SECTION 12

MITIGATION MEASURES AND MEPA DRAFT SECTION 61 FINDINGS

12.1 REGULATORY STANDARDS AND REQUIREMENTS

There are a number of regulatory programs and permitting requirements that apply to the Recommended Plan. These include:

- DEP approval of the CWMP.
- DEP Groundwater Discharge Permitting under 314 CMR 5.0. A groundwater discharge permit is required for each treatment facility and its associated effluent disposal sites.
- Compliance with the federal Clean Water Act through nitrogen-based TMDLs as implemented by DEP.
- The DEP Reclaimed Water Permit Program (314 CMR 20.0) applies to the proposed golf course irrigation in Plan 3 and any supplement effluent reuse that might be incorporated into Plans 1 or 2.
- DEP Plan Review is required for any of the treatment plants, once final plans and specifications have been prepared.
- DEP Site Assignment under MGL Chapter 83 Section 6, is required for any publicly-owned wastewater site.
- DEP Sewer Extension Permits will be needed for system expansion after completion of the first phase.
- Compliance with the Massachusetts Wetlands Protection Act and local supplemental bylaws is necessary for all proposed work activities located within protectable Wetland Resource Areas and/or their associated Buffer Zones.
- The project must be reviewed under the requirements of the Massachusetts Environmental Policy Act (MEPA) which will require both an Environmental Notification Form and an Environmental Impact Report.
- The project must comply with the Cape Cod Commission's Regional Policy Plan and undergo review as a Development of Regional Impact (DRI).
- Review must be conducted under the Massachusetts Natural Heritage and Endangered Species Program, pursuant to the Massachusetts Endangered Species Act.
- Review must be conducted under the program of the Massachusetts Historical Commission.
- All activities must be consistent with the two Areas of Critical Environmental Concern.

- Any facilities constructed in the southeastern corner of Brewster must comport with its District of Critical Planning Concern.
- Compliance with the regulations of the Old Kings Highway Regional Historic District is required for above-grade structures located in the District (all areas of Orleans north and west of Route 6A).
- Obtain Utility Release Abatement Plans and Contingency Plan Notification if warranted.
- The Town must issue building permits for treatment facilities and pumping stations after compliance with the State Building Code is demonstrated.
- Permits are required from MassHighway for all construction work in state roads.

Compliance with these programs must be demonstrated at various stages of project development.

12.2 MITIGATION MEASURES

There are many mitigation measures that will be employed either during the construction period and once the facility is operational. These include:

- Restricting sewer construction work to the period of October to May to avoid periods of high traffic;
- Segmenting sewer work on public streets to avoid protracted closures;
- Designing sewer lines and pump station to avoid floodplains and to minimize encroachment on the buffers of wetlands and other protected resource areas;
- Restricting work hours on construction sites near residential areas;
- Requiring contractors to implement dust control measures;
- Erosion and siltation controls at all construction sites as part of site-specific stormwater management plans;
- Compliance with all terms of Orders of Conditions for work in wetland buffers;
- Installation of odor and noise control systems on operating equipment and facilities;
- Implementation of policies that restrict potential odor-generating activities to times of the day with the least impact;
- Compliance with applicable standards for construction activities near historic structures;
- Facility siting to avoid, minimize, and mitigate impacts to habitat of rare and endangered species, including compliance with all NHESP conditions;
- Facility site design to include vegetated berms and to maximize natural buffers;
- Selection of wastewater treatment equipment to minimize energy use and maximize nitrogen removal; and
- Adoption of bylaws and regulations to ensure a "growth neutral" program.