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November 1, 2024

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM AND
PROPOSED ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Straightway and Hyannisport Water Treatment Facilities
Improvement Project
PROJECT MUNICIPALITY : Barnstable
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 16875
PROJECT PROPONENT : Town of Barnstable
DATE NOTICED IN MONITOR : September 11, 2024

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G.L. c. 30, ss. 61- 62L) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF), and hereby determine that this project **requires** the submission of an Environmental Impact Report (EIR). In accordance with 301 CMR 11.06(13), the Proponent has submitted a Proposed EIR with a request that I allow a Rollover EIR in lieu of the usual two-stage Draft and Final EIR process. The Proponent also requested that, if a rollover EIR were not granted, a Single EIR be allowed to be submitted in accordance with 301 CMR 11.06(8). I hereby grant the request for a Rollover EIR, and, therefore, I will publish notice in the next Environmental Monitor that the Proposed EIR shall be reviewed as a Final EIR pursuant to Section 11.06(14) and shall be subject to a 30-day public comment period.

Project Description

As described in the EENF/Proposed EIR, the project consists of the construction of water treatment improvements to the Town of Barnstable's Hyannis Water System (HWS). The HWS consists

of three drinking water treatment subsystems, known as the Straightway/Hyannisport, Mary Dunn, and Maher and complexes, with a combined permitted withdrawal capacity of approximately 10.8 million gallons per day (mgd). All 12 of the wells supplying water to the HWS are impacted by per- and polyfluoroalkyl substances (PFAS) and require treatment using granular activated carbon (GAC) filtration units to lower concentrations of PFAS to meet limits established by the Massachusetts Department of Environmental Protection (MassDEP) and the U.S. Environmental Protection Agency (EPA). The HWS initiated treatment of PFAS in 2016 when the EPA's PFAS Health Advisory limit was lowered to 70 nanograms per liter (ng/L). Since 2016, summertime water demand has continued to increase; PFAS limits have become stricter; and the treatment and pumping capacity of the HWS has decreased due lower well production and an insufficient number of GAC units. In addition, the GACs were initially installed outdoors ("unwinterized") and could not be used in the wintertime. Improvements were completed at the Mahar treatment complex within the last few years to address 1,4-dioxane and winterize the GACs so that the facility can provide year-round treatment. The Mary Dunne complex provides treatment of PFAS, but the GACs are not yet winterized. The HWS intends to enclose the GACs and construct other treatment and pumping upgrades at the Mary Dunne complex after the Straightway/Hyannisport complex treatment improvements described herein are commenced; the Town should consult with the MEPA Office regarding any MEPA review that may be required for the planned Mary Dunne improvements. Because not all of the HWS treatment complexes can treat PFAS year-round, the system is strained to meet water demand in the winter.

The Straightway/Hyannisport treatment complex consists of two connected water supply and treatment facilities (Straightway and Hyannisport). 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 four wells in the Straightway/Hyannisport complex have a combined a permitted water withdrawal capacity of 4.03 mgd. However, the complex can currently provide only 2.16 mgd because one of the wells (Straightway 2) has been taken off-line due to water quality concerns, and the Hyannisport and Simmons Pond Wells have become plugged due to an accumulation of iron and managanese and are producing at 80% or less of their permitted withdrawal capacity. In addition, all four wells have PFAS levels that exceed current Massachusetts Maximum Contaminant Level (MMCL) of 20 ng/L but are treated for PFAS by the existing unwinterized GACs at the Straightway site; therefore, the wells must be taken off-line during the winter. According to the EENF/Proposed EIR, levels of iron, manganese, and 1,4-dioxane require treatment as they exceed the EPA's Secondary Maximum Contaminant Levels (SMCLs), the MMCLs, or the limits established by MassDEP's Office of Research and Standards (ORS). Finally, the existing booster pump station is undersized and must be replaced in order to pump the full 4.03 mgd that can be produced by the wells from the treatment facility to the distribution system. To address these issues, the Town has proposed the following improvements to the Straightway/Hyannisport complex, which are described in the EENF/Proposed EIR:

- A new 10,660-sf water treatment plant (WTP) will be constructed at the Straightway site with greensand pre-treatment filters that will remove manganese and iron, an ultraviolet-advanced oxidation process (UV-AOP) to remove 1,4-dioxane, and four additional GAC units to remove PFAS; in addition, the facility will consolidate chemical treatment for pH, chlorination, and corrosion control that currently occurs in the Hyannisport Treatment Facility and Straightway Treatment Facility, both of which will be decommissioned

- In addition to the four new GAC filtration units to be included in the new WTP, the capacity to treat PFAS will be increased by winterizing the four existing GACs at the Straightway site by constructing a new building to house them so they can operate throughout the year
- Yields from the Hyannisport and Simmons Pond wells will be increased by replacing the existing wells, which are plugged by iron and manganese, with new wells
- Straightway Well 2, which is offline due to water quality concerns, will be reactivated with the proposed treatment improvements described below
- The Hyannisport and Straightway wells, which are within the 500-year floodplain, will be replaced with new wells that are at higher elevations
- The existing booster pump station at the Straightway site, which has a capacity of 1,500 gallons per minutes (gpm), or approximately 2.16 million gallons per day (mgd), will be replaced with a booster pump station with a capacity of 3,000 gpm (approximately 4.3 mgd) and the pumps at all four wells will be upgraded

Project Site

The Straightway/Hyannisport treatment complex is located on Town-owned land consisting of parcels totaling approximately 48 acres in southeastern Barnstable. Outside of areas used for water treatment purposes, the 48-acre site is primarily forested, and includes Ben's Pond at the northern end and Simmons Pond at the southern end. The Straightway and Hyannisport sites are connected by a gravel road through the Town-owned land. Residential neighborhoods surround the 48-acre site on all sides. The 48-acre site is protected for water supply purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth.

The Straightway/Hyannisport complex is located within an Environmental Justice (EJ) population designated as Minority and English Isolation, and within one mile of three EJ populations designated as Minority and four EJ populations designated as Minority and Income. The complex is located within five miles of 10 additional EJ populations, including five designated as Minority, two designated as Income, two designated as Minority and Income, and one designated as Minority, Income, and English Isolation.

Straightway Treatment Site

The Straightway site is located within a fenced area adjacent to the 4.97-acre Ben's Pond in the northern part of the Town-owned land. The site consists of the existing Straightway Treatment Facility, Straightway Wells No. 1 and No. 2 (both of which are located within the existing treatment facility building), a 400-gallon above-ground water storage tank, a backwash lagoon basin, four GAC units, a booster pumping station, and a chlorination building. The treatment site also includes driveways, parking areas, and lawn and landscaped areas adjacent to buildings. Access to the Straightway site is provided through a gated entrance from Straightway (a Town-owned street). The fenced area is surrounded by trees on all sides. Bordering Vegetated Wetlands (BVW) associated with Ben's Pond are located north and east of the Straightway site. The Straightway complex is partially within the 100-ft Buffer Zone of Ben's Pond and the BVW. The 400-ft Zone 1 groundwater supply protection zone includes the entire fenced area and adjacent areas of Ben's Pond and forested land.

Hyannisport Treatment Site

The Hyannisport site is located approximately 1,700 ft (0.3 miles) south of the Straightway site adjacent at the southern end of the 48-acre Town-owned parcel and east of the 8.4-acre Simmons Pond. It consists of the existing Hyannisport Water Treatment Facility; the Hyannisport Well, which is located within the treatment facility building; and the Simmons Pond Well, which is located in an existing pump station building. Water from the Hyannisport treatment complex is pumped to the Straightway site via a 1,700-ft long water main through the 48-acre Town-owned site. The Hyannisport site is partially enclosed by a fence. It is bordered to the north and west by Town-owned forested land, to the east by Simmons Pond and associated wetlands (BVW), and to the south by Smith Street. The existing Simmons Pond pump station and the existing treatment facility are within the 100 ft Buffer Zone of BVW. The existing treatment facility is located within the 100-ft Riverfront Area of Halls Creek, which is located to the southwest of the site. According to the Federal Emergency Management Agency National Flood Hazard Layer, the Hyannisport Treatment Facility/Hyannisport Well and the Simmons Pond Pump Station/Simmons Pond Well are in a 500-year (0.2% annual chance) floodplain, but outside of the 100-year floodplain.

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include alteration of 2.19 acres of land, including 1.42 acres of tree clearing; creation of 47,674 sf (1.1 acres) of impervious area; and alteration of approximately 24,752 sf (0.57 acres) of Riverfront Area, of which 3,227 sf (0.07 acres) will be permanently impacted.

The purpose of the project is to provide safe drinking water by reducing levels of PFAS, 1,4-dioxane, manganese, and iron from the four wells in the Straightway and Hyannisport complexes. Measures to avoid, minimize, and mitigate environmental impacts include construction of a new stormwater management system, the use of erosion and sedimentation controls during project construction, the restoration of temporarily disturbed areas, including Riverfront Area, following construction, the use of all-electric heating and cooling systems in proposed buildings, and provision of an electric vehicle (EV) charging station that can serve two vehicles.

Jurisdiction and Permitting

This project is subject to MEPA review because it requires an Agency Action and meets/exceeds the thresholds at 301 CMR 11.03(4)(b)(4) (Construction of a New drinking water treatment plant with a Capacity of 1,000,000 or more gpd) and 301 CMR 11.03(3)(b)(1)(f) (alteration of $\frac{1}{2}$ or more acres of any other wetlands (Riverfront Area))¹. The project requires the preparation of an EIR pursuant to 301 CMR 11.06(7)(b) because it is located within a DGA (1 mile) around one or more EJ Populations. The project will require BRP-WS 20 (Approval to Construct a Source 70 gpm or greater (for Replacement Wells)), BRP-WS25 (Approval of Treatment Facility Modification), and BRP-WS29 (Chemical

¹ The EENF/Proposed EIR listed the applicable threshold as 301 CMR 11.03(4)(b)(5), expansion of an existing drinking water treatment plant by the greater of 1,000,000 or more gpd, or 10% of existing capacity because MassDEP has advised the Town to apply for an approval to modify the existing treatment processes at the Straightway/Hyannisport complex. However, the project involves construction of a new water treatment plant as specified in the MEPA review threshold at 301 CMR 11.03(4)(b)(4). Both thresholds are ENF-level thresholds and the scope of MEPA review is essentially the same.

Addition Retrofit of Water System Serving >3,300 People) permits from MassDEP.

The project requires one or more Orders of Conditions from the Barnstable Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP), Development of Regional Impact (DRI) review by the Cape Cod Commission, and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the EPA.

The project is seeking Financial Assistance from the State Revolving Fund (SRF) Drinking Water Program, administered by MassDEP and other agencies. Therefore, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause Damage to the Environment, as defined in the MEPA regulations.

Request for Rollover EIR or SEIR

The EENF/Proposed EIR included a request that I allow a Rollover EIR in accordance with 301 CMR 11.06(13) or alternatively, an SEIR in accordance with 301 CMR 11.06(8).

The MEPA regulations provide that for projects required to submit an EIR under 301 CMR 11.06(7)(b), the Proponent may submit an EENF with a request that I allow a Rollover EIR in accordance with 301 CMR 11.06(13). To support this request, the EENF must be accompanied by a Proposed EIR, which, if the request for Rollover EIR is granted, would be published as a Final EIR in a subsequent Environmental Monitor in lieu of the typical two-stage Draft and Final EIR process.

In order to allow a Rollover EIR, I must find that the dual EENF and Proposed EIR:

1. presents a complete and definitive description and analysis of the project and its alternatives, and an assessment of its potential environmental and public health impacts and mitigation measures sufficient to allow a Participating Agency to fulfill its obligations in accordance with M.G.L. c. 30, §§ 61 and 62K and 301 CMR 11.12(5);
2. demonstrates that the project will not materially exacerbate any existing unfair or inequitable Environmental Burden and related public health consequences impacting an EJ population, and will not result in a disproportionate adverse effect or increased climate change effects on an EJ population;
3. describes measures taken to provide meaningful opportunities for public involvement by EJ populations prior to filing the dual ENF and Proposed EIR, including any changes made to the project to address concerns raised by or on behalf of EJ populations;
4. shows that comments received on the dual ENF and Proposed EIR do not raise substantial issues not previously considered by the Proponent; and
5. shows that no substantive issues remain to be resolved.

The MEPA regulations at 301 CMR 11.06(8) indicate that a Single EIR may be allowed provided I find that the EENF:

- a. describes and analyzes all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the Scope;
- b. provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and,

- c. demonstrates that the planning and design of the project use all feasible means to avoid potential environmental impacts.

Consistent with these requests, the EENF/Proposed EIR was subject to an extended comment period under 301 CMR 11.05(9).

Review of the EENF/Proposed EIR

The EENF/Proposed EIR included a project description, an alternatives analysis, plans of existing and proposed conditions, and identification of measures to avoid, minimize and mitigate environmental impacts. Consistent with the MEPA Interim Protocol on Climate Change Adaptation and Resiliency, the EENF/Proposed EIR contained an output report from the Climate Resilience Design Standards Tool prepared by the Resilient Massachusetts Action Team (RMAT) (the “MA Resilience Design Standards Tool”),² together with information on climate resilience strategies to be undertaken by the project. On September 18, 2024, the Town distributed revised estimates of wetlands impacts to the MEPA Office and entities on the EENF/Proposed EIR distribution list. For purposes of clarity, all supplemental materials provided by the Town are included in references to the “EENF/Proposed EIR,” unless otherwise indicated. Comments provided by MassDEP support the proposed water treatment improvements. Comment letters submitted by MassDEP, the Department of Energy Resources (DOER), and the Cape Cod Commission did not identify any additional information or analyses that should be provided in an EIR.

Alternatives Analysis

The EENF/Proposed EIR evaluated No Build, Off-Site, Two-Plant Alternatives to the Preferred Alternative (also referred to as the Single-Plant Alternative). The No Build Alternative would take no further action to address concentrations of PFAS in the four Straightway/Hyannisport wells. Without additional treatment, the summertime capacity of the entire HWS (including all three treatment complexes) is 5.04 mgd, which is below the maximum daily demand of 5.3 mgd the HWS experienced in 2022. As a result, all of the available HWS wells and treatment infrastructure must pump continuously in the summer; should a treatment facility need to be taken off-line, the water demand would not be met.

The Off-Site Alternative would involve construction of new treatment facilities at another location. According to the EENF, there is no available Town-owned land that is suitable for water supply development within the timeframe necessary for the project. Furthermore, the Off-Site Alternative is likely to have greater impacts and would be costlier than the Preferred Alternative due to the need to construct new water mains from the existing wells to the new treatment infrastructure.

The Two-Plant Alternative would include construction of a new treatment plant at the Straightway site to treat water from the Straightway Wells No. 1 and No. 2, and a new treatment plant at the Hyannisport site to treat water from the Hyannisport and Simmons Pond Wells. As proposed for the single treatment plant in the Preferred Alternative, both of the treatment plants would include greensand filtration, UV-AOP treatment, GAC filtration units, and chemical injection for chlorination and pH and corrosion control. A tank or contact loop would be constructed at the Hyannisport treatment facility to

² Available at: https://resilientma.mass.gov/rmat_home/designstandards/

achieve the required contact time. According to the EENF, the Two-Plant Alternative would provide additional resiliency because one plant would continue to operate if the other failed. However, the Two-Plant Alternative would have greater environmental impacts than the Preferred Alternative associated with building a treatment facility at both the Straightway and Hyannisport sites, including increased land alteration, tree clearing, and impervious area. In addition, the treatment facility at the Hyannisport site would be located within the 500-year floodplain and at risk of flooding under future climate conditions.

As described above, the Preferred Alternative includes the construction of a new treatment plant at the Straightway site and well and pump replacements at the Hyannisport site. A building will be constructed around the existing and proposed GAC units so they are winterized and can provide adequate treatment capacity for the year-round removal of PFAS from water from all four wells. The Preferred Alternative will minimize impacts by constructing new facilities at the existing Straightway and Hyannisport sites, which will minimize new land alteration and tree clearing compared to the Two-Plant Alternative, which would include construction of new buildings and piping at each site. Relocating the Simmons Pond and Hyannisport Wells, as proposed in the Preferred Alternative, will allow them to withdraw water more efficiently and add resiliency by moving them out of the 500-year floodplain.

Environmental Justice

As noted above, the project area is located within an Environmental Justice (EJ) population designated as Minority and English Isolation, and within one mile of three EJ populations designated as Minority and four EJ populations designated as Minority and Income. Within the census tract containing the above EJ populations, Portuguese/Portuguese Creole are identified as languages spoken by 5% of more of residents who also identify as not speaking English very well. Effective January 1, 2022, all new projects within a DGA, as defined in 301 CMR 11.02, around EJ populations are subject to new requirements imposed by Chapter 8 of the Acts of 2021: *An Act Creating a Next-Generation Roadmap for Massachusetts Climate Policy* (“Climate Roadmap Act”) and amended MEPA regulations at 301 CMR 11.00. Two related MEPA protocols – the MEPA Public Involvement Protocol for Environmental Justice Populations (“MEPA EJ Public Involvement Protocol”) and MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations (“MEPA Interim Protocol for Analysis of EJ Impacts”) – are also in effect for new projects filed on or after January 1, 2022. Under the new regulations and protocols, all projects located in a DGA around one or more EJ populations must take steps to enhance public involvement opportunities for EJ populations, and must submit analysis of impacts to such EJ populations in the form of an EIR. The DGA for the project was is one mile.

Community Engagement

Consistent with the MEPA Public Involvement Protocol for Environmental Justice Populations (“MEPA EJ Public Involvement Protocol”), the Town sent advance notification of the project in the form of an EJ Screening Form, translated into Portuguese, to a “EJ Reference List” provided by the MEPA Office and consisting of Community Based Organizations (CBOs) and tribes/indigenous organizations on July 1, 2024. No responses to the EJ Screening Form were received. The Town held a remote public informational meeting on August 6, 2024 at which Spanish and Portuguese interpreters were present. Notice of the meeting was mailed to 4,000 properties within the DGA. Approximately 10-20 people were attended; however, it is not known if anyone used the channels for Portuguese and Spanish interpretation. Three people commented during the meeting in support of the project. The

presentation shown at the July 1 meeting is posted on the Town's website. Notice of the MEPA remote consultation session was distributed to the EJ Reference List. The remote consultation session was held at 6:00 PM on October 3, 2024. The Town offered Portuguese interpreters upon request; however, no members of the public attended the consultation session. A recording of the MEPA consultation session has been posted on the Town's website. According to the EENF, additional public meetings will be held as the project goes through the local zoning and planning approval process.

Baseline Conditions Assessment / Project Impacts

The EENF/Proposed EIR included a baseline assessment of any existing "unfair or inequitable Environmental Burden and related public health consequences" impacting the identified EJ population in accordance with 301 CMR 11.07(6)(n)(1) and the MEPA Interim Protocol for Analysis of EJ Impacts. The baseline assessment included a review of the data provided by the Department of Public Health (DPH) EJ Tool applicable to the DGA regarding "vulnerable health EJ criteria"; this term is defined in the DPH EJ Tool to include any one of four environmentally related health indicators that are measured to be 110% above statewide rates based on a five-year rolling average. According to the EENF/Proposed EIR, the data surveyed indicate that the Town of Barnstable does not exceed 110% of the statewide rates of any of the four vulnerable health EJ criteria, which include Childhood Lead Exposure, Childhood Asthma Emergency Department Visits, Low Birth Weight and Heart Attack Hospitalizations. None of the census tracts identified within the DGA exceed 110% of the statewide rates of Childhood Lead Exposure. One census tract (Block Group 2, Census Tract 153 in Barnstable) exceeds 110% of the statewide average for Low Birth Weight; however, the DPH EJ Tool labels the data as "Unstable" because there were only 2 cases reported and the results are not statistically significantly higher than the statewide average.

The EENF/Proposed EIR indicated that the following sources of potential pollution exist within the DGA, based on data available in the DPH EJ Tool:

- Major Air and Waste facilities: 2
- M.G.L. c. 21E sites: 1
- Tier II toxics use reporting facilities: 5
- Sites with Activity and Use Limitations (AULs): 1
- Underground storage tanks (USTs): 5
- Public Water Suppliers: 1 (Hyannis Water System)
- Groundwater discharge permits: 5
- Regional transit agencies: Bus route operated by the Cape Cod Regional Transit Agency with five bus stops within the DGA

According to the output report from the MA Resilience Design Tool included in the EENF/Proposed EIR, the project site has a high exposure to sea level rise/storm surge, urban flooding due to extreme precipitation, and extreme heat. EJ populations near the site are likely also exposed to these climate risks. According to the EENF/Proposed EIR, the project will not exacerbate climate risks within the DGA because the project is limited to construction of the WTP, which is not within the floodplain and below-ground water mains will not exacerbate flooding associated with extreme precipitation. As noted, the two Hyannisport wells, which are within the 500-year floodplain, will be replaced with new wells that are at higher elevations to ensure resiliency and reliability of water supply.

According to the EENF/Proposed EIR, 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 purpose of the project is to protect the public health of all residents served by the HWS, the majority of which are residents in EJ populations, by constructing a treatment facility that will ensure that the drinking water from the four wells in the Straightway/Hyannisport complex meets drinking water standards, including limits for PFAS.

Wetlands and Stormwater

Construction activities will take place within the 100-ft Buffer Zone of wetland resource areas at both the Straightway and Hyannisport locations. Direct impacts to resource areas are limited to 0.57 acres of Riverfront Area at the Hyannisport site; however, only 0.07 acres of Riverfront Area will be permanently impacted due to construction of the new pumping station building and other activities. According to the EENF/Proposed EIR, the project will mitigate impacts to Riverfront Area by demolishing the existing Hyannisport pumping station building and restoring the area (6,100 sf) with landscaping using native plant species. In addition, the existing Simmons Pond well and pumping station, which are within the 100-ft Buffer Zone of Simmons Pond, will be relocated to a distance greater than 100 feet from the pond and the area within the Buffer Zone will be restored. The EENF/Proposed EIR acknowledged that the Town will need to demonstrate that the project conforms with the Wetlands Regulations in order for the Barnstable Conservation Commission to approve the project.

According to the EENF/Proposed EIR, the Straightway site has a stormwater management system consisting of infiltration basins that overflow during large rainfall events; there is no stormwater management system at the Hyannisport site. The project will add 1.1 acres of impervious area at the Straightway and Hyannisport sites. According to the EENF/Proposed EIR, the project includes construction of new stormwater management systems at each location that will be designed in accordance with the MassDEP Stormwater Management Standards (SMS), including requirements for pollutant removal and peak flow attenuation for storms up to the present-day 100-year storm event. The stormwater management systems will include deep-sump catch basins, infiltration basins, and subsurface infiltration systems. As described below, the proposed stormwater management system will be designed to address higher precipitation levels anticipated under future climate conditions.

Climate Change

Effective October 1, 2021, all MEPA projects are required to submit an output report from the MA Resilience Design Tool (“Tool”) to assess the climate risks of the project. The EENF/Proposed EIR included separate output reports for the Hyannisport and Straightway complex sites. Based on the output reports, proposed project components (new wells and pump stations) at the Hyannisport complex have a “High” exposure rating based on the site’s location for urban flooding due to extreme precipitation and to extreme heat, and a “Moderate” exposure rating for sea level rise/storm surge. Based on the 40-year useful life and the self-assessed criticality identified for project components at the Hyannisport complex site, the Tool recommends a planning horizon of 2070 and a return period associated with a 50-year (2% annual chance) storm event when designing the wells and pump stations for riverine flooding and a

planning horizon of 2070 and a return period associated with a 200-year (0.5% annual chance) storm event when designing the wells and pump stations for sea level rise/storm surge.

The new water treatment facility proposed at the Straightway complex site has a “High” exposure rating based on the site’s location for urban flooding due to extreme precipitation and to extreme heat, and a “Moderate” exposure rating for riverine flooding due to extreme precipitation; the site is not exposed to sea level rise/storm surge. Based on the 60-year useful life and the self-assessed criticality identified for the proposed water treatment facility at the Straightway complex site, the Tool recommends a planning horizon of 2070 and a return period associated with a 100-year (1% annual chance) storm event when designing the treatment plant with respect to extreme precipitation. For both the Hyannisport and Straightway locations, the Tool recommends planning for the 90th percentile for applicable extreme heat parameters.

The existing Hyannisport and Simmond Pond wells and pump stations are located at elevations of approximately 14 ft NAVD 88 and 8 ft NAVD, respectively. The wells and pump stations will be relocated to an elevation of 18.5 ft NAVD 88, which exceeds the 2070 200-year storm event wave action elevation of 18.2 ft NAVD 88 as reported in the Tool output report. As noted above, the Straightway site, including the existing wells and proposed treatment and pumping facilities, are not exposed to sea level rise/storm surge under projected 2070 conditions. According to the EENF/Proposed EIR, the stormwater management systems will be designed with capacity for the future 24-hour precipitation depths recommended by the Tool: 8.7 inches for the Hyannisport site (based on the projected 2070 50-year storm event) and 9.7 inches at the Straightway site (based on the 2070 100-year storm event) to the extent practicable; however, the stormwater management system design has not been finalized and it may not have the capacity to address the 2070 precipitation depths due to the high groundwater table at the sites. I encourage the Town to incorporate Low Impact Design (LID) and green infrastructure in the design of exterior areas, which will address both extreme precipitation and extreme heat under future climate conditions. According to the EENF/Proposed EIR, the project will mitigate urban heat island effect by constructing new facilities within areas of existing disturbance and impervious area to minimize new impervious area and planting new trees.

GHG Emissions

According to the EENF/Proposed EIR, the project’s total emissions from water treatment processes and heating, cooling, and ventilation of conditioned spaces will be approximately 926 tons per year (tpy). Because this project does not exceed any mandatory EIR thresholds and is required to submit an EIR only because it is located within a DGA of EJ populations, a GHG analysis was not required because the project’s GHG emissions will be less than 2,000 tpy. Nevertheless, the EENF/Proposed EIR included a GHG analysis consistent with the requirements of the May 5, 2010, Revised MEPA Greenhouse Gas Emissions Policy and Protocol (MEPA GHG Policy) with respect to GHG emissions associated with heating, cooling, and ventilation of conditioned spaces in the proposed water treatment facility at the Straightway site and the two pump stations at the Hyannisport site. The GAC building and the portion of the water treatment facility which houses the treatment processes will be heated only. Key building design measures to minimize energy use and GHG emissions are listed below and include all-electric heating, cooling and hot water systems, high-efficiency building envelopes, a solar photovoltaic (PV) generating system, and an EV charging station. According to DOER, if the GAC building is to be heated above 55 degrees in the future, the proposed electric resistance unit heaters should be replaced

with air source heat pumps. Comments from DOER did not identify any additional evaluations that are necessary if the Town commits to the mitigation measures listed below.

Construction Period

Proposed construction activities will generate solid waste, predominantly as a result of demolition activities. According to the EENF/Proposed EIR, asbestos-containing material (ACM) is present in the existing buildings to be demolished; the contractor hired to construct the project will be required to manage ACM in accordance with all local, state, and federal regulations. According to MassDEP, there are no listed releases at the site that are subject to the Massachusetts Contingency Plan (MCP; 310 CMR 40.0000); however, if any oil and/or hazardous material is encountered during construction, it should be reported to MassDEP, and a Licensed Site Professional (LSP) should be retained to evaluate the material and determine whether remediation is necessary.

All construction activities should be managed in accordance with applicable MassDEP regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management, etc.) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11). I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). All construction activities should be undertaken in compliance with the conditions of all State and local permits. I encourage the Proponent to reuse or recycle C&D debris to the maximum extent. Proposed construction-period mitigation measures are listed below.

Mitigation & Section 61 Findings

The Proposed EIR includes a separate chapter summarizing proposed mitigation measures and includes draft Section 61 Findings. It contains commitments to implement these mitigation measures, identifies the parties responsible for implementation, and includes a schedule for implementation. As described in the EENF/Proposed EIR, the Proponent has committed to implement the following measures to avoid, minimize and mitigate Damage to the Environment:

Environmental Justice/Public Health

- Provide drinking water that meets all drinking water standards to residents in EJ populations in the HWS service area by adding treatment for PFAS, 1,4-dioxane, manganese, and iron
- Continue to inform the public about the project by providing information on the town's web site and publicizing future meetings and permitting hearings concerning the project
- Construction of a new stormwater management system that will improve drainage compared to existing conditions which will be designed to comply with the SMS to minimize potential off-site flooding.

Stormwater Management

- Construction of new stormwater management systems at the Straightway and Hyannisport sites that will include deep sump catch basins, subsurface infiltration systems, and infiltration basins
- The new stormwater management systems will be designed to comply with the SMS requirements to treat and convey the present-day 100-year storm event
- Restore disturbed Riverfront Area to original site grades, and by revegetating disturbed areas
- Minimize impacts to wetlands and water quality by using sedimentation and erosion controls around work areas and other stormwater management measures required by the Order of Conditions and Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with the NPDES General Permit.

Climate Change

- Use all-electric heating and cooling systems in proposed buildings with conditioned space
- Plant new trees at the site
- Evaluate stormwater management system designs with sufficient capacity to treat and convey flows from projected future storm events, including the 2070 50-year storm event at Hyannisport site and the 2070 100-year storm event at the Straightway site
- Relocate the Hyannisport and Simmons Pond wells outside of the current 500-year flood plain and to an elevation of 18.5 ft NAVD 88, which exceeds the 2070 200-year storm event wave action elevation of 18.2 ft NAVD 88 as reported in the Tool output report

Greenhouse Gas Emissions

- Install an EV charging station that can charge two vehicles
- Buildings with conditioned space will include the following mitigation measures to minimize GHG emissions:
 - High efficiency building envelopes.
 - Low window to wall ratios.
 - Air source heat pumps for space heating and cooling in the control room, bathroom, and janitor closet space of the water treatment facility and in the two Hyannisport pump station buildings.
 - Electric resistance coil unit heaters will provide heating (no cooling) in the process area of the water treatment facility building and in the GAC building, which will be heated to 55 degrees only.
 - Electric storage tank domestic hot water heaters in the water treatment facility building and the Hyannisport pump station building.
 - A 25-kilowatt (kW) rooftop (or ground-based) solar PV generating system
 - 40% of the pitched roof areas will be made solar-ready.
 - A two-port EV charging station will be installed in the Straightway site parking lot; according to DOER, this commitment will meet the requirements of the Building Code because there will be fewer than 20 parking spaces at the site.
 - No use of fossil fuels (gas, propane, or oil).

Construction Period

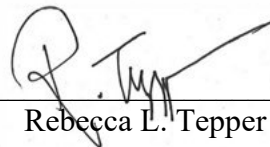
- Install and maintain sedimentation and erosion controls around work areas and implement other stormwater management measures in accordance with the SWPPP.
- Minimize dust by implementing dust control measures, such as sweeping streets in work areas, covering dump trucks and sprinkling water or calcium chloride on disturbed areas.
- Minimize air emissions by using an emission control device such as a diesel oxidation catalyst or diesel particulate filter on each piece of diesel construction equipment, using ultra-low sulfur diesel (ULSD) fuel, prohibiting motor vehicle engines from idling more than five minutes, and require that diesel equipment meet EPA's Tier 4 Emissions Standards.
- Develop a traffic management plan to maintain safe roadway conditions for pedestrians, bicyclists and motorists.
- Notify MassDEP if any contaminated soil and groundwater is encountered during construction.
- Manage any contaminated soil and groundwater encountered during construction in accordance with applicable Massachusetts Contingency Plan (MCP) requirements and under the supervision of a Licensed Site Professional (LSP).
- Manage any asbestos cement water mains encountered during construction by storing and disposing of the material in accordance with the Solid Waste Management Regulations (310 CMR 19.00) and Air Quality Regulations (310 CMR 7.00) including requirements for handling and disposal of asbestos.

Conclusion

Based on a review of the EENF and Proposed EIR and consultation with Agencies, I find that the Proposed EIR meets the standard for a Rollover EIR under 301 CMR 11.06(13)-(14). Accordingly, I will publish notice in the next *Environmental Monitor* that the Proposed EIR shall be reviewed as a Final EIR pursuant to the provisions at 11.06(14); the Final EIR shall be subject to a 30- day public comment period.

November 1, 2024

Date


Rebecca L. Tepper

Comments received:

10/11/2024 Cape Cod Commission
10/17/2024 Department of Energy Resources (DOER)
10/24/2024 Massachusetts Department of Environmental Protection (MassDEP)/Southeast Regional Office (SERO)

RLT/AJS/ajs

3225 MAIN STREET • P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630



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October 11, 2024

Rebecca Tepper, Secretary of Energy and Environmental Affairs
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office, Alexander Strysky, MEPA Analyst
100 Cambridge Street, Suite 900
Boston, MA 02114

Subject: EEA # 16875
Straightway & Hyannisport Water Treatment Facility Improvements, Barnstable

Dear Secretary Tepper:

Thank you for the opportunity to provide comments on the above-referenced EENF and proposed Rollover Environmental Impact Report (EIR).

Based on information contained in the EENF, the Town of Barnstable is proposing various infrastructure improvements to Straightway & Hyannisport Water Treatment Facilities to meet current and future drinking water regulations and improve system resiliency. The proposed improvements include winterizing existing PFAS (per- and polyfluoroalkyl substances) filtration units and increasing well yield, pumping capacity, and treatment capacity.

The Project requires an EIR due to identified Environmental Justice (EJ) communities within a one-mile radius of the site. Any development for which the Secretary requires an EIR is deemed a Development of Regional Impact (DRI) under § 12(i) of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989.

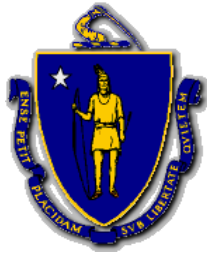
Commission staff are available to answer any questions you might have.

Sincerely,

Kristy Senatori
Executive Director

Cc: Project File
Kirsten N. Ryan, Senior Project Manager, Klienfelder
Dan Santos, Barnstable DPW Director

Cape Cod Commission Chair
Cape Cod Commission CPR Chair
Barnstable Cape Cod Commission Representative



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114
Telephone: 617-626-7300
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Maura Healey
Governor

Kim Driscoll
Lt. Governor

Rebecca Tepper
Secretary

Elizabeth Mahony
Commissioner

17 October 2024

Rebecca Tepper, Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02114
Attn: MEPA Unit

RE: Straightway and Hyannisport Water Treatment Facility Improvements,
228 Straightway and 132 Smith Street Barnstable, MA, EENF/EIR #16875

cc: Jo Ann Bodemer, Director of Energy Efficiency, Department of Energy Resources
Elizabeth Mahony, Commissioner, Department of Energy Resources

Dear Secretary Tepper:

We've reviewed the Expanded Environmental Notification Form (ENF) & Rollover Environmental Impact Report (EIR) for the proposed project. Four new buildings will be constructed: a 10,660-sf WTP building housing most process equipment, a 2,220-sf structure to enclose the existing outdoor granulated activated carbon (GAC) filters, a 710-sf building to house the Hyannisport replacement well and pump station, and a 217-sf building to house the Simmons Pond replacement well and pump station.

Executive Summary

The project is committing to efficiency measures and electrification which will achieve a high level of emissions mitigation. Commitments include efficient electrification of space and water heating and no use of fossil fuels (gas, propane, or oil).

Key Emissions Reduction Commitments

Straightway and Hyannisport Water Treatment Facility Improvements,
Barnstable, MA, EEA No. 16875

The following are key emissions reduction commitments:

- High efficiency building envelope.
- Low window to wall ratio.
- Air source heat pumps for space heating and cooling in the control room, bathroom, and janitor closet space of the WTP Building, and in the two Pump Buildings. Electric resistance coil unit heaters will provide heating (no cooling) in the process area of the WTP Building and in the GAC Filter Building which will be heated to 55 degrees only. If this setpoint is increased, the electric resistance unit heaters should be replaced with air source heat pumps.
- Electric storage tank domestic hot water.
- A 25-kW rooftop (or ground-based) PV system.
- 40% of the pitched roof areas will be made solar-ready.
- A two-port EV charging station will be installed in the WTP Building parking lot. Since there will be no more than 20 passenger vehicle spaces on the project site, these two EV charging stations satisfy the requirements of C405.13 (10% of spaces EV-ready).
- No use of fossil fuels (gas, propane, or oil).

Please note: the project plans show gas-fired water heaters and a gas meter. The DOER assumes these drawings are out of date, and that there will be no gas connection to these buildings.

If the building continues to commit to the above strategies, no further evaluations would be required and the GHG review process would be complete.

Sincerely,
Massachusetts Department of Energy Resources



Becca Edson
Decarbonization Architect



Paul F. Ormond, P.E.
Energy Efficiency Engineer



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

October 24, 2024

Rebecca L. Tepper,
Secretary of Energy and Environment
Executive Office of Energy and
Environmental Affairs
100 Cambridge Street, Suite 900
ATTN: MEPA Office
Boston, MA 02114

RE: EENF Review EOEEA #16875
BARNSTABLE. Straightway and Hyannis
Water Treatment Facility Improvements at
228 Straightway and 132 Smith Street

Dear Secretary Tepper,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Expanded Environmental Notification Form (EENF) for the Straightway and Hyannis Water Treatment Facility Improvements at 228 Straightway and 132 Smith Street, Barnstable, Massachusetts (EOEEA #16875). The Project Proponent provides the following information for the Project:

This project restores treated drinking water capacity, improves drinking water quality and resiliency of the Hyannis Water System (HWS) without substantially modifying the current land use. The restoration of water quality is in line with local, regional, state, and federal priorities. At a local level, Barnstable was one of the first municipalities to tackle per- and polyfluoroalkyl substances (PFAS) contamination in their water supply and this project continues their work to provide safe drinking water to residents.

Furthermore, the Hyannisport and Simmons Pond wells will be relocated to higher elevations outside of the 500-yr floodplain. Treatment operations will be relocated and centralized at the Straightway site, providing more protection from flooding. These original buildings (approximately 1,400 square feet) will be decommissioned at the end of the project and demolished to restore the floodplain and portions of the wetland buffer zone. This work aligns with Town of Barnstable's Hazard Mitigation Plan, which recommends that the Town "identify, evaluate, and fund measures to reduce the vulnerability of critical facilities...to natural hazards."

Bureau of Water Resources (BWR) Comments

Wetlands: The Wetlands Program offers the following comments.

Activities associated with this EENF include the construction of the new Hyannisport and Simmons Pond pump stations as well as the replacement of utilities and fencing.

Construction of this Project will occur in the buffer zone to Bordering Vegetated Wetland, with some activities occurring potentially within the 100-foot buffer zone to other jurisdictional wetland resource areas and within 200-foot riverfront area. According to the EENF, the Project is expected to have number of beneficial impacts on the wetlands. The current Simmons Pond Pump station will be moved outside of the 100-foot wetland buffer zone and the existing location will be seeded with native plants, returning that land to wetlands habitat. The existing Hyannisport Treatment Facility, which is within the 100-foot wetland buffer zone and within 200 feet of a Riverfront Area, will also be removed and seeded with native plants, returning the land to wetlands habitat.

At the Hyannisport Treatment Complex, temporary wetland impacts within the buffer zone consist of repaving the existing roadway. The permanent impacts consist of installation of fencing, tree clearing, proposed paving work, the construction of the new Hyannisport and Simmons Pond Pump Stations, the demolition of the existing Simmons Pond Pump station and the existing Hyannisport treatment facility, and restoration of the demolition areas with native vegetation. At the Straightway Treatment Complex, temporary work within the 100-foot buffer zone consists of the installation of repaving the existing roadway after utilities installation. Permanent work consists of utilities installation, access road re-configuration and paving, tree clearing, and stormwater management basin installation.

The Project described in the EENF, presented at 30% design complete, indicates no temporary or permanent impact to Bordering Vegetated Wetlands. The EENF indicates 3,227 square feet of permanent impacts and 20,645 sf of temporary impacts to Riverfront Area.

The Project proposes to increase the impervious area in the Straightway and Hyannisport Treatment Complexes by approximately 47,674 square feet, as a result of the new treatment buildings and paved access roads. To mitigate the increase in impervious area, existing pump stations and access roads will be demolished and seeded with native plants. The increase in impervious area will increase stormwater volumes. This will be mitigated with a stormwater management system. According to the ENF, the newly proposed stormwater management system replacing the existing stormwater infrastructure, will be designed in accordance with the Massachusetts Stormwater Management Standards.

The Project will require Orders of Conditions from the Barnstable Conservation Commission, or in the case of an appeal, Superseding Order of Conditions (SOC) from MassDEP. The Project may also require a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA).

Potential adverse impacts can be avoided or minimized through careful final design, industry standard construction practices, and maintenance of the stormwater management system. Adherence to the applicable performance standards, specifically the Riverfront Area (310 CMR 10.58), will be addressed during NOI review.

Waterways: Based on the information in the EENF, no work is proposed within an area subject to Waterways jurisdiction.

Drinking Water: The Hyannis Water System (HWS) operates three drinking water treatment complexes with a total of 12 wells and serves a year-round population of approximately 18,000 people which surges to about 35,000 in the summer. Recent summer demand has hit record highs, and without the proposed improvements, all wells and treatment facilities must pump continuously in summer.

All the HWS's wells are impacted by per- and poly-fluoroalkyl substances (PFAS) contamination and are treated to remove PFAS. However, some wells which lack winterized equipment must be turned off during winter. The Straightway and Hyannisport Treatment Facilities need improvements to winterize existing PFAS units, as well as to increase well yield, pumping capacity, and treatment capacity, to improve overall system resiliency, protection from sea level rise, and reliably meet current and future drinking water regulations.

The Straightway and Hyannisport Treatment Complexes, located at 228 Straightway and 132 Smith Street, respectively, are a critical HWS component located on developed open space on approximately 48 acres of protected water supply land. The facilities consist of four wells, five pumping and/or treatment buildings (totaling 7,639 square feet), four unwinterized PFAS filters, and a 400,000-gallon storage tank.

Under the HWS's Water Management Act Permit, the four existing wells have a combined permitted withdrawal of 4.03 MGD (2,800 gallons per minute (gpm)), representing one-third of HWS's total permitted supply. However, the existing treatment facilities only have a treated capacity of 2.16 million gallons per day (MGD) (1,500 gpm), greatly limiting the water supply available to the HWS. Reduced well yields at the Simmons Pond and Hyannisport wells further limit the capacity of the facility

Raw water needs improved treatment for several contaminants of concern in all four wells. Raw water is above the Secondary Maximum Contaminant Level (SMCL) for iron (Straightway 2) and manganese (all wells). Raw water is above the Office of Research and Standards Guideline (ORSG) for 1,4-dioxane in Straightway 2 and Simmons Pond Wells. Raw water is above the Massachusetts PFAS drinking water limit in all four wells. Additional GAC units proposed for the new Straightway building will allow HWS to treat the full permitted combined withdrawal (4.03 MGD) of all four of the wells. Straightway Well 2 has been taken online for high levels of PFAS6 (the sum of the concentrations of PFOS, PFOA, PFHxS, PFNA, PFHpA, and PFDA), 1,4- dioxane, iron, and manganese.

The Hyannisport and Simmons Pond wells will be relocated to higher elevations above the 500-yr floodplain. Treatment operations will be relocated and centralized at the Straightway site, providing more protection from flooding. The new Straightway Water Treatment Facility will have fully redundant backup generators, each of which will be capable of independently powering the facility. The Project will also improve overall system resiliency by increasing the amount of treated water available to the system. This will provide additional flexibility if other wells or treatment facilities must be taken online temporarily.

Well yields for the Hyannisport and Simmons Pond Wells are significantly reduced, and the wells need replacement due to screen and aquifer plugging with iron and manganese. This Project will

replace them with new, more reliable, and productive wells of the same depths and with pumping stations with the same design capacities. In addition, Straightway Well 2 is online due to water quality concerns. Treatment improvements described above will allow the well to be reactivated, maximizing the availability of permitted supply.

The existing Booster Pump Station at 228 Straightway is undersized for the future needs of the site. The pumping capacity will be doubled by keeping the existing structure and upgrading the existing pumps to transmit the proposed facility capacity. In addition, the pumps for the Straightway Wells 1 and 2 will be upgraded as necessary to account for the increased filtration headloss at the new facility.

The MassDEP Southeast Region Drinking Water Program strongly supports this important Project to provide safe drinking water to the Hyannis residents.

Stormwater Management/National Pollutants Discharge Elimination System (NPDES)

Permit: Construction General Permit The Project Proponent is advised that projects greater than one acre require a NPDES Stormwater Permit for its Construction Activities. An application for the Construction General Permit requires a Notice of Intent (NOI) to EPA via the Stormwater Discharges from Construction Activities | 204 EEA No. 16824 May 14, 2024, National Pollutant Discharge Elimination System (NPDES) | US EPA. for the development of a Storm Water Pollution Prevention Plan (SWPPP).

The Proponent should consult with Margarita Chatterton at Chatterton.Margarita@epa.gov or by phone at 601-918-1034 for questions regarding EPA's NPDES Construction General Permit requirements.

In addition, the Proponent is reminded that local Planning Boards (and/or other local authorities) may require stormwater controls beyond that of the Wetlands protection Act. These controls are usually created to keep stormwater onsite so as not to create nuisance conditions offsite.

Bureau of Waste Site Cleanup (BWSC) Comments

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].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project area.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer at [MassMapper](https://massmapper.state.ma.us/). Under the Available Data Layers listed on the right sidebar, 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://eeaonline.eea.state.ma.us/portal/dep/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.

Spills Prevention and Control: The Project Proponent is advised that 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.

The Project Proponent is advised that if contaminated media is encountered a Licensed Site Professional (LSP) must be employed or engaged to manage, supervise or actually perform the necessary response actions at the site for excavating, removing and/or disposing of contaminated soil or contaminated media (which includes contaminated sediment) must be conducted under the provisions of Massachusetts General Law Chapter 21E (and, potentially, c.21C) and all other applicable federal (including the Environmental Protection Agencies Toxic Substance Control Act - TSCA), state, and local laws, regulations, and bylaws. Contaminated media cannot be managed without prior submittal of appropriate plan to MassDEP (such as a Release Abatement Measure (RAM) Plan), which describes the proposed handling and disposal approach for any contaminated media encountered and health and safety precautions for those conducting the work. If contamination at the site is known or suspected, the appropriate tests should be conducted well in advance of the start of construction and professional environmental consulting services should be readily available to provide technical guidance to facilitate any necessary permits.

Bureau of Air and Waste (BAW) 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

In order to comply with 310 CMR 7.09(2), the Proponent must file a BWP AQ-06 notification form ten days prior to site activities. More information can be found here: <https://www.mass.gov/doc/instructions-aq-06-constructiondemolition-notification/download> and here: <https://www.mass.gov/files/documents/2019/09/04/edep-aq06.pdf>

Construction-Related Measures

The Project Proponent reports: “The bid specification package will include requirements for the contractor to comply with the Massachusetts Anti-Idling Law (MGL Ch.90, Section 16A; 301 CMR 7.11; and MGL Ch. 111, Sections 142A-142M). Engine idling on-site will be limited to period of 5 minutes or less, unless the engine is necessary to provide power to another device. For example, drilling of replacement wells relies on the drill rig engine to be running to power the drilling rods.”

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.

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). Regarding 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.

New Source Review

Many industrial, commercial and institutional development activities have facility heating and supplemental or emergency power generation units associated with them that may require air quality permitting/plan approval from MassDEP before construction or operation. If required, such applicable equipment and/or activities must be certified through MassDEP's Environmental Results Program (ERP) at 310 CMR 7.26 or approved by MassDEP, prior to construction via the Plan Application program at 310 CMR 7.02, depending on equipment type, specifications, size, activities and/or emissions etc.

Smaller sized equipment/units such as, engines (emergency and non-emergency), combined heat and power (CHP) units and boilers may not require an air quality permit/plan approval, but instead may be subject to 310 CMR 7.26 performance standards and ERP certification. For example:

- 310 CMR 7.26(30) thru (37) – Boilers; and
- 310 CMR 7.26(40) thru (45) – Engines and Combustion Turbines (including Emergency Engines and Turbines)

Learn more about these provisions at <https://www.mass.gov/how-to/compliance-certification-commercial-industrial-or-institutional-boiler> and <https://www.mass.gov/how-to/compliance-certification-stationary-engine-or-turbine>.

Some proposed facilities and/or activities may include process-related air emissions sources such as solvent cleaning, other disinfection, chemical reactors, solid or liquid material handling and storage. Equipment and/or activities and associated potential emissions that does not meet the applicability requirements of the ERP provisions, may require a plan approval pursuant to 310 CMR 7.02. Learn more about whether Plan Approval is required for your Project at: <https://www.mass.gov/guides/massdep-air-plan-approval-applications>.

The Air Pollution Control Staff in MassDEP's Boston and Regional Offices can provide assistance regarding the applicability of MassDEP's regulations for any such equipment and/or activities planned.

Solid Waste Management: The Project Proponent reports: "This Project will be publicly bid under M.G.L. Ch149. The design specification package will require the contractor to be responsible for managing solid waste in accordance with all applicable local, state, and federal, and local requirements, including 310 CMR 19.017. Waste materials are expected to include the building materials, interior piping, and treatment equipment from the demolition of the existing Hyannisport and Simmons Pond Well pump stations to remove them from wetland resource areas and floodplain. Buildings will be decommissioned, and interior piping and equipment will be salvaged as is feasible. Solid waste is expected to include metal fencing and water piping as well as brick and concrete. All waste generated during construction that is not subject to the Massachusetts Waste Bans (310 CMR 19.017) and cannot be recycled will be disposed of in accordance with local, state, and federal regulations."

The EENF reports:

- tree clearing
- paving work
- the construction of the new Hyannisport and Simmons Pond Pump Stations
- the demolition of the existing Simmons Pond Pump station

As a reminder, the Project Proponent is advised of the following requirements

1. *Compliance with Waste Ban Regulations:* Waste materials discovered during construction that are determined to be solid waste (e.g., construction and demolition waste) and/or recyclable material (e.g., metal, asphalt, brick, and concrete) shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including *310 CMR 19.017: Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis. Further guidance can be found at: <https://www.mass.gov/guides/massdep-waste-disposal-bans>.

MassDEP recommends the Proponent consider source separation or separating different recyclable materials at the job site. Source separation may lead to higher recycling rates and lower recycling costs. Further guidance can be found at: <https://recyclingworksma.com/construction-demolition-materials-guidance/>

For more information on how to prevent banned materials from entering the waste stream the Proponent should contact the RecyclingWorks in Massachusetts program at (888) 254-5525 or via email at info@recyclingworksma.com. RecyclingWorks in Massachusetts also provides a

website that includes a searchable database of recycling service providers, available at <http://www.recyclingworksma.com>.

2. *Asphalt, brick, and concrete (ABC) rubble*, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found online at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>.
3. *Clean wood*: As defined in 310 CMR 16.02, clean wood means “discarded material consisting of trees, stumps and brush, including but limited to sawdust, chips, shavings, bark, and new or used lumber”...etc. Clean wood does not include wood from commingled construction and demolition waste, engineered wood products, and wood containing or likely to contain asbestos, chemical preservatives, or paints, stains or other coatings, or adhesives. The Proponent should be aware that wood is not allowed to be buried or disposed of at the Site pursuant to 310 CMR 16.00 & 310 CMR 19.000 unless otherwise approved by MassDEP. Clean wood may be handled in accordance with 310 CMR 16.03(2)(c)7 which allows for the on-site processing (i.e., chipping) of wood for use at the Site (i.e., use as landscaping material) and/or the wood to be transported to a permitted facility (i.e., wood waste reclamation facility) or other facility that is permitted to accept and process wood.
4. *Reuse of any demolition material requires submittal of MassDEP’s BWP SW41 – Beneficial Use Determination – Restricted Applications*. The permit is intended to protect public health, safety and the environment by comprehensively regulating the reuse of waste materials as effective substitutes for a commercial product or commodity. Information pertaining to this requirement is available at <https://www.mass.gov/doc/instructions-sw-39-40-41-42-beneficial-use-determinations/download>.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Michelle McCloud at Michelle.McCloud@mass.gov or Mark Dakers at Mark.Dakers@mass.gov.

Asbestos: The Project Proponent reports: “Waste materials are expected to include the building materials, interior piping, and treatment equipment from the demolition of the existing Hyannisport and Simmons Pond Well pump stations.”

As a reminder, the Project Proponent is advised of the following requirements:

Building Demolition and Asbestos Containing Waste Material: The Project Proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post

abatement visual inspections by a licensed asbestos project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, project monitors, inspectors and analytical laboratories in the state of Massachusetts.

- In accordance with the Air Quality Regulations at 310 CMR 7.09(2), the Proponent must submit a BWP AQ 06 Notification Prior to Construction or Demolition form to MassDEP for all construction or demolition projects. The Proponent should propose measures to prevent or alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition.
- In accordance with the revised Asbestos Regulations at 310 CMR 7.15(4), any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. As part of the asbestos survey, samples must be taken of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.
- If ACM is identified in the asbestos survey, the Proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with 310 CMR 7.15, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at 310 CMR 7.15(7). The Proponent and asbestos contractor will be responsible for submitting an Asbestos Notification Form ANF-001 to MassDEP at least ten (10) working days prior to beginning any removal of the asbestos containing materials as specified at 310 CMR 7.15(6).
- The Proponent shall ensure that all asbestos containing waste material from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with 310 CMR 7.15 (17). The Solid Waste Regulations at 310 CMR 19.061(3) list the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to 310 CMR 19.061(3) (b)1., no asbestos containing material; including VAT, asphaltic-asbestos felts or shingles; may be disposed at a solid waste combustion facility.
- Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings must be handled in accordance with Massachusetts solid waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Guide to Regulations for Using or Processing Asphalt, Brick and Concrete Rubble, revised February 2000", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: www.mass.gov/dep.

If you have any questions regarding the Asbestos management comments above, please contact Colleen Ferguson at Colleen.Ferguson@mass.gov.

Greenhouse Gas (GHG) Mitigation. In order to offset the energy usage of the Project, the Proponent is encouraged to consider photovoltaics on the building roof and other locations, possibly with energy storage. Project Proponents are advised of the incentives now available through the Solar Massachusetts Renewable Target (SMART) program: <https://www.mass.gov/solar-massachusetts-renewable-target-smart>). Those who enroll in SMART benefit from not only from the tax credit for photovoltaic installation but also from long term electric utility savings and income for the power not used from its photovoltaics – while at the same time contributing to supporting the Commonwealth’s NetZero carbon emission’s goal by 2050 (<https://www.mass.gov/info-details/ma-decarbonization-roadmap>).

Proposed s.61 Findings

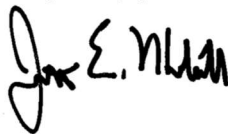
The “Certificate of the Secretary of Energy and Environmental Affairs on the Expanded Environmental Notification Form” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will 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.

Other Comments/Guidance

The Department does not object in having the Project Proponent submitting a rollover Environmental Impact Report (EIR) for this Project. The Department applauds the improvements being made to the Public Water Supply for both improved water quality and climate change resiliency.

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 George.Zoto@mass.gov or Jonathan Hobill at Jonathan.Hobill@mass.gov.

Very truly yours,



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

JH/GZ

Cc: DEP/SERO

ATTN: Gerard Martin, Regional Director

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