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CAPE COD COMMISSION

Cape Cod Commission Staff Memo

DATE: January 23, 2025

TO: Cape Cod Commission

RE: Development of Regional Impact Exemption
Straightway and Hyannisport Water Treatment Facility Improvements
Barnstable (CCC File No. 24029)

Project Context

The Applicant, Town of Barnstable ("Town"), proposes to improve the Town's Hyannis Water System by constructing water treatment improvements at the Straightway/Hyannisport treatment complex. The Straightway/Hyannisport treatment complex consists of two connected water supply and treatment facilities located on Town-owned land consisting of parcels totaling approximately 48 acres ("Site"). Outside of areas used for water treatment purposes, the Site is primarily forested, and residential neighborhoods surround the Site. The Site is protected for water supply purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth.

The Straightway site includes two wells, known as Straightway 1 and Straightway 2, and the Hyannisport site includes two wells known as the Hyannisport and Simmons Pond Wells. The existing Simmons Pond pump station and the existing treatment facility are within a 100-ft buffer to a wetland and the existing treatment facility is located within the 100-ft Riverfront Area of Halls Creek. The Hyannisport site is within the 500-year floodplain.

The Straightway/Hyannisport complex is currently operating at a fraction of its permitted withdrawal capacity due to treatment system limitations and due to the age of the wells, which has caused a decrease in capacity. Additionally, all four wells have per- and polyfluoroalkyl substance ("PFAS") levels that exceed current Massachusetts Maximum Contaminant Level ("MMCL") of 20 ng/L. While water from these wells is treated for PFAS by the existing filters at the

Straightway site, the filters are not winterized and so the wells must be taken off-line during the winter.

Project Description

The proposed project seeks to improve the Hyannis Water System by increasing supply, pumping and treatment capacity, improving resiliency to sea level rise, and meeting current and future drinking water regulations by:

- constructing a new +/- 11,000-sf water treatment facility;
- replacing the existing booster pump station at the Straightway site;
- winterizing existing treatment to allow year-round use;
- replacing and relocating the Hyannisport and Simmons Pond wells; and
- adding stormwater infrastructure, collectively the "Project".

This proposed new +/-11,000-square foot water treatment facility will treat raw water from all four wells at the Straightway/Hyannisport Complex. The facility will include granular activated charcoal (GAC) filters for PFAS removal, green sand filters for iron and manganese removal, ultraviolet advanced oxidation processes for 1,4-dioxane destruction, and chemical injection equipment for pH control, corrosion control, and disinfection. The existing GAC filters for PFAS removal at the Straightway Complex are located outdoors and only operational in the summer. As part of the proposed Project, a building will be constructed around the filters to enable year-round use.

The Town proposes to relocate the existing Hyannisport and Simmons Pond wells further from the wetlands, demolish the existing pump stations, and replant the area with native wetlands plants. The proposed locations for the new wells have raised building elevations to 18.5 feet above sea level. This is proposed to protect the wells from flooding, a risk that is expected to increase with climate change.

According to the application materials, potential environmental impacts associated with the Project include alteration of 2.19 acres of land, including 1.42 acres of tree clearing; creation of 1.1 acres of impervious area; and alteration of wetland resource areas. As the project requires clearing of trees and additional paving, the Town proposes to plant new evergreen trees at the site to replace cleared trees and provide screening between the new facilities and the abutting residential properties. The application materials indicate that the Town will replant or reseed disturbed areas with native vegetation. A mitigation planting plan based on Town Conservation Commission planting list has been provided to the Commission.

Filings with the Massachusetts Environmental Policy Act (MEPA) Office explore several alternatives, including the Town's preferred alternative of a single plant which reduces environmental impacts as compared to a proposed two-plant alternative. Correspondence from the Town states that the proposed Project is essential to the Town of Barnstable and confirms

that it has been designed to maximize re-use of existing cleared and impervious areas to the maximum extent practicable while meeting public health requirements, maintaining separations from well setbacks and wetland resources, satisfying required state and Town stormwater management standards, and providing vehicular and firefighting accessibility. Limited cleared area will remain at the Straightway site post-construction, and it must be reserved for future utility upgrades such as future replacement for Straightway Wells.

Construction activities will take place within 100-foot buffers to wetlands. Work within these wetland resource areas appears unavoidable given existing water treatment related alterations and the nature of the Project. The Town proposes several measures to mitigate impacts to wetland resource areas including the use of sedimentation and erosion controls during construction, relocating existing structures from within the wetland buffer to outside the buffers, re-seeding impacted areas with a native seed mix, and constructing new stormwater management systems designed in accordance with MassDEP Stormwater Management Standards. Staff notes the project will also require review through the local conservation commission.

Procedural History

The Project underwent review pursuant to the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61-62I ("MEPA") because it requires Agency Action and meets/exceeds MEPA thresholds related to construction of a new drinking water treatment plant with a capacity of 1,000,000 or more gpd and alteration of ½ or more acres of any other wetlands (Riverfront Area). The Secretary of the Executive Office of Energy and Environmental Affairs ("Secretary") required the preparation of an Environmental Impact Report ("EIR") due to the Project's proximity to an Environmental Justice Population. Under Section 12(i) of the Commission Act, any project that requires an EIR under MEPA is subject to Development of Regional Impact ("DRI") review by the Commission.

The Commission received the Secretary's certification of the adequacy of the EIR for the Project on December 16, 2024. The Applicant submitted a DRI Exemption Application for the Project on December 16, 2024.

Commission Jurisdiction

The Project literally qualifies as a DRI because it meets or exceeds the DRI review threshold appearing in Section 12(i) of the Cape Cod Commission Act ("Act") and Section 2(d)(i) of the Commission's Chapter A: Enabling Regulations Governing Review of Developments of Regional Impact, revised November 17, 2021 ("Enabling Regulations"). Said Section 2(d)(i) provides: "Any proposed development for which an Environmental Impact Report (EIR) is required to be prepared under the provisions of MEPA shall be deemed a DRI. The Applicant shall file a DRI application for the proposed development to the Commission for review as a DRI."

Where proposed development literally qualifies as a DRI, Section 12(k) of the Act and Section 7 of the Enabling Regulations allow any Applicant to apply to the Commission for an exemption from Commission review "because the location, character and environmental effects of the development will prevent its having any significant impacts on the values and purposes protected by the Act outside of the municipality in which the development is to be located."

Review of Exemption Request

Pursuant to §12(k) of the Act and §7 of the Enabling Regulations, the Applicant has requested an exemption from full DRI Review. Staff suggest that the Commission could properly grant the exemption request based on the following:

- The Project will help to provide safe drinking water to all residents served by the Hyannis Water System, the majority of which are residents in EJ populations, by continuing to ensure the water meets drinking water standards, including limits for PFAS and adding new treatment for 1,4- dioxane, manganese, and iron.
- The Project will not have disproportionate adverse effects on EJ populations because there are minimal air emissions associated with the project; the project will not increase traffic during operations and have minimal traffic impacts during the construction period; and stormwater runoff will be managed on-site.
- The existing Simmons Pond well and pumping station, which are within the 500-year floodplain and 50-ft buffer of bordering vegetated wetlands to Simmons Pond, will be relocated out of the 500-year floodplain and to a distance greater than 100 feet from the pond. The area within the buffer will be restored.
- The existing Hyannisport well, which is within the 500-year floodplain, will be replaced with a new well at higher elevations to ensure resiliency and reliability of water supply.
- The proposed removal of existing treatment facilities within the wetland buffer area is unlikely to disturb archaeological resources since those areas have already been disturbed.
- The Project will not directly impact any historic resources and it is unlikely to have a visual impact on any historic area.
- Buildings with conditioned space will include mitigation measures to minimize greenhouse gas emissions.
- Staff suggest that the location, character, and environmental impacts of the proposed Project will prevent it having any significant impacts on the values and purposes protected by the Act outside of Barnstable.