


The Massachusetts Environmental Policy Act (MEPA) and Comprehensive Wastewater Management projects – An Overview

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MEPA Overview

- The Massachusetts Environmental Policy Act (MEPA) 301 CMR 11.00 [website: <http://mass.gov/envir/mepa>]
 - MEPA regulations establish thresholds for coordinated state agency and public review of proposed private and state agency projects and provide details of review process;
 - MEPA applies to projects that trigger 1 or more MEPA thresholds **AND** require 1 or more state agency actions (e.g. permit, financial assistance or land transfer);
 - MEPA review is **NOT** a permitting process;

MEPA Overview (continued)

- **MEPA requires Proponents and State Agencies to:**
 - Identify and evaluate environmental impacts of proposed project;
 - Take all feasible measures to avoid, minimize, and mitigate Damage to the Environment **including Green House Gas (GHG) emissions**. MEPA requires study, disclosure, and development of feasible mitigation for a proposed project;
 - The Environmental Notification Form (ENF), Draft and Final Environmental Impact Report (DEIR, FEIR) are the primary mechanisms for project information collection and review, and development of alternatives and mitigation measures.

Thresholds for MEPA Review

- **MEPA notification and review is triggered when a project exceeds 1 or more MEPA thresholds and requires state permitting.**

Examples of MEPA Review Threshold Exceedances

- New or Expanded Wastewater Facility - capacity of 2.5 million gpd or more (mandatory EIR)
- New sewer mains - 10 miles or more (mandatory EIR)
- Wetlands impacts - 1 acre BVW (mandatory EIR), 5,000 sf BVW (ENF)
- Rare Species – alteration of significant habitat OR disturbance of 2 acres of resulting in “take” of rare species (ENF)

MEPA Notification and Review Process

- **Environmental Notification Form (ENF)**
 - 20 day comment public period,
 - 10 days for MEPA review and Secretary's decision
- **Draft and Final Environmental Impact Report (DEIR, FEIR)**
 - 30 day public comment period,
 - 7 days for MEPA review and Secretary's decision
- **Notice of Project Change (NPC)**
 - 20 day public comment period,
 - 10 days for MEPA review and Secretary's decision

MEPA Notification and Review Process (continued)

- **Environmental Notification Form (ENF)**
 - newspaper public notice, MEPA ENF filing and Circulation List;
 - MEPA ENF filing published in Environmental Monitor (available online <http://mass.gov/envir/mepa>) – “start” of 20-day public comment period;
 - MEPA consultation and site visit;
 - Close of 20-day public comment period;
 - Secretary’s Certificate on ENF, (includes determination on adequacy of ENF and may include a Scope for a Draft Environmental Impact Report (DEIR)).

MEPA Submittal and Review Process (continued)

- **Draft Environmental Impact Report (DEIR)**
 - MEPA DEIR filing, newspaper public notice, and MEPA Circulation List;
 - MEPA DEIR filing published in Environmental Monitor (available online <http://mass.gov/envir/mepa>) – “start” of 30-day public comment period;
 - Secretary’s Certificate on DEIR, (includes determination on adequacy of DEIR and a Scope for FEIR or requirement for Supplemental DEIR (SDEIR) as applicable.

MEPA Submittal and Review Process (continued)

- **Final Environmental Impact Report (FEIR)**
 - MEPA FEIR filing, newspaper public notice, MEPA Circulation List;
 - MEPA FEIR publication in the Environmental Monitor (<http://mass.gov/envir/mepa>) – “start” of 30-day public comment period;
 - “end” of 30-day public comment period;
 - Secretary’s Certificate on FEIR, (determination on adequacy of FEIR or may include a requirement for Supplemental FEIR (SFEIR) as applicable.
- **State agency permitting and Section 61 Findings**
(incorporates mitigation commitments)

Establishing a MEPA Special Review Procedure for Comprehensive Wastewater Management Projects

- The Secretary may establish a Special Procedure (SRP) for review of CWMP projects that is typically comprised of the filing of four Phase documents for MEPA review.
 - **Phase I** - Existing and Proposed Conditions and Needs Analysis;
 - **Phase II** - Screening of Wastewater Alternatives;
 - **Phase III** - Evaluation of Most Feasible Options (Draft CWMP/EIR);
 - **Phase IV** - Presentation of Recommended Plan (Final CWMP/EIR).

Establishing MEPA Special Review Procedures for Comprehensive Wastewater Management Projects (continued)

- **Each SRP Phase document will:**
 - examine the issues associated with its respective Phase;
 - contain a proposed scope for the succeeding Phase document;
 - contain detailed responses to the comments received on the prior Phase document and the ENF;
- **Each SRP Phase document will be distributed and reviewed according to MEPA EIR Review & Decisions and Filing & Circulation procedures;**
 - 30 day public comment period;
 - 7 days for the Secretary's decision on the adequacy of each Phase document.

MEPA GHG Policy & Protocol Overview

- Proponents must quantify GHG emissions from baseline project and alternatives
- Proponents must commit to and quantify impact of emissions-reduction mitigation measures
- No specific target for GHG reductions – “avoid, minimize mitigate to maximum extent feasible” standard
- Commitments to GHG emissions-reduction - mitigation to be enforceable through Section 61 Findings

GHG Emissions Quantification – Buildings and Energy Consumption

- Direct emissions from **stationary sources**
 - calculate energy use based on a “code-compliant” buildings.
 - quantify projected energy use from stationary sources (boilers, heaters, combustion turbines, generators, etc.)
- Indirect emissions from **transportation**
 - travel by employees, vendors, customers and others
- Indirect emissions from **energy consumption**
 - purchase and consumption of electricity, steam, or cooling
- Not required to analyze construction period emissions

GHG Emissions Reduction Mitigation

Calculate and compare project's GHG emissions with:

- **Baseline** = code-compliant (stationary sources + transportation + energy consumption)
- **Preferred Alternative** = (exceeds Baseline with proposed GHG emissions reduction mitigation)
- **Project Alternative PLUS** = *greater* GHG emissions-reduction mitigation than the Preferred Alternative

Joint MEPA & Cape Cod Commission Review

- **Joint Review coordinates MEPA EIR and Cape Cod Commission DRI review processes;**
 - ENF + supplemental information could serve as DRI application for CCC;
 - Joint MEPA consultation/site visit and CCC public hearing;
 - EIR Scope (addresses concerns of CCC also);
 - Draft and Final EIR review (completed prior to CCC final decision on DRI)

Submitting Comments to MEPA

- Comments on the ENF, DEIR, FEIR, NPC should be submitted to:

Secretary Ian A. Bowles
Executive Office of Energy and Environmental Affairs
Attn. MEPA Office **[MEPA Project Analyst Name]**,
MEPA Project # [EEA# XXXXX]
100 Cambridge Street, Suite 900
Boston, MA 02114

via Fax: (617) 626-1181

Via Email: **[Project Analyst Name]** @state.ma.us]

Additional Information

Additional MEPA Information

MEPA Website: <http://mass.gov/envir/mepa>

- ✓ General MEPA Information
- ✓ GHG Policy & Protocol

MEPA Directory: <http://www.env.state.ma.us/mepa/staffdir.aspx>