

Appendix B

Environmental Review Certificate 1-5

April 9, 2004



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs

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ELLEN ROY HERZFELDER
SECRETARY

April 9, 2004

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

PROJECT NAME : Chatham Comprehensive Wastewater Management Planning Study
PROJECT MUNICIPALITY : Chatham
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 11510
PROJECT PROPONENT : Town of Chatham
DATE NOTICED IN MONITOR : March 10, 2004

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **continues to require** the preparation of a Environmental Impact Report (EIR).

This project involves the development of a comprehensive wastewater management plan/facilities plan for the Town of Chatham. The environmental review of the project under MEPA was defined in a Special Review Procedure established by agreement between the Town of Chatham and my office in April 1998.

The Special Review Procedure called for the filing of four documents:

- Phase I, Needs Analysis;
- Phase II, Screening of Alternatives;
- Phase III, Draft EIR/Facilities Plan; and
- Phase IV, Final EIR/Facilities Plan.

The Phase I document was submitted to the MEPA Office for review in September 1999 and was found adequate in October of 1999. The Secretary's Certificate on the Phase I - Needs Assessment document required the proponent to include in the Phase II document detailed responses to the issues raised in the comment letters on the Phase I document, a discussion of the proposed project's consistency with Executive Order 385, Planning for Growth, and the Town of Chatham's land use and open space goals.

This Notice of Project Change (NPC) has been filed pursuant to Section 11.10 (2) of the MEPA Regulations because more than three years have elapsed between the publication of the Secretary's Certificate on the Phase I Needs Analysis (October 29, 1999) and the filing of the Final EIR/Facilities Plan.

According to the comments received from the Department of Environmental Protection (DEP) and Massachusetts Coastal Zone Management (CZM), the Town of Chatham has continued to work closely with DEP, the Cape Cod Commission (CCC), the Marine Estuaries Project (MEP) and others to develop nitrogen loading limits for the Town's coastal embayments. According to the comments received on the NPC, the Town of Chatham has made significant progress and continues to demonstrate its commitment to the comprehensive wastewater management planning process.

As described in the NPC, the proponent is also requesting a change to the Special Review Procedure described above. The proponent now proposes to submit for MEPA review a Supplemental Needs Analysis, and to combine the Phase II document (Screening of Alternatives) and the Phase III document (Draft EIR/Facilities Plan) documents into one MEPA submittal document entitled "Alternatives Analysis and Draft Environmental Impact Report/Recommended Facilities Plan".

The proposed change to the Special Review Procedure will allow the MEPA review of the Town of Chatham's Comprehensive Wastewater Management Plan in three steps:

Phase II – Supplemental Needs Assessment

Phase III – Alternatives Analysis and Draft Environmental Impact Report/Recommended Facilities Plan

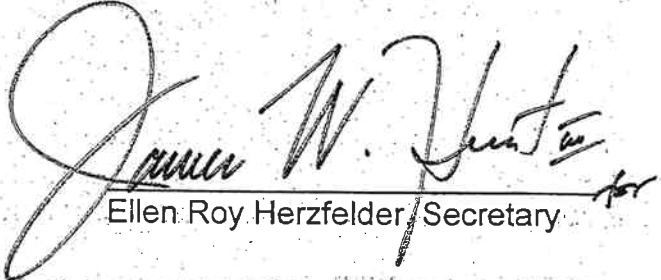
Phase IV - Final Environmental Impact Report /Recommended Facilities Plan

I find that the proposed changes to the Special Procedure, as described above, are appropriate and acceptable. I ask that the proponent include in the Phase II (Supplemental Needs Assessment) document detailed responses to the issues raised in the comment letters on the previously submitted Phase I Needs Assessment document. The Phase II document should also include a discussion of the proposed project's consistency with Executive Order 385 Planning for Growth, and the Town of Chatham's land use and open space goals.

I encourage the Town of Chatham to continue to work closely with DEP, CCC, CZM, CAC and the MEP in the development and review of the Town's comprehensive wastewater management plan.

April 9, 2004

DATE


Ellen Roy Herzfelder/Secretary

Comments received:

03/30/04 Cape Cod Commission (CCC)
04/07/04 Massachusetts Department of Environmental Protection (DEP) – SERO
03/29/04 Massachusetts Coastal Zone Management (CZM)

#11510 NPC
ERH/NCZ/ncz



THE COMMONWEALTH OF MASSACHUSETTS
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MEMORANDUM

TO: Ellen Roy Herzfelder, Secretary, EOE
ATTN: Nicholas Zavolas, MEPA Unit
FROM: Tom Skinner, Director, CZM *nr*
DATE: March 29, 2004
RE: EOE 11510 – Comprehensive Wastewater Management Planning Study, Notice of Project Change; Chatham

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Notice of Project Change (NPC), noticed in the Environmental Monitor dated March 10, 2004, and supports the Town's request to continue the MEPA process through Draft and Final Environmental Impact Reports (EIR).

The Town of Chatham is in the process of addressing its wastewater treatment and disposal issues through the development of a Comprehensive Wastewater Management Planning Study. The Secretary of Environmental Affairs issued a Certificate in 1998 that established a Special Procedure for a Major and Complicated Project. That scope called for the planning process to take place in four phases, including: 1) a needs assessment; 2) the identification and screening of alternatives; and 3) development of a draft and 4) final EIRs detailing evaluations and recommendations. The first phase of the project – the Needs Assessment – was submitted by the Town in 1999, and the Secretary determined that it “adequately and properly” complied with the original scope and relevant regulations.

However, because more than three years has elapsed since the issuance of the Secretary's Certificate, the Town has submitted a Notice of Project Change to continue the MEPA process. The NPC also includes a request that the remaining three phases outlined in the 1998 Certificate be combined into the draft and final EIRs.

CZM supports the proposed change described in the NPC because the Town of Chatham has repeatedly demonstrated its commitment to a thorough planning process, and has made significant progress on this project. Indeed, the delay in the preparation of additional documents has been largely the result of an extensive public process and careful planning.

The proposed project may be subject to CZM federal consistency review, in which case the project must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Alex Strycky, Project Review Coordinator, at 617-626-1219 or visit the CZM web site at www.state.ma.us/czm/fcr.htm.



TWS/th

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