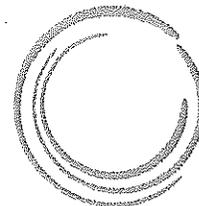


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**Minor Modification Type #2**

Date: April 23, 2012

To: Sharon Lynn, Town Manager  
Town Hall  
260 Commercial Street  
Provincetown, MA 02657

From: Cape Cod Commission

RE: Modification of a Development of Regional Impact

Applicant: Town of Provincetown

Project: Provincetown Wastewater Management Facilities Plan  
Wastewater Treatment Plant Capacity Upgrade

Project Number: ENF 96024

Project Location: Route 6, Provincetown, MA

Book/Page: Book 1450 Page 818

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**MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION**

The Development of Regional Impact (DRI) decision dated March 29, 2001 for the Provincetown Wastewater Management Facilities Plan project, as modified by decisions dated February 19, 2002 and April 12, 2010 is hereby amended by a vote of the Cape Cod Commission's (Commission) Regulatory Committee on April 23, 2012 and approved in a written decision dated April 23, 2012.

All findings and conditions attached to the original DRI decision, as amended, continue to apply except as modified herein, with deleted text shown in ~~strikeout~~ and added text shown in **bold**.

**MODIFICATION TO FINDINGS**

*General Findings*

**G4. February 6, 2012, the Commission received a letter from David Guertin, DPW Director, requesting modification to the March 29, 2001 DRI decision, to change condition WR2 to increase the plant's capacity limit from 575,000 gallons per day to 750,000 gallons per day, and also to change condition NR13 regarding on-going**

effluent bed monitoring. The proposed capacity increase also includes moving a previously proposed on-site effluent equalization tank from the rear portion of the site (now to be occupied by a Commission approved cellular tower) to the side of the site.

Water Resources Findings

**WR13.** The Town has conducted quarterly monitoring of groundwater and water levels and submitted annual reports as required by the 2001 decision and conditions. Based upon Commission staff's review of these reports, the Regulatory Committee finds that the monitoring plan can be optimized by reducing the number of sampling points and modifying the frequency and field techniques as described in condition WR5.

Natural Resources Findings

**NR18.** According to materials provided by the Town, the addition of the equalization tank and associated paved drive and grading will result in approximately 10,000 square feet of additional disturbed area to the site. However, most of this area had been previously disturbed during remediation and capping of the old burn dump at this site, or had been identified for treatment plant development during the planning phase of the facility. In addition, the Town has filed the project with the Natural Heritage and Endangered Species Program (NHESP) and the Provincetown Conservation Commission, and both have issued determinations that the project will not impact protected resources. Importantly, NHESP has found that the project will not result in a take of state listed species, and the Conservation Commission has determined that the project occurs outside the 100 foot buffer to wetland resource areas. Additionally, the Town's consultant, AECOM, evaluated a nearby depression for vernal pool characteristics, and found none. The Regulatory Committee finds these findings are consistent with RPP requirements to protect these resources, as detailed in 1996 Regional Policy Plan Minimum Performance Standards (MPS) 2.3.1.1, MPS 2.3.1.2, MPS 2.4.1.4 and MPS 2.4.1.5 as well as the 2009 (revised May 2011) Regional Policy Plan MPS WET1.1, WET1.2, WPH1.4, and WPH1.5.

**NR19.** The Town has been conducting the vegetative monitoring for several years, and the reports provided to the Commission staff indicate no impacts to Duck Pond or the two eastern adjacent wetlands north of Route 6. Based on these reports, the Regulatory Committee finds it is appropriate to eliminate the vegetative monitoring component of condition NR13 (*described in the first bullet of NR13*); provided that water levels and nutrient loading continue to be monitored to ensure that the project does not result in adverse impacts to wetland resources as described in condition WR5. The Regulatory Committee also finds it is appropriate to eliminate condition NR14 based on the requirements of condition WR5.

Historic Preservation/Community Character Findings

**HP6.** The Town's request to change the March 29, 2001 DRI decision to allow a capacity increase includes moving a previously proposed on-site effluent equalization tank from the rear portion of the site (now to be occupied by a Commission approved cellular tower) to the side of the site. The Town's

consultants, AECOM, provided a copy of a December 8, 2000 comment letter from the Massachusetts Historical Commission (MHC) that was originally submitted as part of the EIR process. The MHC letter notes that the proposed treatment plant is located in a disturbed area and therefore construction is unlikely to affect significant historic or archaeological resources. The proposed new location of the equalization tank is within the disturbed area previously considered by MHC, and as such, the Commission finds the current proposal is consistent with 1996 RPP MPS 6.1.3 and the current MPS HPCC 1.3 (*Archaeological Resources*).

HP7. The new location for the equalization tank (which was always part of the project design) widens the developed portion of the existing treatment plant site and brings it closer to Route 6 at its southwest corner, but there remains approximately 100 feet of existing vegetated buffer between the roadway edge and the proposed cleared area. The Commission finds the existing vegetation, plus the fact that the tank is oriented away from the site access drive and views into the site, will limit views of the proposed 50-foot wide and 25-foot tall tank from the roadway.

## MODIFICATIONS TO CONDITIONS

### General Conditions

GC8. The proposed equalization tank for the capacity upgrade from 575,000 gallons per day to 750,000 gallons per day shall be constructed consistent with Design Drawing sheet C-102, *Overall Site Plan*, included in the March 2012 Engineering Report prepared by AECOM submitted to the Commission by Email on 4/5/12.

### Natural Resources Conditions

NR13. The monitoring plan for the wastewater treatment plant shall include:

- Baseline vegetative inventory of Duck Pond and the two eastern adjacent wetlands north of Route 6. Annual inventories shall be completed following the initiation of discharge from the wastewater treatment facility. The inventory methodology shall be approved by the Commission staff prior to the issuance of a partial Certificate of Compliance. These inventories shall be submitted to the Commission on an annual basis.
- Monitoring wells screened to straddle the water table upgradient and downgradient of the leaching areas. The water quality in the wells downgradient of the leaching areas shall be monitored on a quarterly basis. Water quality parameters shall include, but not be limited to, total phosphorus, total nitrogen, ammonia-nitrogen, and nitrate-nitrogen. Water level information shall be collected every other week. Monitoring results shall be submitted to the Commission on an annual basis.
- Water level monitoring of existing staff gauges (SG-1 through SG-10) in nearby wetlands. Readings at these gauges shall be collected on the same dates as the water levels are collected at the monitoring wells. Monitoring results shall be submitted to the Commission on an annual basis.

**The Town has conducted groundwater and water level monitoring and submitted reports as required this condition. The Regulatory Committee approves of changes to the groundwater and water level monitoring as described in condition WR5 as of the date of this modification decision.**

NR14. Monitoring described in Condition NR13 above shall continue for a minimum of ten (10) years from the starting date of operation of the wastewater treatment facility. At the time of the renewal of the first Groundwater Discharge Permit (GWDP), Commission, DEP, and town staff shall review the collected monitoring information and suggest changes, if any, in the monitoring program. If approved by the Regulatory Committee of the Commission, the vegetative monitoring may be stopped after ten years. **The Town has conducted vegetative monitoring and submitted reports as required this condition. The Regulatory Committee finds the monitoring requirement has been fulfilled. The Regulatory Committee approves the discontinuation of the vegetative monitoring as of the date of this modification decision.**

Water Resources Conditions

WR2. The capacity of the wastewater treatment facility shall be limited to ~~575,000 gpd~~ **750,000 gallons per day (gpd)**. Flows greater than this capacity shall occur only after approval by the Cape Cod Commission, including as appropriate the Commission's Regulatory Committee.

**WR5. The Monitoring Plan for the wastewater treatment plant shall include the components and parameters listed below:**

**A: Water Quality:**

1. **Water quality monitoring of wells downgradient of the leaching areas, consisting of wells MW-1 for Bed C, MW-2 for Bed D, MW-8 for Bed E and MW-7 for Bed I shall continue to be monitored on a quarterly basis**
2. **MW-1 shall to be reinstalled, set screen further into aquifer (10 feet below water table)**
3. **Upgradient wells MW-4 and MW-6 shall be sampled for water quality monitoring**
4. **MW-3 well will be sampled in accordance with DEP Groundwater Discharge Permit**
5. **Wells shall be purged by pumping prior to bailing for water samples to reduce the potential for suspended solids being introduced to the samples**
6. **Stability monitoring with field sampling shall include specific conductance, temperature and pH**
7. **Samples shall be analyzed for those compounds listed below as well as those parameters required under the Department of Environmental Protection Groundwater Discharge Permit (SE #0-713)**
8. **Water quality parameters shall include:**
  - **Field parameters: Specific conductance, pH, temperature**
  - **Annually: Volatile Organic Compounds (Method 624)**
  - **Quarterly: Total Phosphorus**
    - Orthophosphate**
    - Total Nitrogen**
    - Ammonia-Nitrogen**
    - Nitrate-Nitrogen**
    - Chlorides**

**B. Water Level:**

1. Surface water monitoring shall be performed at staff gauge locations upgradient of the leaching beds, specifically SG-4 (upgradient of Beds C and D), SG-5 (upgradient of Bed E) and SG-10 (upgradient of Bed I during quarterly monitoring rounds.
2. Monitoring of water levels at locations listed in condition NR13 (SG-1, SG-2), SG-3, SG-6, SG-7, SG-8, and SG-9) may be discontinued because they are remote from the leaching beds and surface water trends at these locations have been documented through monitoring performed since 2002
3. Background water level data (PZW-78) shall be provided to USGS in digital format annually prior to submission of report
4. Each water elevation monitoring stations shall be equipped with automatic and continuous water level monitoring devices (data loggers) that are downloaded quarterly at the same time that groundwater quality samples are collected and static levels are measured

**C. General Parameters:** Groundwater monitoring program for water levels and water quality shall be performed at a background location and at locations upgradient and downgradient of the leaching areas as show in the Table, below:

U = Upgradient of leaching bed  
D = Downgradient of leaching bed

WL = Water Level  
WQ = Water Quality

Monitoring Point Designation	Leaching Bed Location	Leaching Bed Location	Monitoring Parameters
Background Well PZW-78	Cape Cod National Seashore Maintenance Garage	Upgradient/Background	WL
SG-4	C & D	U	WL
MW-1	C	D	WL
MW-4	D	U	WL & WQ
MW-2	D	D	WL & WQ
MW-6	E	U	WL & WQ
MW-8	E	D	WL & WQ
SG-10	I	U	WL
MW-7	I	D	WL & WQ
SG - 7	E	U	WL

C. General Parameters Continued:

1. Monitoring results shall be submitted to the Commission on an annual basis.
2. Water levels shall be evaluated for potential impacts to surface waters and groundwater quality conditions shall be compared to the treatment plant effluent quality and performance limits described in the Department of Environmental Protection Groundwater Discharge Permit including an evaluation of upgradient vs. downgradient water quality.
3. The Monitoring Plan incorporated into this decision may be reviewed by a Technical Team of the Town, Cape Cod Commission staff and Massachusetts Department of Environmental Protection staff in no less than five year increments for evaluation and consideration of modifications to the Plan.

ISSUANCE OF MODIFICATION DECISION/SIGNATURES

Royden Richardson  
Regulatory Committee Chair

4.25.2012  
Date

*Commonwealth of Massachusetts*

Barnstable, ss

4/26, 2012

Before me, the undersigned notary public, personally appeared Royden Richardson in his/her capacity as Chairman of the Cape Cod Commission's Regulatory Committee, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was  photographic identification with signature issued by a federal or state governmental agency,  oath or affirmation of a credible witness, or  personal knowledge of the undersigned.

Gail P. Hanley  
Notary Public

My Commission Expires:

9-28-18

