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December 29, 2010

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE AND PHASE I WAIVER REQUEST

PROJECT NAME : Easton Comprehensive Wastewater Management Plan  
PROJECT MUNICIPALITY : Easton  
PROJECT WATERSHED : Taunton River  
EOEA NUMBER : 13418  
PROJECT PROPONENT : Town of Easton  
DATE NOTICED IN MONITOR : October 25, 2010

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.03 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 this project **continues to require** the preparation of an Environmental Impact Report (EIR). The Town of Easton has requested a Phase I Waiver to allow the construction of the North Easton Village Sewer Project to proceed, pending the preparation of EIR for the project. The Phase I Waiver Request was presented within the NPC submittal. In a separate Draft Record of Decision, also issued today, I have proposed to grant the proponent's revised Phase I Waiver Request allowing the first phase of the project to proceed while the EIR is being prepared.

OVERVIEW

The Town of Easton is developing a Comprehensive Wastewater Management Plan (CWMP) to address the short-term and long-term issues relating to the Town's wastewater treatment and disposal needs. The goal of the CWMP is to examine the full range of Easton's wastewater management needs, identify environmentally sustainable treatment and disposal alternatives that respond to the community's needs, and meet water quality and public health standard.

The result will be a comprehensive plan outlining how the Town of Easton will treat and dispose of its sanitary sewage for the next 20 years.

### Project History

In December 2004 the Town submitted an Environmental Notification Form (ENF) for the Town of Easton Comprehensive Wastewater Management Plan that contained an analysis of the Town's existing and future wastewater management needs and an analysis of local and regional wastewater treatment and disposal alternatives. The ENF identified a regional alternative as the Town of Easton's recommended comprehensive wastewater management plan that called for the construction of new sewers, force mains and pumping stations to serve 5 currently unsewered high priority sewer needs areas (Tier I Needs Areas) in Easton (North Easton Village, South Easton, Five Corners, Turnpike Street and Easton Center). These sewer needs areas comprise the town's business, commercial and high density residential areas and were collectively estimated to generate a 202 design year flow of approximately 1.2 million gallons per day (MGD) of wastewater. The Town's proposed new sewer collection system would thereby collect and convey the wastewater flows to a number of existing regional wastewater treatment facilities (WWTFs) located in Brockton, Mansfield and Taunton for treatment and disposal. The wastewater flows from North Easton Village, South Easton – northern half, and Easton Center (approximately 0.70 mgd) were to be conveyed to the City of Brockton's existing WWTF. The wastewater flows from the Five Corners sewer service area (approximately 0.10 mgd) were to be conveyed to the Town of Mansfield, and the wastewater flows from the Turnpike Street and South Easton – southern half sewer service area (approximately 0.40 mgd) would be conveyed through the Town of Raynham to Taunton's WWTF. The Town also proposed in the ENF to implement a town-wide septage management program for the remaining unsewered areas within the Town of Easton (Tier 2 Study Areas) that will emphasize public education and include the periodic testing, evaluation and pumping of on-site septic systems in Easton.

The Secretary's Certificate on the ENF was issued on January 21, 2005 and required the Town to prepare and submit a Draft EIR (DEIR) to include additional information to demonstrate the feasibility of the proposed regional alternative and to further study the Town's potential in-town alternatives. The Town was required to supplement the needs analysis presented in the ENF with additional information to evaluate how the use of water conservation measures might be used to reduce the Town's projection of future per capita water use and adjust the Town's sewer needs analysis accordingly. The Town was also required to provide additional information to describe the projects potential impacts to wetlands resource areas, rare species and historical and archeological resources. Lastly, the Certificate on the ENF required the Town to include in the DEIR a detailed discussion of the cost estimates (both capital and operating) for

the Town's recommended CWMP and how it will be financed, and how the Town proposes to control potential secondary growth impacts that may be induced by public sewers.

### Permits and Jurisdiction

This project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(5)(a)(3) of the MEPA regulations because the project is receiving Financial Assistance from the Commonwealth and will likely involve construction of more than ten miles of new sewers. The project may also exceed other thresholds depending on final project design. The project will require several permits from the Department of Environmental Protection (MassDEP) for sewer extensions as well as compliance with revised water quality discharge limits specified in the federal National Pollutant Discharge Elimination System (NPDES) permits issued by the U.S. Environmental Protection Agency (EPA). The project will require an Order of Conditions from the Easton Conservation Commission; a 401 Water Quality Certification and Sewer Extension Permit from the Department of Environmental Protection (MassDEP); and possibly a Groundwater Discharge Permit from MassDEP. The project may also require review by the Water resources Commission (WRC) under the Interbasin Transfer Act (ITA).

Because the Town of Easton is seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may, directly or indirectly, cause Damage to the Environment as defined in the MEPA regulations.

## REVIEW OF THE NOTICE OF PROJECT CHANGE

The Town has submitted a Notice of Project Change (NPC) to the MEPA Office that describes the Town's re-evaluation of its previously proposed regional alternative for managing its future wastewater flows. As described in this NPC document, the Town completed a re-evaluation of the regional sewer alternative and has now identified a recommended alternative design that includes an 'In-Town' and a "Regional" component to provide the necessary infrastructure to collect, treat and dispose the Town's design year wastewater flows.

### *In-Town Wastewater Treatment and Disposal*

According to the information provided in the NPC, the In-Town alternative will involve the construction of one or more decentralized WWTFs to be located within the Town of Easton to treat and dispose a portion of the Town's design year wastewater flows. The NPC includes a listing of eleven sites in the Town of Easton, many of which were previously identified in the ENF, to be further

evaluated as potential sites for locating a new WWTF and/or new groundwater discharge location including:

- Main Street Site;
- Easton Rod & Gun Club and Adjacent Land site;
- Old Pond/New Pond site;
- North Main Street site;
- The Grange Hall and adjacent Athletic Field site;
- Turnpike Street (Carriage House) site;
- Elm Street site;
- Chestnut Street site;
- Militia park site;
- Borderland State Park site; and,
- Depot Street Site.

#### Regional Wastewater Treatment and Disposal Component

According to the Town, the CWMP for the Town of Easton will continue to explore opportunities to convey a portion of the Town's design year wastewater flows to existing WWTFs located in the City of Brockton, Town of Mansfield and Taunton for treatment and disposal.

#### Septage Management Program

The Town committed to implement a town-wide septage management program for the remaining unsewered areas within the Town of Easton (Tier 2 Study Areas) prior to the construction of the proposed new sewer collection and conveyance system. The septage management program will emphasize public education and include the periodic testing, evaluation and pumping of on-site septic systems in Easton.

#### Request for Phase 1 Waiver

Included with the NPC submittal, the Town has requested a waiver that will allow the Town to proceed with Phase I of the project, described in the NPC as the construction of the North Easton Village Sewer Project to be located in the North Easton Village Needs Area prior to preparing a mandatory Environmental Impact Report (EIR) for the entire project.

As described in the Town's Phase I Waiver request, the North Easton Village Sewer Project will involve the construction of a new 50,000 gpd WWTF to be located on a portion of an 8.2-acre parcel, currently under private ownership and the site of the former Ames Shovel Works in North Easton Village (Shovel Shop site) located off Main Street and Oliver Street in Easton. In

addition to accommodating a new WWTF, the Shovel Shop site will accommodate the groundwater disposal of up to 36,000 gpd of treated wastewater. The Town has identified an existing soil absorption field located on a parcel of property owned by the YMCA and abutting the Shovel Shop site that can accommodate up to 14,000 gpd of groundwater discharge of treated wastewater effluent from the proposed North Easton Village WWTF. According to the information provided in the NPC, the North Easton Village WWTF will be designed to accommodate the wastewater flows (approximately 37,000 gpd) associated with a new mixed-use (residential and office) development proposed to be located on a 5.5-acre portion of the Shovel Shop site and approximately 28,000 gpd of wastewater flows from a portion of the North Easton Village Tier I Needs Area.

Comments that I have received from MassDEP on the NPC do not identify any concerns with the proposed project change or with the requested Phase I Waiver. In a separate Draft Record of Decision (DROD) also issued today, I have proposed to grant a waiver to allow the construction of the North Easton Village Sewer Project to proceed in advance of the completion of the Draft and Final EIR for the Town's CWMP. The Town is still required to submit a Draft EIR concerning the town-wide CWMP in accordance with the scope provided below.

## SCOPE FOR PHASE II - CWMP/DEIR

### General

The Town should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. A Project Summary in clear non-technical language should be included in the DEIR. This section of the document should summarize the project, alternatives analyzed, the type and extent of potential impacts, and mitigation measures that the Town is committed to. It should also include a list of permits required and a timetable and cost estimate for the project. The DEIR should describe any changes to the project since the filing of the ENF and NPC. The DEIR should include a description of all aspects of the project and a schedule for construction and other development activities. The DEIR should also include maps and plans at a reasonable scale that clearly locate and delineate project elements, surface water and wetlands resource areas, adjacent land uses, and aquifer protection districts on and adjacent to the project site. Maps and plans should show water supply resources, conservation areas, and any priority and estimated rare species habitat in the project area.

The DEIR should include a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments. In addition to a general response to comments, the Town must

provide a detailed response to the comment letter submitted by Old Colony Planning Council, and I hereby incorporate by reference the additional requests for information contained in that letter as part of the scope of this Scope. The Town should use either an indexed response to comment format, or direct narrative response.

The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received. This directive is not intended to, and shall not be construed to enlarge the scope of the DEIR beyond what has been expressly identified in this Certificate. The Town should consult with the Easton Conservation Commission, MassDEP, USEPA, NHESP, MHC and MHD during preparation of the DEIR and refinement of the preferred alternative.

### Project Alternatives

As described in the NPC, the Town is now proposing a range of wastewater treatment alternatives to accommodate the Town's future wastewater flows including: 1) the 'In-Town' alternative involving the construction of 2 or more WWTFs in Easton to treat and discharge a portion of the Town's design year wastewater flows within the Taunton River Basin, and 2) a regional alternative to convey a remainder portion of the Town's wastewater flows to existing regional wastewater treatment facilities (WWTFs) located in Brockton, Mansfield and Taunton for treatment and disposal.

#### *'In-Town' Wastewater Treatment Alternative*

In the original ENF, the Town identified a 2-acre parcel for a new WWTF to treat up to .60 mgd of wastewater flow from the North Easton Village and South Easton sewer Needs Areas with subsurface disposal located on a separate parcel of property owned by Stonehill College. According to the Town, the Stonehill College parcel is no longer available and has been removed from consideration. The ENF also indicated that wastewater flows from the Five Comers (.10 mgd), Turnpike Street (.23 mgd), and Easton Center (.27 mgd) sewer Needs Areas would be conveyed to a proposed new WWTF to be located at the Depot Street site for treatment and disposal. The Town has indicated that the Depot Street site remains a potential site for the Town's consideration, however the original plan is being reevaluated based on current information and updated data on site conditions and a new plan of In-Town alternatives that will be evaluated in the CWMP/EIR (Phase III and Phase IV reports).

According to the information provided in the NPC, the In-Town alternative will likely involve the construction of one or more decentralized WWTFs to be located within the Town of Easton to treat and dispose a portion of the Town's design year wastewater flows. As discussed in the NPC and listed below, the Town has identified a total of eleven sites located in the Town of Easton, including six sites that were previously identified in the original ENF, to be further

evaluated as potential sites for locating a new WWTF and/or new groundwater discharge location.

- Main Street Site;
- Easton Rod & Gun Club and Adjacent Land site;
- Old Pond/New Pond site;
- North Main Street site;
- The Grange Hall and adjacent Athletic Field site;
- Turnpike Street (Carriage House) site;
- Elm Street site;
- Chestnut Street site;
- Militia park site;
- Borderland State Park site; and,
- Depot Street Site.

As noted elsewhere in this Certificate, the Town is proposing to construct a new 50,000 gpd WWTF to be located on a portion of an 8.2-acre parcel, currently under private ownership and the site of the former Ames Shovel Works in North Easton Village (North Easton Village WWTF) located off Main Street and Oliver Street in Easton. As currently designed, the North Easton Village WWTF site will contain the wastewater treatment facility and the leaching area to accommodate 36,000 gpd of groundwater discharge. The Town has also identified a separate parcel of YMCA-owned land abutting the proposed North Easton Village WWTF to accommodate the groundwater discharge of 14,000 gpd of treated wastewater flows from the North Easton Village WWTF. According to the Town, the proposed North Easton Village WWTF will serve the estimated wastewater flows (approximately 22,000 gpd) anticipated from the future residential redevelopment of the Shovel Shop property, and approximately 28,000 gpd of wastewater flows from the North Easton Village sewer Needs Area.

The DEIR should advance for further study the In-Town sites listed above, including the proposed North Easton Village WWTF site, for locating new wastewater treatment facilities and/or groundwater discharge locations. The DEIR should include a detailed discussion of the construction activities associated with any proposed new in-town wastewater treatment facilities and groundwater discharge sites including estimates of new sewer main and sewer pump stations. The DEIR should include a discussion of the institutional constraints and the costs and permitting associated with acquiring additional properties for the construction of new groundwater discharges. The Town should coordinate with MassDEP during the preparation of this section of the DEIR

For each proposed groundwater discharge location, the DEIR must evaluate project impacts on groundwater hydrology, surface water and wetlands resources, wildlife habitat and other,

sensitive resources in the project area. The DEIR should include a detailed description including graphics of the proposed wastewater discharge areas, a hydrogeological analysis of the alternative groundwater discharge locations, and an evaluation of impacts associated with all aspects of the project including the proposed effluent discharge, sewerage and facility construction. The DEIR should clarify the proposed discharge volumes at each location. The Town should refer to MassDEP's *Guidelines for Design, Construction and Operation and Maintenance of Small Wastewater Treatment Facilities with Land Disposal* to identify nutrient loading rate estimates for each of the proposed alternative groundwater discharge locations. The DEIR should include the results of any groundwater modeling conducted as part of the Town's groundwater disposal alternatives. The DEIR should discuss monitoring plans for groundwater and surface water to evaluate impacts and inform a long-term planning process. The DEIR should evaluate any limiting factors for the proposed discharge locations including the potential for interaction with existing contamination and the costs associated with permitting and constructing wastewater pipelines. The DEIR should describe measures to avoid and minimize, or mitigate impacts associated with the proposed project. The DEIR should describe how the project will meet applicable MassDEP permit requirements.

The DEIR should evaluate the feasibility of wastewater reuse in Easton and other locations regardless of the feasibility of infiltration beds. Wastewater reuse may offer opportunities to reduce some of the construction impacts and costs associated with larger treated water recharge facilities.

Comments received from MassDEP and the Old Colony Planning Council express support for in-town wastewater treatment and disposal alternatives. I encourage the Town to give serious consideration to prioritizing the various in-town alternatives that will be addressed in the DEIR.

#### Regional Wastewater Treatment Alternative

As described in the NPC, the Town will continue to explore the use of regional WWTFs located in the Cities of Brockton and Taunton and the Town of Mansfield to treat and dispose a portion of the Town's design year wastewater flows. As originally described in the ENF submittal, the Town proposed to collect and convey the wastewater flows from North Easton Village, South Easton – northern half, and Easton Center (approximately .70 mgd) to the City of Brockton's existing WWTF. The wastewater flows from the Five Corners sewer service area (approximately .10 mgd) would be conveyed to the Town of Mansfield's WWTF and the wastewater flows from the Turnpike Street and South Easton – southern half sewer service area (approximately .40 mgd) would be conveyed through the Town of Raynham to Taunton's WWTF.

As I indicated in the Certificate for the ENF, a number of significant outstanding issues currently affecting the treatment capacities of the Brockton, Mansfield and Taunton WWTFs

may impact the feasibility of the proponent's regional plan. Both Mansfield and Taunton are currently involved in their own respective comprehensive wastewater management planning processes and the treatment capacities of their respective WWTFs to accept additional flows from other communities remains uncertain until their respective wastewater management planning processes have been completed. In their comments on the ENF, the City of Brockton indicated that under an Administrative Consent Order (ACO) between the City of Brockton, the U.S. Department of Justice, the EPA and DEP, Brockton's NPDES permit renewal contains provisions that prohibit additional communities from conveying wastewater flows to the Brockton WWTF.

At a minimum, the DEIR should demonstrate that:

- The Brockton, Mansfield, Raynham and Taunton sewer collection systems have sufficient hydraulic design capacity to accept and convey the Town of Easton's proposed wastewater flows;
- The Brockton, Mansfield and Taunton municipal WWTFs have sufficient design capacity to accommodate Easton's wastewater flows; and,
- The Town of Easton has secured permission from the Towns of Mansfield, Taunton and the City of Brockton to direct the Town of Easton's wastewater flows to their respective WWTFs for treatment and disposal.

#### Interbasin Transfer Act

The regional component would also require the Town to complete Inter-Municipal Agreements (IMAs) with the City of Brockton, Mansfield and Taunton to convey wastewater flow from Easton to their respective WWTFs. According to the comments received from the Old Colony Planning Council (OCPC), the Town's Regional Alternative could result in a transfer of water resources from out of the Taunton River watershed. The Old Colony Planning Council has requested that the Town explore opportunities that would keep water resources within the Taunton River watershed. Specifically, the Old Colony Planning Council has cited the ongoing *Upper Taunton Basin Regional Wastewater Evaluation Study* and its examination of the "keeping water local" approach to wastewater management and has asked the Town to evaluate opportunities for directing its wastewater flows to the City of Brockton, Mansfield and Taunton for treatment and returning the treated effluent to Easton for groundwater recharge or reuse. The DEIR should include a detailed discussion of the potential impacts of the Town's proposed Regional Alternative on all source river basins as may be required under the Interbasin Transfer Act (ITA). The Town should consult with the WRC and MassDEP during the preparation of this section of DEIR. The DEIR should include a detailed analysis of the feasibility for each of the three proposed regional sewer system connections. The DEIR should demonstrate that the use of each of the three municipal WWTFs to service the proposed project is feasible. The DEIR should

also explore the feasibility of the in-basin groundwater recharge of treated wastewater effluent whereby the Town of Easton would transport its wastewater to the existing WWTFs in Mansfield, Taunton and Brockton for treatment, and then transport the treated effluent back to one or more groundwater disposal sites located in the Town of Easton.

### Septage Management Program Plan

The Town has proposed to implement a town-wide septage management program plan for the unsewered areas within the Town of Easton (Tier 2 Study Areas). According to the Town, the septage management program plan will emphasize public education and include the periodic testing, evaluation and pumping of on-site septic systems in Easton. The DEIR should include a detailed description of the Town's proposed septage management program plan. The septage management program plan should describe how the Town proposes to identify, monitor, and address proper operation and maintenance and upgrades of on-site systems for properties located outside the areas proposed for new sewers. MassDEP has requested that the Town consider participating in the Community Septic Management Plan Loan program administered by MassDEP, for financial assistance in undertaking this planning process.

### Land Alteration

The DEIR should delineate on a plan of reasonable scale all environmental resources and resource areas located within the proposed five sewer service Needs Areas, the potential WWTF sites and groundwater discharge locations in Easton, and those areas proposed for new sewer connections to the Towns of Mansfield and Taunton and the City of Brockton sewer systems including; wetlands, water bodies, drinking water supplies, sensitive habitats, fisheries, designated Areas of Critical Environmental Concern (ACEC), Article 97 lands, recreational resources, historic resources, and agricultural lands.

### Reduction of Wastewater Flows

Reductions in wastewater flow must also play a significant role in Easton's long-term wastewater treatment and disposal strategy. Reduction of wastewater flows can be achieved by implementing aggressive water conservation programs, and increasing wastewater reuse (for example, for irrigation purposes) and reducing infiltration/inflow (I/I) levels. The DEIR should supplement the Town's Needs Analysis presented in the ENF and NPC with additional information that takes into account water conservation and wastewater reuse measures that have the potential for reducing wastewater volumes through reductions in the Town's projection of future per capita water use. The DEIR should address the feasibility and effectiveness of such measures. It should at a minimum include a preliminary water demand management plan and a

water conservation plan. The MEPA office has reviewed such plans in the recent past that could serve as examples, and I recommend consultation with MEPA staff on this matter.

### Water Conservation

The DEIR must identify opportunities for water conservation and water demand management throughout the Town of Easton. The DEIR should contain a detailed water demand management and conservation plan that meets the standards of the Water Conservation Standards for the Commonwealth of Massachusetts, 1992, and the Guide to Lawn and Landscape Water Conservation, 2002, prepared by the Water Resources Commission. I strongly encourage the Town to design and implement a water conservation program that includes measures that have the potential for reducing Easton's wastewater volumes including, outdoor water use restrictions and water use rates, retrofitting of municipal buildings with low flow devices, enactment of a bylaw regulating automatic sprinklers and/or clearing of land for grass lawns, promotion of the use of cisterns for outdoor watering, the use of a water bank, and promotion of the use of grey-water systems. The Town of should incorporate water conservation and water use efficiency in its municipal project designs to comply with the current state plumbing code. The Town's water conservation program should be consistent with the guidance on water conservation measures provided by the Massachusetts Resources Commission's Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2000.

### Wetlands

Activities planned as part of one or more project alternatives may trigger jurisdiction under the Wetlands Protection Act. These activities include sewer collection piping and pump stations, sewer extensions, or new WWTF and discharge areas, sludge management and storage facilities, fertilizer management and storage areas within the watersheds. For each alternative, the DEIR should identify the location of these activities, describe potential wetlands and watershed impacts, and measures to avoid and minimize or mitigate impacts. The DEIR should delineate on a plan of reasonable scale all environmental resources and resource areas located within those areas proposed for sewerage including: wetlands, drinking water supplies, fisheries, water bodies, sensitive habitats, parklands, recreational resources, historic interests and the like, and agricultural lands. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should also be included on this plan. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The test should explain whether the Easton Conservation Commission has accepted the resource area boundaries and any disputed boundary should be identified. The DEIR should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetlands resulting from the project, and quantify the

amount of direct wetland impact. The DEIR should identify any wetland alterations proposed within the Canoe River ACEC, Hockomock Swamp ACEC, and within the boundaries of the Queset Brook and Mulberry Brook. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should also be included on this plan. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00.

This information is needed so that the potential impacts of proposed wastewater collection and conveyance system on these resources can be evaluated. This identification of resources should include any facilities that are required to convey sewage beyond the Town of Easton's boundaries. The DEIR should analyze both direct and indirect (i.e. changes in drainage patterns) impacts on wetlands resulting from the project, and quantify the amount of direct wetland impact. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The DEIR should provide detailed plans, at a suitable scale, illustrating the proposed project's impacts to wetland resource areas. Where it has been demonstrated that impacts are unavoidable, the DEIR should demonstrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The Town will need to provide wetlands replication at a ratio of 1:1 for any unavoidable impacts to wetlands.

### Stormwater and Drainage

The DEIR should clarify the amount of new impervious area associated with each project alternative. The DEIR should describe how the Town's stormwater management system will achieve MassDEP stormwater management policy standards and avoid and minimize adverse impacts associated with any new impervious area. The analysis should also include a drainage plan, and should discuss the consistency of the drainage and stormwater management system with the MassDEP Stormwater Management Act regulations and guidelines and the Wetlands Protection Act regulations and performance standards. The DEIR should describe proposed measures to manage stormwater during construction. It should be indicated on a plan and with appropriate text the location and function of all drainage structures already in place. Proposed

activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated.

### Rare Species

According to comments provided by the Natural Heritage & Endangered Species Program (NHESP) on the ENF, rare species habitats are known to exist within the Town of Easton. Specifically, a number of the WWTF/disposal sites identified in the ENF under the In-Town alternative may be located within estimated and priority habitats of rare species. The Town should continue to consult with the NHESP, the Easton Conservation Commission in the development of the In-Town alternative and the Conservation Commissions for the Towns of Taunton and Mansfield and the City of Brockton in the development of the Town's regional sewer plan alternative to identify potential impacts to rare species habitat and the need, if any, for rare species permitting. The DEIR should include an update of those discussions.

### Historical/Archeological Resources

In their comments on the ENF, the Massachusetts Historical Commission (MHC) has indicated that the proposed comprehensive wastewater management plan project area including the North Easton Village Sewer Project area contains portions of three National Register Historic Districts including the Furnace Village Historic District, the Bay Road Historic District, and the North Easton Historic District. The proposed project area also contains a number of Native American and historic archaeological sites. MHC has requested additional information to determine what effect the proposed project may have on historic and archaeological resources. The DEIR should address the issues raised in MHC's comment letter pertaining to the potential impacts of the proposed project on historic properties and archaeological sites. The Town should consult with MHC and provide appropriate plans to aid in MHC's review and determination process.

### Growth Management

For reasons of both environmental protection and fiscal prudence, investments in public infrastructure should be carefully targeted toward those areas for which clear existing needs have been established and for areas where denser development is appropriate, thereby relieving

development pressures on open space, agricultural lands, and other valuable natural resources. Executive Order #385 requires that state and local agencies engage in protective and coordinated planning oriented towards resource protection and sustainable economic development.

The DEIR should include a discussion and analysis regarding the potential for growth (not only in new homes but in expansions of existing homes) in proposed sewer Needs Areas and areas located outside of the proposed new sewer areas. The Town should identify alternatives for managing growth in sewer areas and areas located outside of the proposed new sewer areas including the use of by-laws or regulations, creation of a Sewer Management District, adoption of Sewer District By-laws, and creation of a Sewer Authority. The Town should consult with MassDEP in developing growth-neutral policies and a strategy to prohibit and/or discourage future new development within new sewer areas in Easton. The Town should consider adopting any proposed growth by-laws, regulations, and policies prior to the construction of the proposed sewer expansion project.

#### Greenhouse Gas Emissions (GHG) and Sustainable Development

The Easton Comprehensive Wastewater Management Plan project requires an EIR and will receive financial assistance from the Commonwealth and therefore is subject to the requirements of the EEA/MEPA Greenhouse Gas Emissions (GHG) Policy and Protocol. The DEIR should therefore provide a quantitative estimate of the potential cumulative GHG emissions associated with the In-Town and Regional project alternatives including the North Easton Village Sewer project and propose mitigation measures. In the DEIR, the Town should analyze and compare the cumulative greenhouse gas emissions for each project alternative carried forward in the DEIR, include the impacts of greenhouse gas emissions in the evaluation criteria of alternatives and propose measures to mitigate the GHG emissions associated with the alternative methods of treating wastewater. Mitigation measures for wastewater may include more energy efficient facility designs, treatment technologies and equipment, and water conservation measures.

A project at this early stage of development provides a multitude of opportunities for considering and comparing alternatives, facilities, and equipment that reduce energy consumption and substitute renewable energy sources for fossil fuel sources. I strongly encourage the Town to explore the use of renewable and energy-efficient equipment when designing new wastewater treatment facilities, pump stations and other components of the Town's comprehensive wastewater management system. The Town should refer to EPA's *Evaluation of Energy Conservation Measures for Wastewater Treatment Facilities, September*

2010, EPA 832-R-10-005 to identify current state-of-development energy conservation practices and technologies for wastewater treatment facilities. I encourage the Town to consult with MassDEP and the MEPA Office regarding suggestions for mitigation measures that the town may consider in reducing GHG emissions associated with proposed project. The MEPA Office routinely schedules pre-filing meetings to provide technical assistance to proponents in the development of GHG analyses. I strongly encourage the Town to request a pre-filing meeting with the MEPA Office as it prepares this section of the Phase II/DEIR.

### Costs

The DEIR should present the cost estimates (both capital and operating) for the Town's recommended plan and how it will be financed, the appropriate technical design criteria for any recommended new WWTFs, the environmental impacts of the plan and any necessary mitigation, and the management system needed to assure that the proposed solutions can be implemented and supported on a long-term basis. The DEIR should include a projection of the recommended plan's impact on local sewer rates, and a comparison of the resulting local sewer rates to MWRA communities and statewide averages. The DEIR should include estimates for the costs of any land acquisitions associated with the recommended regional plan.

The DEIR should include a presentation of the average costs (capital and O&M) for: 1) households and businesses located within the five Sewer Needs Areas to be connected to the new sewer system; 2) households and businesses located within the five Tier I Priority Needs Areas and not connected to the proposed municipal sewer system; and 3) households and businesses not located within the Tier I Priority Needs Areas who will continue to be serviced by on-site Title 5 septic systems. The DEIR should discuss how the project costs factor into the Town's selection of the preferred alternative.

### Construction

The construction period will be the major source of impacts from the project, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses. The DEIR should evaluate construction period impacts and should include a discussion of the Town's plans to reseed and replant those portions of the construction corridor located adjacent to wetland resource areas, endangered species habitat, Article 97 lands and residential properties with

appropriate native species of grasses, woody shrubs and trees. The Town may wish to consult with the Easton Conservation Commission, MassDEP and abutting property owners in the development and scheduling of any re-seeding and re-planting activities. I strongly encourage the Town to commit to using lower emission equipment in addition to requiring its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. The Town should require its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment which can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas.

### Mitigation

The DEIR should include a separate chapter on mitigation measures associated with each project alternative, which should include proposed Section 61 Findings for all state permits and a summary table of all mitigation proposed. The mitigation chapter of the DEIR should describe proposed mitigation measures, contain clear commitments to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

### Public Participation

According to comments received from MassDEP, the State's Revolving Fund regulations require the proponent to conduct a minimum of one public meeting and one public hearing for this project. The DEIR should provide an update of the Town's ongoing public participation program activities.

### Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below and to Easton, Mansfield,

EEA# 13418

NPC Certificate

December 29, 2010

Brockton and Taunton officials. A copy of the DEIR should be made available for public review at the Easton, Mansfield, Brockton and Taunton Public Libraries.

December 29, 2010

DATE



Ian A. Bowles, Secretary

Comments Received:

12114110 Massachusetts Historic Commission (MHC)  
12122110 Department of Environmental Protection (MassDEP) – SERO  
12129110 Old Colony Planning Council

NPC # 13418

IAB/NCZ/ncz

