



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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November 27, 2018

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: NPC Review EOEEA #14414
ORLEANS. Town of Orleans
Comprehensive Wastewater Management
Plan at 29 Overland Way; 32 and 43 Lots
Hollow Road

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC) for the proposed Town of Orleans Comprehensive Wastewater Management Plan at 29 Overland Way; 32 and 43 Lots Hollow Road, Orleans, Massachusetts (EOEEA # 14414). The Project Proponent provides the following information for the Project:

As previously proposed, effluent was to be discharged at the former Tri-Town Septage Treatment Facility and location of the proposed WWTF on Overland Way (parcels 1/1A). An alternative, nearby location is now proposed. The new location for effluent discharge is 32 Lots Hollow Road, which is located south of the Route 6 and Route 6A cloverleaf, approximately 4,840 feet (0.91 miles) from the WWTF. A second site, 43 Lots Hollow Road, is also proposed as a reserve site.

The 32 and 43 Lots Hollow Road sites are less archaeologically sensitive than the previously proposed location of the discharge at Overland Way. In addition, a wick discharge is now proposed instead of discharge via open bed infiltration. The wick discharge requires considerably less area and therefore will result in disturbance to less acreage than previously proposed. In addition the 32 and 43 Lots Hollow Road sites are farther from sensitive Estimated and Priority Habitat mapped by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) as compared to the previous parcel 1/1A site.

The 32 and 43 Lots Hollow Road sites have been evaluated through a hydrogeologic evaluation, and the results are included in a report provided in Attachment 3, which has been provided to the MassDEP Southeast Regional Office for review and comment in regard to the suitability of these sites for effluent discharge.

Based on site conditions, subsurface soils encountered, a wick loading test, and groundwater model results, a minimum of 500,000 gpd can be discharged at either 32 Lots Hollow Road or the reserve location at 43 Lots Hollow Road. The proposed discharge method is series of wicks. The Town expects to install three to four wicks at the site. The number of wicks installed will factor in redundancy in the WWTF discharge capacity as well as the proper

operation and maintenance of the wicks. The wick design, number of wicks, and location of the wicks within the discharge area will be submitted to MassDEP as part of the WWTF design documentation.

Bureau of Water Resources Comments

Wetlands and Waterways: The Project Description states that work will not directly impact wetland resource areas, but may be proposed within the 100-foot buffer zones. However, no site-specific information is provided. If the selected design includes any temporary or permanent alteration within Areas Subject to Protection under M.G.L. c. 131 § 40 or buffer zones (where applicable), a filing must be made to the Conservation Commission under the Wetlands Protection Act.

Wastewater Management: The NPC describes a relocation of effluent recharge from that proposed in the 2010 CWMP at the former Tri-Town Septage Treatment Facility site on Overland Way to 32 Lots Hollow Road with 43 Lots Hollow Road proposed as a reserve site. The proposed method of effluent disposal has also been changed from open sand beds to wicks. In addition, the proposed construction of the wastewater treatment facility at Overland Way has been scaled down to an initial phase to accommodate a downtown core sewer service area with a design flow of approximately 250,000 gpd, including 16,000 gpd of septage handling. This modification to the 2010 CWMP is one facet of the Town of Orleans's effort to reduce the scope of the original sewerage plan; other elements not described in the NPC include the use of permeable reactive barriers and shellfish aquaculture.

While MassDEP supports the Town's efforts and the activities proposed in the NPC, it would be better to evaluate the changes in the context of all the changes ultimately proposed for the Town's CWMP including, but not necessarily limited to, the activities mentioned above, and it would behoove the Town to complete an Amended CWMP as soon as possible. Despite that concern, however, MassDEP recognizes that the proposed treatment facility/sewer/wick construction must proceed in a timely fashion and secure MEPA approval in order to proceed with funding applications. MassDEP believes that the proposed project is an important first step in addressing the Town's nitrogen mitigation strategy and should proceed in apace. Nonetheless, an additional NPC should be prepared to address other anticipated departures from the original CWMP.

Table 1 in the NPC tabulates the per cent of freshwater flows to receiving watersheds. This leads to some confusion particularly with respect to the Pleasant Bay watershed in that it gives the impression that additional nitrogen load may be introduced into Pleasant Bay with no offsets to mitigate that load. Subsequent to the submittal of the NPC, the proponent has provided clarifying information that indicates no additional nitrogen load will reach Pleasant Bay. This information and explanation pertaining thereto must be part of the official record to document officially that no additional nitrogen will be introduced in impaired waterbodies without an appropriate offset.

Bureau of Waste Site Cleanup Comments:

NPC #14414 – Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The proposed project involves relocation of the septage effluent discharge area from Overland Way to Lots Hollow Way. There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed project. Note however that there are four closed MCP sites located adjacent to the proposed project. Release Tracking Numbers (RTN) 4-774, 4-12478,

and 4-13593 about the proposed project to the north. These closed RTNs are associated with a public utility company. RTN 4-25654, associated with the Town of Orleans transfer station, abuts the proposed project to the south. These four MCP sites have been closed under the MCP with a Permanent Solution, and no further response actions or reporting are required.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: http://maps.massgis.state.ma.us/map_ol/oliver.php Under "Available Data Layers" select "Regulated Areas", and then "DEP Tier Classified 21E Sites". MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should 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 if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Bureau of Air and Waste Comments:

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

Construction-Related Measures. MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA's Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

Spills Prevention. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

Massachusetts Idling Regulation. MassDEP reminds the proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the project (310 CMR 7.11). With regard to construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

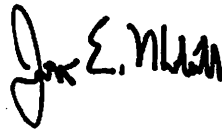
Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the

Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

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