

Appendix B

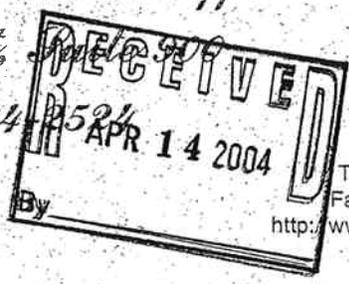
Environmental Review Certificate 1-5

April 9, 2004



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs

100 Cambridge Street,
Boston, MA 02114



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KERRY HEALEY
LIEUTENANT GOVERNOR
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

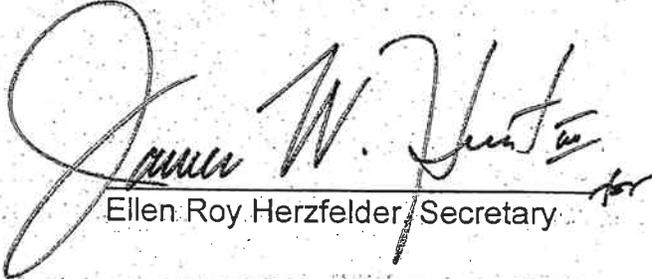
Phase IV - Final Environmental Impact Report /Recommended Facilities Plan

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
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
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(617) 626-1200 fax: (617) 626-1240



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

cc: Truman Henson, Jr.,
CZM Cape & Islands Regional Coordinator
Elizabeth Kouloheras, Section Chief
Southeast Regional Office, MA DEP
Brian Dudley, DEP SERO
Cape Cod Commission
P.O. Box 226, Barnstable, MA 02630
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Sterns & Wheeler, LLC, 255 Stevens St., Hyannis, MA 02601
Dr. Robert Duncanson, Director,
Town of Chatham Department of Health and Environment
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Town of Chatham Water & Sewer Department
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NZ
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APR 5 - 2004

MEPA

By Fax and Regular Mail

March 29, 2004

Secretary Ellen Roy Herzfelder
Executive Office of Environmental Affairs
MEPA Office
251 Causeway Street, Suite 900
Boston, MA 02114

RE: Town of Chatham, Notice of Project Change
Comprehensive Wastewater Management Planning Project/EIR
EOEA #11510
MEPA Analyst – Nicholas Zavalas

Dear Ms. Herzfelder:

The Cape Cod Commission (Commission) has received a Notice of Project Change (NPC) for the Town of Chatham Comprehensive Wastewater Management Planning Project. The NPC was noticed in the *Environmental Monitor* on March 5, 2004. Although the Commission has not taken a formal position on this project, staff has reviewed it and would like to offer the following comments.

The submittal letter accompanying the NPC states that the town is submitting the NPC because more than three years have passed on the last Secretary's Certificate on the project. The NPC also includes the town's proposal to combine the fourth and fifth phases of the Planning Project (*Screening and Alternatives Analysis* and *Detailed Evaluation of Recommended Plan*, respectively). In addition, the town is also proposing that MEPA review a "Supplemental Needs Assessment Report" in May 2004 that will document activities and findings since the 1999 Needs Assessment Report. The Needs Assessment is the third phase of the Planning Project.

Commission staff supports the condensing of the fourth and fifth phases of the Planning Project in order to allow more rapid progress through the project. Completion of these phases is dependent on the appropriate identification of all the wastewater needs in the third phase. In the last review of the Needs Assessment Report in October 1999, the Commission's subcommittee identified a number of areas that needed additional clarification, including: collection of data from the freshwater ponds, incorporation of water quality data from the coastal embayments, defining appropriate water quality limits, and revisions of water supply demand projections.

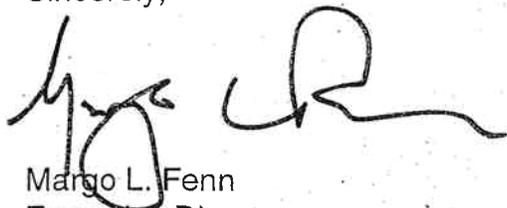
The preparation of the December 2003 Massachusetts Estuaries Project (MEP) report for Chatham has provided the town with water quality limits for the five major estuaries in town (Stage Harbor, Sulphur Springs, Taylors Pond, Bassing Harbor, and Muddy Creek). The MEP analysis has also provided the town with state-of-the-art tools to evaluate wastewater management alternatives. These tools will need to be supplemented in order to address all the concerns previously identified by the Commission.

In order to streamline the completion of the third phase, staff would welcome the opportunity to discuss how the town will address the freshwater ponds and drinking water issues previously identified by the Commission. Commission staff have worked closely with town staff to resolve many of the portions of the project, including significant interaction on preparation the MEP analysis. Commission staff look forward to continued cooperative discussions to resolve all issues related to this project.

In summary, Commission staff supports the Town of Chatham's request to condense the fourth and fifth phases of the Comprehensive Wastewater Management Planning Project. Staff looks forward to reviewing the Supplemental Needs Assessment Report and would welcome the opportunity to discuss how previous Commission concerns with the original Needs Assessment will be addressed in the supplemental report.

Thank you for this opportunity to comment. As always, Commission staff are available to discuss these comments with the Town.

Sincerely,



Margo L. Fenn
Executive Director

cc: File
Robert Duncanson, Chatham DH&E
Bill Redfield, Chatham DPW
Nate Weeks, Stearns and Wheler
Brian Dudley, DEP, SERO
Ron Lyberger, DEP/BMF
Catherine Frazer, Commission member, Chatham
Thomas Bernardo, Barnstable County, Assembly of Delegates, Chatham
William Doherty, Barnstable County Commissioner
Douglas Ann Bohman, Chair, Chatham Board of Selectmen
Paul DeCoste, Chatham Town Planner



COMMONWEALTH OF MASSACHUSETTS
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SOUTHEAST REGIONAL OFFICE

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KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

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APR 7 - 2004

NEPA

March 30, 2004

Secretary Ellen Roy Herzfelder
Executive Office of Environmental Affairs
251 Causeway Street, 9th Floor
Boston, Massachusetts 02202

RE: CHATHAM – NPC Review
EOEA #11510 - Comprehensive
Wastewater Management Plan

Dear Secretary Herzfelder,

The Southeast Regional Office of the Department of Environmental Protection has reviewed the Notice of Project Change (NPC) Comprehensive Wastewater Management Plan (CWMP) proposed for the Town of Chatham, Massachusetts (EOEA #11510). The project proponent provides the following information for the project:

“The NPC is being submitted because more than three years have elapsed between the most recent Secretary Certificate on the Project (10/29/99) and the filing of an EIR. The proponent (Town) also requests a change in the project scope.

Originally, the study was to be completed in three phases:

- **Phase 300 – Needs Assessment**
- **Phase 400 – Screenings and Alternatives Analysis**
- **Phase 500 – Detailed Evaluation of Recommended Plan.**

Because of the length of this project and the goal of developing a comprehensive plan to address the Town’s needs in the near future, it is recommended that the last two phases be combined into one phase (the Alternatives Screening and Detailed Evaluation). The Town proposes combining the Phase 400 and Phase 500 work to streamline the schedule and allow the MEPA review process to review the screening analysis and the recommended plan in two steps: (1) Review of a Draft Wastewater Management Plan/DEIR, and (2) Review of a Final Wastewater Management Plan/FEIR.”

This information is available in alternate format. Call Debra Doherty, ADA Coordinator at 617-292-5565. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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SERO's Division of Wastewater Management staff has reviewed the document and indicates that the DWM supports the proposal to combine tasks 400 and 500 into a combined draft and final report. SERO has worked closely with the town on this and should be able to streamline the planning process.

Based on the information provided in the NPC, the Bureau of Waste Site Cleanup (BWSC) searched its database for disposal sites and release notifications. The subject project was not listed as a current site. In addition, no other disposal sites were listed in the immediate vicinity of the proposed project. The Project Proponent is advised that, if oil and/or hazardous material is identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to the Department, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The BWSC may be contacted for guidance if questions regarding cleanup arise.

The DEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact Sharon Stone at (508) 946-2846.

Very truly yours,



David A. DeLorenzo,
Deputy Regional Director,
Bureau of Resource Protection

DD/SS

Cc: DEP/SERO
ATTN: David Johnston,
Deputy Regional Director

Jeffrey Gould
Chief, Water Pollution Control

Elizabeth Kouloheras
Team Leader, Cape Cod Watershed

Brian Dudley,
Chief, Water & Nutrient Management

Richard Keith
Chief, Municipal Services

Cc: DEP/Boston
ATTN: Leena McQuaid