Long-Term CSO Control Plan, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

November 7, 2005

Date

Stephen R. Pritchard

SRP/WG/wg